EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

APR 1 9 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 279-33 (COR), **"AN ACT TO *ADD* NEW §§ 1122 AND 1123 TO CHAPTER 1, A NEW SUBSECTION (b) TO § 3102 AND A NEW SUBSECTION (1) TO § 3102(c) OF CHAPTER 3; AND TO *AMEND* § 2103(c) OF CHAPTER 2; §§ 3108, 3110(b), 3121(f), 3123, 3124, 3126 AND 3127, ALL OF CHAPTER 3; § 4102 OF CHAPTER 4; § 7116(a) OF CHAPTER 7; § 9126 OF CHAPTER 9; AND § 15402 OF ARTICLE 4, CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE GUAM ELECTION CODE,"** which I signed into law on April 15, 2016, as **Public Law 33-148.**

2016 APR 19 PM 4:47

Senseramente,

EDDIE BAZA CALVO

33-16-1541
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 4/19/
Time: 3:55 PM
Received By: CARL G

1541

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Substitute Bill No. 279-33 (COR), "AN ACT TO *ADD* NEW §§ 1122 AND 1123 TO CHAPTER 1, A NEW SUBSECTION (b) TO § 3102 AND A NEW SUBSECTION (1) TO § 3102(c) OF CHAPTER 3; AND TO *AMEND* § 2103(c) OF CHAPTER 2; §§ 3108, 3110(b), 3121(f), 3123, 3124, 3126 AND 3127, ALL OF CHAPTER 3; § 4102 OF CHAPTER 4; § 7116(a) OF CHAPTER 7; § 9126 OF CHAPTER 9; AND § 15402 OF ARTICLE 4, CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE GUAM ELECTION CODE,"** was on the 2nd day of April 2016, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 04 day of APRIL, 2016, at 12:24 o'clock p.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: APR 15 2016

Public Law No. 33-148

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 279-33 (COR)
As substituted by the Committee on Rules,
Federal, Foreign and Micronesian Affairs,
Human and Natural Resources, Election Reform
and Capitol District;and amended on the Floor.

Introduced by:

N. B. Underwood, Ph.D.
R. J. Respicio
V. Anthony Ada
Mary Camacho Torres
Frank F. Blas, Jr.
T. C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* NEW §§ 1122 AND 1123 TO CHAPTER 1, A NEW SUBSECTION (b) TO § 3102 AND A NEW SUBSECTION (1) TO § 3102(c) OF CHAPTER 3; AND TO *AMEND* § 2103(c) OF CHAPTER 2; §§ 3108, 3110(b), 3121(f), 3123, 3124, 3126 AND 3127, ALL OF CHAPTER 3; § 4102 OF CHAPTER 4; § 7116(a) OF CHAPTER 7; § 9126 OF CHAPTER 9; AND § 15402 OF ARTICLE 4, CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE GUAM ELECTION CODE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Subsection (b) is hereby *added* to § 3102, and a new Subsection (1) is hereby *added* to § 3102(c) of Chapter 3, Title 3, Guam Annotated Code, to read:

"(b) At the time of submitting a voter registration application, a person *shall* present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school or government of Guam entity to the registration clerk or volunteer registrar or other authorized election official.

(c) Notwithstanding the age requirements of Subsection (a) of this Section, upon satisfactory proof of age, every person that meets all eligibility requirements to register and is sixteen (16) years of age or older, may preregister to vote. A properly executed registration made pursuant to this Subsection *shall* be deemed effective as of the date the affiant will be eighteen (18) years of age, if the information in the affidavit of registration is still current at the time. If the information provided by the affiant is *not* current at the time that the registration would otherwise become effective, the affiant must provide current information by any means authorized in this Chapter for persons eighteen (18) years of age or older for the affiant's registration to become effective.

(1) Notwithstanding any other provision of law, a person who is seventeen (17) years old on the date of a primary election and who is otherwise qualified to vote *shall* be qualified to vote at that primary, including voting as an absentee, during a grace period, or voting early with respect to that primary, if that person will be eighteen (18) years old on the date of the immediately following general election.

All references to the requirement that a person must be eighteen (18) years old to vote *shall* be interpreted in accordance with this Section.

For the purposes of this Section, an individual who is seventeen (17) years of age and who will be eighteen (18) years of age on the date of the general election *shall* be deemed competent to execute and attest to any voter registration forms."

Section 2. § 3108 of Chapter 3, Title 3, Guam Code Annotated, is hereby *amended* to read:

"**§ 3108. Application Constitutes Registration.**

The application for an absentee ballot shall constitute a sufficient registration of the voter in the municipality, municipal division or district in which the voter resides; provided, that the application is received by the Commission prior to the closing of the registration rolls, and provided, that the provisions of § 3102 of this Title pertaining to citizenship, age and residency on Guam are complied with to the same degree as by a person registering under this Section. Such application constituting registration shall be preserved and used by the Commission in the same manner as it preserves and uses affidavits of registration."

Section 3. § 9126 of Chapter 9, Title 3, Guam Code Annotated, is hereby *amended* to read:

"**§ 9126. Reporting of Name and Signing Roster.**

A person desiring to vote *shall* state his or her full name and address to the precinct officials at the polling place and *shall* present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school or government of Guam entity to the precinct official or other authorized election official.

After verifying the person's identity and determining that the person's name appears as a registered voter on the precinct roster, the precinct officials shall clearly and loudly announce the person's name. If no person challenges the person's right to vote, or if, after a challenge, the precinct board determines that the challenged person is entitled to vote, the person shall be required to sign the roster and then be permitted to vote. In the case of a person who is unable to sign the roster, a precinct official shall so note that fact on the roster, and two (2) other precinct board members shall initial the entry. The person shall then be permitted to vote. Any person whose right to vote is denied by the precinct board may immediately appeal the decision to the Commission and, if unsuccessful, to the Superior Court of Guam."

Section 4. § 15402 of Chapter 15, Title 3, Guam Code Annotated, is hereby *amended* to read:

"**§ 15402. Manner of Voting.**

Any person desiring to vote at a primary shall state his or her full name and address to the election officials, and *shall* present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school or Government of Guam entity to the precinct official or other authorized election official. If the person desiring to vote is not challenged, a precinct clerk shall issue to him or her only one (1) official primary ballot. The voter shall proceed to enter one (1) of the compartments provided and therein mark the ballot. The marked ballot shall immediately be placed in the ballot box provided. In addition, the provisions of Chapter 10 of this Title (Absent Voting) shall also apply to a primary election so as to permit voting by absentee ballot therein."

Section 5. § 2103 (c) of Title 3, Guam Code Annotated, is *amended* to read:

Doc No. 33GL-16-1541.

"(c) As early as is reasonably possible, but not later than June 30 in each odd-numbered year, the Commission shall prepare and deliver an annual report to *I Maga'låhen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the chairperson of the legislative committee with jurisdiction over matters of elections, showing, with respect to the prior year:

(1) recommendations of the Commission as to amendments or supplementation of laws affecting elections or the office of the Commission; and

(2) statistical information regarding the elections conducted during the prior year."

Section 6. New §§ 1122 and1123 are *added* to Chapter 1 of Title 3, Guam Code Annotated, to read:

"**§ 1122. Polling Place.** A polling place is the location where voting takes place on election day.

§ 1123. Precinct. A precinct is a designated area within the polling place where electors cast their votes."

Section 7. § 3110(b) of Chapter 3 of Title 3, Guam Code Annotated, is *amended* to read:

"(b) Any elector appointed as a registration clerk shall serve a limited term, which shall begin from the date of appointment until midnight on the day that is twenty-one (21) days before the next scheduled general election. The Commission shall promulgate policies and procedures to carry out the intent of this Section. The Commission may also establish other terms of appointment, consistent with the intent of this Section, for special elections, plebiscites, initiatives and any other non-general elections as they deem necessary to allow for voter registration to be conducted by duly appointed registration clerks."

Section 8. § 3121(f) of Chapter 3 of Title 3, Guam Code Annotated, is *amended* to read:

"(f) if the person registered has not voted in two (2) consecutive general elections, unless such person mailed an absentee ballot that was postmarked on or before the last general election day, but was received after the tenth (10th) day after the general election; provided, however, that in the case of a runoff election, those registered to vote for the general election shall remain eligible to vote in the runoff election, regardless of whether they voted at the immediately preceding general election; or"

Section 9. § 3123 of Chapter 3 of Title 3, Guam Code Annotated, is *amended* to read:

"**§ 3123. Cancellation of Non-Voting Registrants.**

Within ninety (90) days of the certification of the returns of any general election or a runoff election subsequent thereto, the Commission shall cancel the registration of any person who failed to vote in the general election pursuant to § 3121(f). Prior to the cancellation of registration for any voter who has failed to vote in two (2) consecutive general elections, the Commission shall first notify by mail its intention to such voter, and publish in a newspaper of general circulation a list of individuals whose registration will be cancelled at least thirty (30) days prior to cancellation. The registration of a person shall not be considered a person who failed to vote who:

(a) mailed an absentee ballot that was postmarked on or before the general election, but whose ballot was received by the Commission after the tenth (10th) day after a general election; or

(b) a person who votes in a general election, but who fails to vote in any runoff election held subsequent thereto; or

(c) a person who failed to vote in the general election, but did vote in a runoff election held subsequent to such general election.

The Commission shall notify by mail each person whose registration is cancelled of that fact, and that the person is no longer eligible to vote until that person again has registered as provided in this Title. The Commission shall establish by rule a procedure for a person who believes that that person's registration has been cancelled erroneously to challenge such cancellation."

Section 10. § 3124 of Chapter 3 of Title 3, Guam Code Annotated, is *amended* to read:

"**§ 3124. Reports of Adjudged Incompetents.**

Every judge before whom proceedings are held which result in any person being declared incapable of managing or taking care of either himself or herself, or property, or both, and for whom a guardian of his or her person, or estate, or both, is accordingly appointed, or which results in his or her being declared mentally incompetent or committed to a mental facility as an incompetent person, shall file with the Commission, no later than forty-five (45) days before any election, a certificate of that fact, and thereupon the Commission shall cancel the name of that person upon the register."

Section 11. § 3126 of Chapter 3 of Title 3, Guam Code Annotated, is *amended* to read:

"**§ 3126. Preservation of Registration Affidavits.**

The Commission shall preserve all uncancelled affidavits of registration made for the purpose of procuring registration. The affidavits of registration shall constitute the register of voters required to be maintained by the provisions of this Title."

Section 12. §3127 of Chapter 3 of Title 3, Guam Code Annotated, are *amended* to read:

"**§ 3127. Compilation of Registration Affidavits.**

Within ten (10) days after the last day of registration for any election, the Commission shall compile the original affidavits of registration for each precinct in which the election is to be held in such manner as the Commission may prescribe in the Election Manual."

Section 13. § 4102 of Chapter 4 of Title 3, Guam Code Annotated, is *amended* to read:

"**§ 4102. Number of Voters Per Polling Place.**

The Commission may fix and designate precincts within each polling place in such a manner that the total number of voters estimated at each precinct will not substantially exceed eight hundred (800)."

Section 14. § 7116 (a) of Chapter 7 of Title 3, Guam Code Annotated, is *amended* to read:

"(a) that each box that will contain cast ballots be locked and sealed from the time the first ballot is cast into each ballot box until their opening at the Election Return Center after polls close;"

Section 15. Effective Date. This Act *shall* become effective upon enactment.

Section 16. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application and to this end the provisions of this Act are severable.