

*YCS*

**MINA BENTE OCHO NA LIHESLATURAN GUAHAN  
2006 (SECOND) Regular Session**

*355*  
Bill No. (LS)

Introduced by:

R. J. Respicio 

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**AN ACT TO SUSPEND THE USE OF ELECTRONIC OR  
MECHANICAL VOTING MACHINES IN GUAM  
ELECTIONS UNTIL THEIR USE CAN BE  
DEMONSTRATED TO BE AS ACCURATE AND  
EFFECTIVE AS TRADITIONAL PAPER BALLOTS**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Statement of Legislative Findings and Purpose.** *I Mina Bente Ocho Na*  
3 *Liheslaturan Guahan* finds that the publicity about problems in the voting process, both  
4 in Guam and the 50 states, have been growing since our own 1998 elections and the  
5 2000 Presidential elections in the United States. *I Liheslatura* finds that the use of  
6 Electronic Voting Machines has proven to be a magnet for criticism across the country,  
7 leading many voters, national and state political parties, and voting rights organizations  
8 to believe that such devices have increased the likelihood that some voters have been  
9 disenfranchised by their use because of computation errors and software errors causing  
10 the incorrect tabulation of votes.

11 *I Liheslaturan Guahan* has determined that the use of Electronic and Mechanical  
12 Voting Machines have been at the center of many voting problems across the United  
13 States and in Guam in recent years, their use having become more prevalent at the  
14 urging and support of the Federal Government. Frequent complaints from voters and  
15 poll workers alike include the apparent loss of votes, inaccurate or improper registering  
16 of actual votes cast, erasure of memory chips holding voting data, improper  
17 programming, improper instructions from the on-site staff of the Guam Election

1 Commission (GEC), inability of voters to select the candidate of their choice, and other  
2 problems.

3 *I Liheslaturan Guahan* therefore finds that the use of Electronic or Mechanical  
4 Voting Machines in Guam elections should be suspended until such time that the GEC  
5 is able to train qualified staff, properly educate the public and establish adequate  
6 protocols for handling possible problems, such that the use of Electronic or Mechanical  
7 Voting Machines in Guam will be no more problematic than using paper ballots.

8 **Section 2. Temporary Suspension of the use of Electronic or Mechanical**  
9 **Voting Machines.** On the effective date of this Act, the use of Electronic or Mechanical  
10 Voting Machines in any election conducted by the Guam Election Commission (GEC) is  
11 suspended, *except* as provided in Section 3 of this Act.

12 **Section 3. Lifting of Suspension.** Such suspension shall remain in place until:

- 13 a. The GEC determines, through extensive testing, and development of  
14 comprehensive training procedures, that all GEC staff employees to be  
15 situated at polling sites on each election day will be properly trained; and
- 16 b. The GEC develops an island-wide education program to inform and  
17 demonstrate to voters the proper use of such machines, and such education  
18 program is tested on an actual election day or days to determine the  
19 program's effectiveness as delineated in Section 5 of this Act; and
- 20 c. The GEC facilitates the conduct of tests to determine the integrity of the  
21 Electronic or Mechanical Voting Machines with an independent entity or  
22 organization as deemed appropriate by the GEC; and
- 23 d. The results and analysis of such testing, training and education can  
24 demonstrate that Electronic or Mechanical Voting Machines can be utilized  
25 by the people of Guam in a manner that can be shown to be as accurate and

1 effective as traditional paper ballots, and the results, analysis and data  
2 obtained at such testing, training and education has been reported to *I*  
3 *Maga'lahaen Guahan* and *I Liheslaturan Guahan*, and *I Liheslaturan Guahan* enacts  
4 legislation to repeal such suspension.

5 **Section 4. Suspension not Applicable to Machines Used to Count Paper**  
6 **Ballots.** For the purposes of this Act, Electronic or Mechanical Voting Machines means  
7 the electronic or mechanical devices at which voters cast votes. Nothing in this act shall  
8 be construed to mean that Electronic or Mechanical devices shall not continue to be  
9 used for the sorting and counting of paper ballots already cast by voters.

10 **Section 5. Testing of Electronic or Mechanical Voting Machines.** At each  
11 election conducted by the GEC subsequent to the effective date of this act, the GEC shall  
12 test the veracity of Electronic or Mechanical Voting Machines through the establishment  
13 of one or more "Testing Sites" which shall be located near actual polling sites. Only  
14 voters who have already completed voting may be recruited to participate in tests on  
15 electronic or mechanical voting machines. Additionally, GEC may also establish  
16 "Testing Sites" in other locations and at other times which are not concurrent with  
17 Guam elections, in order to better familiarize voters with Electronic or Mechanical  
18 Voting, and to further test such machines in heavy use situations. Testing shall always  
19 duplicate staffing and conditions similar to that which voters will encounter at actual  
20 polling sites, including procedures followed by GEC staff and instructions given to  
21 voters. All data collected at such testing sites shall be stored safely by GEC until the  
22 results of each election test are evaluated and reported.