

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
(TWENTY-NINTH GUAM LEGISLATURE)

2007 (FIRST) Regular Session

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Bill No. 41 (EC)

Introduced by:

A. B. PALACIOS, SR.

AN ACT RELATIVE TO INCREASING VOTER PARTICIPATION THROUGH ALLOWING FOR EARLY VOTING BY THE PEOPLE OF GUAM, AND FURTHER REQUIRING THAT SUFFICIENT PUBLIC NOTIFICATION BE PROVIDED IN EACH ELECTION ON THE AVAILABILITY OF SUCH SERVICES, THROUGH ADDING A NEW SECTION §10129 TO CHAPTER 10, TITLE 3, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

1 **Section 1. Legislative Findings and Intent.**

2 *I Liheslaturan Guåhan* finds that often voters cannot easily leave their  
3 place of employment to cast their votes at polling sites during election day.  
4 This was a concern that a number of Guam residents expressed in the most  
5 recent elections as they experienced difficulty getting away from their work  
6 responsibilities to exercise their right to vote. In addition, persons with  
7 disabilities and the elderly often find it difficult to secure transportation, or at  
8 times find certain polling sites difficult to access in order for them to cast their  
9 vote on the day of the election. Providing for early voting will increase voter

1 participation in the election process by enabling the voter to choose the day  
2 and time convenient for casting his/her vote prior to the actual election day.

3 *I Liheslaturan Guåhan* finds that the process of early voting for residents  
4 across the Unites States have been implemented for several years now, which  
5 have proven to be successful in a number of jurisdictions. Of the numerous  
6 states, 15 states to include Arkansas, Arizona, California, Colorado, and  
7 Kansas provide for early voting with no excuse or rationale required; 16  
8 states, of which include Oklahoma, South Dakota, Hawaii, Indiana, Maine,  
9 Alaska, provide for in-person absentee voting with no excuse required; and  
10 the state of Oregon provides for voting by mail with no excuse required.

11 *I Liheslaturan Guåhan* finds the highest form of democracy is a  
12 community which allows for its citizenry to fully participate in their  
13 respective elections, particularly in the election and selection of their leaders.  
14 Communities should encourage voters to increase their participation in  
15 elections through exercising their right to vote, and not making it difficult for  
16 anyone to do so. Early voting in Guam should result in greater voter  
17 participation, while lessening the likelihood of overcrowded polling sites on  
18 election day.

19 It is therefore the intent of *I Liheslaturan Guåhan* to provide for greater  
20 voter participation in elections through the provision of early voting service to  
21 the community, increasing the public notification of the option for early  
22 voting, and insuring greater accessibility for the people of Guam to exercise  
23 their right to vote and to properly select their leaders islandwide.

1 **Section 2. A new §10129, Early Voting Service to the Community, is hereby**  
2 **added to Chapter 10, Title 3, Guam Code Annotated, to read as follows:**

3 **§10129. Early Voting Service to the Community.**

4 a.) **Provision for Early Voting.**

5 In order to facilitate greater voter participation, the Guam  
6 Election Commission shall allow a registered voter to vote early  
7 within the primary office of the Commission for any election. The  
8 voter shall not be required to provide any reason or excuse to the  
9 Commission or their office personnel for choosing to cast an early  
10 vote, other than providing necessary documentation that certifies that  
11 they are registered voters.

12 Thereupon, the commission shall deliver a ballot for early  
13 voting to any qualified elector applying in person at the office of said  
14 Commission; provided, however, that such applicant shall complete  
15 a simple affidavit that will be attached to the envelope in which the  
16 ballot shall be placed. The Guam Election Commission shall be  
17 tasked with the creation of the simple affidavit, which will be utilized  
18 in the verification process of the individual who had voted. The early  
19 voting process shall commence upon the completion of the printing  
20 of the official ballots, but not more than thirty (30) days nor less than  
21 one (1) day before the date of the election for which the vote is being  
22 cast. Said early voting services shall be provided and made available  
23 to the community, at a minimum, during the normal working hours

1 of the Commission office. Said early voting ballot shall be  
2 immediately marked, enclosed in the ballot envelope, placed in the  
3 return envelope with the proper affidavit enclosed, and immediately  
4 returned to the Commission. The Commission shall insure the  
5 confidentiality and security of said envelope and ballot, in addition to  
6 maintaining custody of said documents as provided for in this  
7 Chapter.”

8 **b.) Reports of Tampering with Early Voting Ballots.**

9 The Guam Election Commission shall be responsible for the  
10 physical custody, security, and confidentiality of early voting ballots,  
11 and shall report any tampering or destruction of said ballots to the  
12 appropriate authorities immediately, but no later than twenty-four  
13 (24) hours of acknowledgement of such act.

14 **c.) Public Notification of Early Voting Services to the**  
15 **Community.**

16 The Guam Election Commission shall insure that any and all  
17 public notices provided to the community on the conduct of an  
18 election during the course of an election process, through whichever  
19 media formats, i.e. print, radio, or television, etc, that incorporated  
20 therein is information on the opportunity for registered voters to take  
21 advantage of the early voting services highlighted herein.

22 d.) The Guam Election Commission shall carry out the  
23 provisions contained herein, and shall further be tasked with the

1        formulation of rules, regulations or procedures necessary to insure  
2        their effective implementation. The Commission, at its discretion and  
3        to the utmost of its ability, shall insure the secrecy, confidentiality,  
4        and validity of any and all votes cast during the early voting process.