

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. ⁵⁰-31 (LS)

Introduced by:

R.J. RESPICIO 

AN ACT TO REPEAL TITLE 3 GUAM CODE
ANNOTATED CHAPTER 10 § 10129, "EARLY
VOTING SERVICE TO THE COMMUNITY."

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative findings and intent. *I Liheslaturan*
3 *Guåhan* finds that a large number of serious problems occurred
4 during Guam's November 2010 elections, which has brought into
5 question the integrity of our election processes. An informal audit
6 conducted on the 2010 Guam Election Commission (GEC) records
7 revealed the following:

8 • Over a hundred *more* Early Voting ballots were cast than
9 the number of voters who actually signed in for Early Voting;

10 • The GEC's master log book of signatures of early voters,
11 and the GEC's digital version of the *same* log book, do not
12 contain the same number of signatures, and the difference is
13 large.

14 • Thousands of ballots cast by early and absentee voters were
15 improperly stored in an unlocked filing cabinet at the GEC, and
16 from the day early voting began through Election Day, they were

1 accessible to individuals who were not GEC employees. GEC
2 employees have acknowledged that non-employee visitors were
3 at the GEC office nightly throughout the early voting period,
4 including past midnight on some occasions.

5 • The names of dozens of voters who cast early or absentee
6 ballots were not marked off on Precinct Signature Logs, leaving
7 open the possibility that they could have voted more than once,
8 or that others may have illegally voted in their name;

9 • The GEC's Master Precinct Logs used at the polls on
10 Election Day included the names of dozens of voters who were
11 marked off as voting Early or Absentee, but their names do not
12 exist on any GEC Early or Absentee voter lists, again leaving
13 open the opportunity or possibility that they could have voted
14 two or more times, or that others may have illegally voted in
15 their name;

16 • Several people apparently voted twice in Guam's General
17 Election by casting ballots during Early In-Office Voting and also
18 at their respective precincts on Election Day. One individual
19 apparently voted twice during Early In-Office Voting.

20 Each of these unofficial findings appears to indicate a clear
21 breakdown in security relative to ballots and the voting processes,
22 and brings into question the GEC's ability to handle the additional

1 burden of early voting. This situation has left the Election
2 Commission unable to quantify the true harm caused to voters due to
3 what may very well be a plethora of systemic failures.

4 While some problems may be attributable to a variety of
5 differing factors, including human error, improper/inadequate
6 training, outdated rules and procedures, inattentiveness by election
7 officials, lack of voter security, or other factors, the number of errors
8 occurring in Guam's 2010 elections were extremely high, and action
9 should be taken to ensure public confidence in our elections, so that
10 these problems do not recur.

11 It is therefore the intent of *I Liheslatura* to repeal early voting
12 provisions, which appear to have been the root of a number of
13 problems experienced by the GEC during the November 2010
14 elections. The repeal of these provisions will allow the GEC to more
15 easily conduct their duties and will help the people of Guam become
16 more confident that their elections are overseen and conducted in a
17 fair and relatively error-free manner.

18 **Section 2. Repeal of provisions for Early Voting Service to the**
19 **Community.** Title 3 Guam Code Annotated Chapter 10 § 10129,
20 "Early Voting Service to the Community," is hereby repealed.

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