

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

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Bill No. ~~54-31 (LS)~~ ^{54-31 (con)}

Introduced by:

C. Duenas *sf*
D. G. Rodriguez, Jr. *DR*

An Act to amend §7105, §16301(a), §16301(d) and §16301(e) of Title 3, Guam Code Annotated, relative to the Primary Election ballot; to mandate the separation of local and federal elective offices; and, to mandate the Guam Election Commission adopt the same policy and procedures for local office absentee ballots as required under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voter Empowerment (MOVE) Act.

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

2 **Section 1. Legislative Statement and Intent.** The Guam Election Commission has
3 ascertained that a number of ballots cast in the 2010 Primary Election were spoiled as a result of
4 cross-over votes being cast for a Republican Gubernatorial team and for the Democrat candidate for
5 the office of Washington Delegate. It is the intent of *I Liheslatura* to encourage voters of Guam to
6 exercise their right in a manner that minimizes the spoiling of their cast ballots. To this end, *I*
7 *Liheslatura* proposes to change the Primary Election ballot so that all candidates from one (1)
8 recognized political party are listed on one side of the ballot, with all candidates from the other
9 recognized political party listed on the opposite side. It is also the intent of *I Liheslaturan Guåhan*
10 that the ballot for all federal elective offices shall be separate from the ballot for all local elective
11 offices.

12 **Section 2. §7105 of Title 3, Guam Code Annotated is amended to read:**

13 **“§ 7105. Order of Names on Ballot - Legislature.** The Commission shall prepare the ballot
14 in such a manner that a nominee's name shall appear under the name of the political party, if any,
15 sponsoring such nominee.

1 In all elections, the names of all nominees or candidates for a specific office shall be listed in
2 a random manner. Each contestant for any office under a party or independent designation shall be
3 listed according to lot drawn by the Election Commission. All drawings for ballot position shall be
4 done publicly and persons appearing on the ballot shall be specifically invited to attend. The
5 drawings for ballot placement shall be accomplished as soon as is reasonably possible after the
6 identity of the persons to appear on the ballot is known to the Election Commission.

7 The names of the nominees shall appear in columns vertically in such order as is determined
8 by lot. [~~Columns for recognized political parties shall be listed on the basis of the number of~~
9 ~~nominees elected to the Legislature at the last preceding regular general election in descending order~~
10 ~~from left to right; last shall appear the names of those nominees not sponsored by any political party,~~
11 ~~which shall appear under the designation "Independent".] The names of all nominees holding the
12 office for which they are seeking election shall have the word **INCUMBENT** printed immediately
13 after them.”~~

14 **Section 3. §16301(a) of Title 3, Guam Code Annotate, is amended to read:**

15 “(a) All candidates for all offices to be contested in the forthcoming General Election shall
16 appear on a Primary Ballot to be voted upon by voters in each voting district. A voting district is
17 each district within Guam as defined in 1 GCA § 403, unless otherwise provided in this Title. The
18 Guam Election Commission shall [~~determine a method~~] publish a ballot with the names of all
19 qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all
20 qualified candidates from the Democratic Party on the opposite side. This ballot format shall be used
21 [that] to limit[s] voters to casting votes in only one party for all offices in that Primary Election. The
22 ballot for each federal elective office shall be separate from the ballot for each local elective office;”

23 **Section 4. §16301(d) of Title 3, Guam Code Annotated, is amended to read:**

24 “(d) There shall appear specific instructions in boldface type on each ballot that a voter may
25 cast votes for candidates appearing on that ballot for one (1) party only; that if votes are cast for
26 candidates of more than one (1) party for any office or nomination of offices appearing on the ballot,
27 the entire ballot shall be void. The instructions on the ballot shall clearly indicate that voters are
28 allowed to cast votes in only one (1) party for all offices in that Primary Election, and shall not cast
29 votes on more than one (1) side of the ballot. Any ballot wherein votes are cast for more than one (1)
30 party for all offices in that Primary Election shall be void;”

31 **Section 5. §16301(e) of Title 3, Guam Code Annotated, is amended to read:**

1 ~~“(e) [The order in which a party shall appear on the ballot shall be determined publicly by the~~
2 ~~Guam Election Commission; each concerned party shall be given reasonable notice of the time and~~
3 ~~place of the drawing and shall be invited to attend;]~~

4 The ballot for each office for which party nominations are sought shall contain instructions to
5 the voters as to the maximum number of candidates that may be selected for that office; that party's
6 candidates for nomination for each office shall be listed on the ballot in random order in a manner
7 similar to that established for General Election Ballot listing and placement;”

8 **Section 6. Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), as**
9 **amended by the Military and Overseas Voter Empowerment (MOVE) Act.** The Guam Election
10 Commission shall adopt the same policy and procedures as embodied in the Uniform and Overseas
11 Citizens Absentee Voting Act (UOCAVA), as amended, relative to the timelines for the issuance,
12 receipt, and tabulation of all absentee ballots issued for each local elective office as it would follow
13 for any federal elective office.

14 **Section 7. Effective Date.** This Act shall be effective upon enactment into law.