

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

Bill No. 128-31 (LS)

Introduced by:

R. J. RESPICIO

2011 MAR 30 PM 4:28
EADW

AN ACT TO REPEAL AND REENACT GUAM CODE
ANNOTATED TITLE 3: ELECTIONS § 7103.1, RELATIVE
TO "ELECTRONIC VOTING MACHINES" AND
"VOTER VERIFIED PAPER BALLOTS (VVPB), AND TO
DEFINE A "VOTER VERIFIED PAPER BALLOT."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan*
3 *Guåhan* finds that electronic voting machines have been prohibited
4 from further usage in Guam because of problems created in past
5 elections. While most early electronic voting devices were problematic,
6 the role of similar devices in future elections should not be ignored, as
7 Guam and the nation continue efforts to increase electoral integrity.

8 *I Liheslatura* finds that devices in which votes are entered and
9 which then print a voter's completed ballot, have been praised for
10 increasing the accuracy of elections. Voters enter their votes into these
11 machines, and a "voter-verified paper ballot" (VVPB) is printed, which
12 the voter then verifies. Correct ballots are then placed into the ballot

1 box. The VVPBs can then be processed, votes can be counted, and can
2 be audited and stored as if hand-marked paper ballots were used.

3 If the voter makes an error, the VVPB becomes a spoiled ballot.
4 The voter will then repeat the process until the voter's intent is printed.
5 The VVPB can help to ensure that the basic democratic principle of
6 counting all eligible votes is achieved. This process also eliminates
7 stray marks and light marks that often lead to under-counting votes.
8 This process can also assist disabled voters, allowing them to mark
9 their ballots privately and independently, complying with the Help
10 America Vote Act (HAVA).

11 It is therefore the intent of *I Liheslatura* to *repeal* Title 3 GCA §
12 7103.1, "Electronic Voting Machines," and to *reenact* a *new* § 7103.1, to
13 authorize the use in Guam elections of electronic voting machines that
14 produce VVPBs that can be counted by optical scanners, and also by
15 hand.

16 **Section 2. Title 3 Guam Code Annotated § 7103.1 is *repealed* and**
17 ***reenacted* to read:**

18 **"§ 7103.1. Electronic Voting Machines and Voter Verified**
19 **Paper Ballots (VVPB).**

20 Electronic voting machines, on which voters *shall* enter their

1 vote, and from which Voter Verified Paper Ballots (VVPB) *shall* be
2 printed for verification of accuracy by voters before casting, *shall*
3 be permitted for use in Guam elections, *provided*:

4 (a) The VVPB voting machines used in Guam elections
5 are warranted to be accurate by the manufacturer; and

6 (b) Polling place personnel have been properly trained
7 in the operation, basic maintenance and replacement of
8 supplies in VVPB voting machines; and

9 (c) Polling place personnel have been properly trained
10 in procedures, which *shall* be established, to inform voters
11 about the proper use of the VVPB machines; voter
12 verification that their ballot has being printed correctly
13 based on each voter's choices; the handling of spoiled ballots
14 associated with the machines; and the placing of correctly
15 printed ballots in ballot boxes; and

16 (d) Each VVPB machine *shall not* be networked to the
17 Internet or to any other voting machine or computer through
18 either wired or wireless connections; and

19 (e) Ballot tallies from individual VVPB machines *shall*
20 be recorded by hand, entered into a log, and either included

1 with the ballots in the ballot boxes to be delivered to a vote
2 tabulation center; or if tabulated on site, *shall* be included
3 with the counted ballots when delivered to storage; and

4 (f) The on-site services of a manufacturer-authorized
5 technician or technicians *shall* be available in Guam prior to
6 and during each election, and until the polls have officially
7 closed, to ensure the proper set-up and operation of the
8 VVPB machines.”

9 **Section 3. A *new* § 1120. Definitions: Voter Verified Paper Ballot**
10 **(VVPB) is *added* to Title 3 Guam Code Annotated, Chapter 1, General**
11 **Provisions to read:**

12 **“§ 1120. Definitions: Voter Verified Paper Ballot (VVPB).**

13 A voter verified paper ballot is a ballot printed on paper by a
14 voting process in which a voter enters their voting choices into a
15 computer and the voter’s ballot is printed in a format which is
16 readable by the human eye. The voter *shall* verify the vote printed
17 is as intended and the verified vote *shall* be placed in a ballot box.
18 The VVPB is intended to reduce problems in the voting process,
19 and to provide a means to audit election results.”