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***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
THIRTY THIRD GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

April 4, 2016

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Substitute Bill Nos. 160-33 (COR), 253-33 (COR), 264-33 (LS), 273-33 (COR), 275-33 (COR), 277-33 (COR), and 279-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on April 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (7)

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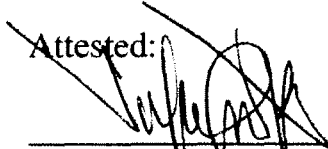
**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN  
2016 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Substitute Bill No. 279-33 (COR)**, "AN ACT TO ADD NEW §§ 1122 AND 1123 TO CHAPTER 1, A NEW SUBSECTION (b) TO § 3102 AND A NEW SUBSECTION (1) TO § 3102(c) OF CHAPTER 3; AND TO AMEND § 2103(c) OF CHAPTER 2; §§ 3108, 3110(b), 3121(f), 3123, 3124, 3126 AND 3127, ALL OF CHAPTER 3; § 4102 OF CHAPTER 4; § 7116(a) OF CHAPTER 7; § 9126 OF CHAPTER 9; AND § 15402 OF ARTICLE 4, CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE GUAM ELECTION CODE," was on the 2<sup>nd</sup> day of April 2016, duly and regularly passed.

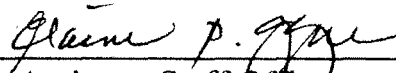


**Judith T. Won Pat, Ed.D.  
Speaker**

Attested: 

**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 04 day of APRIL, 2016, at 12:24 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 279-33 (COR)**

As substituted by the Committee on Rules,  
Federal, Foreign and Micronesian Affairs,  
Human and Natural Resources, Election Reform  
and Capitol District;and amended on the Floor.

Introduced by:

N. B. Underwood, Ph.D.  
R. J. Respicio  
V. Anthony Ada  
Mary Camacho Torres  
Frank F. Blas, Jr.  
T. C. Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreddie  
Tommy Morrison  
T. R. Muña Barnes  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* NEW §§ 1122 AND 1123 TO CHAPTER 1, A NEW SUBSECTION (b) TO § 3102 AND A NEW SUBSECTION (1) TO § 3102(c) OF CHAPTER 3; AND TO *AMEND* § 2103(c) OF CHAPTER 2; §§ 3108, 3110(b), 3121(f), 3123, 3124, 3126 AND 3127, ALL OF CHAPTER 3; § 4102 OF CHAPTER 4; § 7116(a) OF CHAPTER 7; § 9126 OF CHAPTER 9; AND § 15402 OF ARTICLE 4, CHAPTER 15, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE GUAM ELECTION CODE.**

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

2           **Section 1.** A new Subsection (b) is hereby *added* to § 3102, and a new  
3 Subsection (1) is hereby *added* to § 3102(c) of Chapter 3, Title 3, Guam Annotated  
4 Code, to read:

5           “(b) At the time of submitting a voter registration application, a  
6 person *shall* present a validly issued photo identification card issued by a  
7 federal, state, Guam secondary school, Guam post-secondary school or  
8 government of Guam entity to the registration clerk or volunteer registrar or  
9 other authorized election official.

10           (c) Notwithstanding the age requirements of Subsection (a) of this  
11 Section, upon satisfactory proof of age, every person that meets all eligibility  
12 requirements to register and is sixteen (16) years of age or older, may  
13 preregister to vote. A properly executed registration made pursuant to this  
14 Subsection *shall* be deemed effective as of the date the affiant will be  
15 eighteen (18) years of age, if the information in the affidavit of registration  
16 is still current at the time. If the information provided by the affiant is *not*  
17 current at the time that the registration would otherwise become effective,  
18 the affiant must provide current information by any means authorized in this  
19 Chapter for persons eighteen (18) years of age or older for the affiant’s  
20 registration to become effective.

21           (1) Notwithstanding any other provision of law, a person  
22 who is seventeen (17) years old on the date of a primary election and  
23 who is otherwise qualified to vote *shall* be qualified to vote at that  
24 primary, including voting as an absentee, during a grace period, or  
25 voting early with respect to that primary, if that person will be  
26 eighteen (18) years old on the date of the immediately following  
27 general election.

1 All references to the requirement that a person must be eighteen  
2 (18) years old to vote *shall* be interpreted in accordance with this  
3 Section.

4 For the purposes of this Section, an individual who is seventeen  
5 (17) years of age and who will be eighteen (18) years of age on the  
6 date of the general election *shall* be deemed competent to execute and  
7 attest to any voter registration forms.”

8 **Section 2.** § 3108 of Chapter 3, Title 3, Guam Code Annotated, is hereby  
9 *amended* to read:

10 **“§ 3108. Application Constitutes Registration.**

11 The application for an absentee ballot shall constitute a sufficient  
12 registration of the voter in the municipality, municipal division or district in  
13 which the voter resides; provided, that the application is received by the  
14 Commission prior to the closing of the registration rolls, and provided, that  
15 the provisions of § 3102 of this Title pertaining to citizenship, age and  
16 residency on Guam are complied with to the same degree as by a person  
17 registering under this Section. Such application constituting registration shall  
18 be preserved and used by the Commission in the same manner as it preserves  
19 and uses affidavits of registration.”

20 **Section 3.** § 9126 of Chapter 9, Title 3, Guam Code Annotated, is hereby  
21 *amended* to read:

22 **“§ 9126. Reporting of Name and Signing Roster.**

23 A person desiring to vote *shall* state his or her full name and address  
24 to the precinct officials at the polling place and *shall* present a validly issued  
25 photo identification card issued by a federal, state, Guam secondary school,  
26 Guam post-secondary school or government of Guam entity to the precinct  
27 official or other authorized election official.

1           After verifying the person’s identity and determining that the person’s  
2 name appears as a registered voter on the precinct roster, the precinct  
3 officials shall clearly and loudly announce the person’s name. If no person  
4 challenges the person’s right to vote, or if, after a challenge, the precinct  
5 board determines that the challenged person is entitled to vote, the person  
6 shall be required to sign the roster and then be permitted to vote. In the case  
7 of a person who is unable to sign the roster, a precinct official shall so note  
8 that fact on the roster, and two (2) other precinct board members shall initial  
9 the entry. The person shall then be permitted to vote. Any person whose right  
10 to vote is denied by the precinct board may immediately appeal the decision  
11 to the Commission and, if unsuccessful, to the Superior Court of Guam.”

12       **Section 4.** § 15402 of Chapter 15, Title 3, Guam Code Annotated, is  
13 hereby *amended* to read:

14           “**§ 15402. Manner of Voting.**

15           Any person desiring to vote at a primary shall state his or her full  
16 name and address to the election officials, and *shall* present a validly issued  
17 photo identification card issued by a federal, state, Guam secondary school,  
18 Guam post-secondary school or Government of Guam entity to the precinct  
19 official or other authorized election official. If the person desiring to vote is  
20 not challenged, a precinct clerk shall issue to him or her only one (1) official  
21 primary ballot. The voter shall proceed to enter one (1) of the compartments  
22 provided and therein mark the ballot. The marked ballot shall immediately  
23 be placed in the ballot box provided. In addition, the provisions of Chapter  
24 10 of this Title (Absent Voting) shall also apply to a primary election so as to  
25 permit voting by absentee ballot therein.”

26       **Section 5.** § 2103 (c) of Title 3, Guam Code Annotated, is *amended* to  
27 read:

1           “(c) As early as is reasonably possible, but not later than June 30 in  
2 each odd-numbered year, the Commission shall prepare and deliver an  
3 annual report to *I Maga’låhen Guåhan*, the Speaker of *I Liheslaturan*  
4 *Guåhan*, and the chairperson of the legislative committee with jurisdiction  
5 over matters of elections, showing, with respect to the prior year:

6                   (1) recommendations of the Commission as to amendments  
7 or supplementation of laws affecting elections or the office of the  
8 Commission; and

9                   (2) statistical information regarding the elections conducted  
10 during the prior year.”

11       **Section 6.** New §§ 1122 and 1123 are *added* to Chapter 1 of Title 3, Guam  
12 Code Annotated, to read:

13           “§ 1122.   **Polling Place.** A polling place is the location where  
14 voting takes place on election day.

15           § 1123.   **Precinct.** A precinct is a designated area within the  
16 polling place where electors cast their votes.”

17       **Section 7.** § 3110(b) of Chapter 3 of Title 3, Guam Code Annotated, is  
18 *amended* to read:

19           “(b) Any elector appointed as a registration clerk shall serve a limited  
20 term, which shall begin from the date of appointment until midnight on the  
21 day that is twenty-one (21) days before the next scheduled general election.  
22 The Commission shall promulgate policies and procedures to carry out the  
23 intent of this Section. The Commission may also establish other terms of  
24 appointment, consistent with the intent of this Section, for special elections,  
25 plebiscites, initiatives and any other non-general elections as they deem  
26 necessary to allow for voter registration to be conducted by duly appointed  
27 registration clerks.”

1           **Section 8.** § 3121(f) of Chapter 3 of Title 3, Guam Code Annotated, is  
2 *amended* to read:

3           “(f) if the person registered has not voted in two (2) consecutive  
4 general elections, unless such person mailed an absentee ballot that was  
5 postmarked on or before the last general election day, but was received after  
6 the tenth (10<sup>th</sup>) day after the general election; provided, however, that in the  
7 case of a runoff election, those registered to vote for the general election  
8 shall remain eligible to vote in the runoff election, regardless of whether  
9 they voted at the immediately preceding general election; or”

10           **Section 9.** § 3123 of Chapter 3 of Title 3, Guam Code Annotated, is  
11 *amended* to read:

12           “**§ 3123. Cancellation of Non-Voting Registrants.**

13           Within ninety (90) days of the certification of the returns of any  
14 general election or a runoff election subsequent thereto, the Commission  
15 shall cancel the registration of any person who failed to vote in the general  
16 election pursuant to § 3121(f). Prior to the cancellation of registration for  
17 any voter who has failed to vote in two (2) consecutive general elections, the  
18 Commission shall first notify by mail its intention to such voter, and publish  
19 in a newspaper of general circulation a list of individuals whose registration  
20 will be cancelled at least thirty (30) days prior to cancellation. The  
21 registration of a person shall not be considered a person who failed to vote  
22 who:

23           (a) mailed an absentee ballot that was postmarked on or  
24 before the general election, but whose ballot was received by the  
25 Commission after the tenth (10<sup>th</sup>) day after a general election; or

26           (b) a person who votes in a general election, but who fails to  
27 vote in any runoff election held subsequent thereto; or



1 (c) a person who failed to vote in the general election, but  
2 did vote in a runoff election held subsequent to such general election.

3 The Commission shall notify by mail each person whose registration  
4 is cancelled of that fact, and that the person is no longer eligible to vote until  
5 that person again has registered as provided in this Title. The Commission  
6 shall establish by rule a procedure for a person who believes that that  
7 person's registration has been cancelled erroneously to challenge such  
8 cancellation."

9 **Section 10.** § 3124 of Chapter 3 of Title 3, Guam Code Annotated, is  
10 *amended* to read:

11 **"§ 3124. Reports of Adjudged Incompetents.**

12 Every judge before whom proceedings are held which result in any  
13 person being declared incapable of managing or taking care of either himself  
14 or herself, or property, or both, and for whom a guardian of his or her  
15 person, or estate, or both, is accordingly appointed, or which results in his or  
16 her being declared mentally incompetent or committed to a mental facility as  
17 an incompetent person, shall file with the Commission, no later than forty-  
18 five (45) days before any election, a certificate of that fact, and thereupon  
19 the Commission shall cancel the name of that person upon the register."

20 **Section 11.** § 3126 of Chapter 3 of Title 3, Guam Code Annotated, is  
21 *amended* to read:

22 **"§ 3126. Preservation of Registration Affidavits.**

23 The Commission shall preserve all uncanceled affidavits of  
24 registration made for the purpose of procuring registration. The affidavits of  
25 registration shall constitute the register of voters required to be maintained  
26 by the provisions of this Title."

1           **Section 12.** §3127 of Chapter 3 of Title 3, Guam Code Annotated, are  
2 *amended* to read:

3           “**§ 3127.     Compilation of Registration Affidavits.**

4           Within ten (10) days after the last day of registration for any election,  
5           the Commission shall compile the original affidavits of registration for each  
6           precinct in which the election is to be held in such manner as the  
7           Commission may prescribe in the Election Manual.”

8           **Section 13.** § 4102 of Chapter 4 of Title 3, Guam Code Annotated, is  
9 *amended* to read:

10          “**§ 4102.     Number of Voters Per Polling Place.**

11          The Commission may fix and designate precincts within each polling  
12          place in such a manner that the total number of voters estimated at each  
13          precinct will not substantially exceed eight hundred (800).”

14          **Section 14.** § 7116 (a) of Chapter 7 of Title 3, Guam Code Annotated, is  
15 *amended* to read:

16          “(a)   that each box that will contain cast ballots be locked and sealed  
17          from the time the first ballot is cast into each ballot box until their opening at  
18          the Election Return Center after polls close;”

19          **Section 15. Effective Date.** This Act *shall* become effective upon  
20 enactment.

21          **Section 16. Severability.** If any provision of this Act or its application to  
22 any person or circumstance is held invalid, the invalidity *shall not* affect other  
23 provisions or applications of this Act that can be given effect without the invalid  
24 provision or application and to this end the provisions of this Act are severable.