



GUAM ELECTION COMMISSION Kumision Ileksion Guahan



Your VOTE is your voice. ✓ BOTA ya un ma kuenta.

May 14, 2014

Date 5/14/14
 Time 12:50 PM
 Received by [Signature]

32-14-1636
 Office of the Legislative Secretary
 Senator Tina Rose Muña Barnes
 Date 5-14-14
 Time 12:45 PM
 Received by [Signature]

The Honorable Tina Muña Barnes
 Senator and Legislative Secretary
 Mina Trentai Dos Na Liheslaturan Guahan
 155 Hesler St.
 Hagatña, Guam 96910

SUBJECT: This is a Transmittal to I Liheslaturan Guahan of (1) **Proposed Rules and Regulations on Elections** to update 6 GAR and (2) the **Election Manual** Pursuant to 3 GCA § 2104, and the Administrative Adjudication Law (AAL).

Hafa Adai Senator Muña Barnes,

Respectfully submitted are the original (1) Proposed Rules and Regulations on Elections to update 6 GAR; and, (2) Election Manual as approved by the Guam Election Commission at a public meeting on April 24, 2014. Also enclosed are a duplicate copy, an electronic copy and a copy of the record of the public hearing as prescribed by 5 GCA § 9303. Please note that the economic impact will not exceed the Five Hundred Thousand Dollar (\$500,000) threshold established by the AAL.

Si Yu'os ma'ase' for your support of the election process! I am available to meet with you at your convenience should additional information be required to complete the AAL process.

Sinsaramente,

Maria I. D. Pangelinan
 Executive Director

Enclosures

cc: Honorable Eddie Baza Calvo, I Maga'lahaen Guahan
 Honorable Rory J. Respicio, Chairman, Committee on Rules, Federal, Foreign
 & Micronesia Affairs, Human & Natural Resources, and Election Reform
 Attorney Geraldine A. Cepeda, Compiler of Laws

1636

2014 MAY 14 PM 1:09



GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



Minutes of the Public Hearing
 On the Proposed Guam Administrative Rules and Regulations (GAR) Title 6 on Elections
 And the Proposed Guam Election Manual
Tuesday, 18 February 2014, 5:15 p.m.
 GEC Conference Room, Hagatna, Guam

I. CALL TO ORDER

Duly convened by GEC Legal Counsel Jeff Cook at 5:18 p.m.

II. ANNOUNCEMENT OF NOTICE OF PUBLICATION OF PUBLIC HEARING

Executive Director certified that a notice was published on Wednesday, 5 February 2014 and five copies of the proposed Guam Administrative Rules and Regulation and five copies of the proposed Election Manual have been made available here at the GEC since Wednesday, 5 February 2014.

III. ROLL CALL

Legal Counsel accounted for the attendance. Present were Maria Pangelinan, GEC Executive Director, Albert Sanga, Jr., GEC Program Coordinator, and Mr. Jon Calvo, Jr., a representative of the Democratic Party of Guam.

IV. PUBLIC COMMENTS

Legal Counsel called for public comments. There were no public comments.

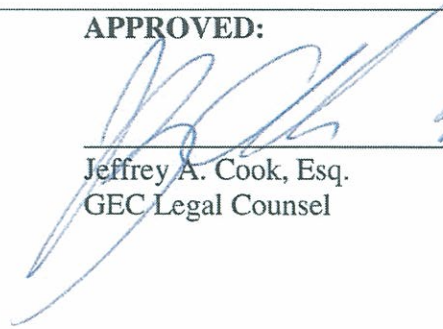
V. ADJOURNMENT

Public Hearing was adjourned at 5:25 p.m.

Respectfully Submitted:


 Maria I.D. Pangelinan

APPROVED:


 Jeffrey A. Cook, Esq.
 GEC Legal Counsel

May 14, 2014
 Date

Padre Pio Mass

7:00 P.M.
Wednesday,
February 5, 2014

St. Fidelis Friary



GUAM ELECTION COMMISSION

Kumision Eleksion Guåhan
2nd Floor, Suite 200 GCIC Building
414 West Soledad Avenue,
Hagåtña, Guam 96910

Tel: 671.477.9791 • Fax: 671.477.1895

E-Mail: vote@gec.guam.gov Website: <http://gec.guam.gov>



Notice of Public Hearing On the proposed Guam Administrative Rules and Regulations on Elections And the proposed Guam Election Manual

The Guam Election Commission will conduct a public hearing on **Tuesday, February 18, 2014 at 5:15 p.m.** at the GEC Conference Room, Suite 200, GCIC Building, Hagåtña, Guam. The GEC will be accepting public comments on (1) the proposed Guam Administrative Rules and Regulations on Elections, and (2) the proposed Guam Election Manual.

Copies of the proposed rules and regulations and the manual are available for inspection at the Guam Election Commission, Suite 200, GCIC Building, Hagåtña, Guam, and at <http://gec.guam.gov>.

The public is invited. For individuals requiring special accommodations, auxiliary aids or services, please contact the Guam Election Commission. For more information, you may call Helen M. Atalig at (671) 477-9791 or send an email to vote@gec.guam.gov.

This advertisement is paid with government funds.



ELECTION MANUAL

*Administrative procedures, rules, regulations and forms
to be used in the Conduct of Elections*



GUAM

ELECTION
COMMISSION

Kumision Ileksion Guåhan

Your vote is your voice.
Bota ya un ma kuenta.

I.	ELECTION MANUAL	
a.	Election Manual	6
b.	Procedures in Election Manual	6
c.	Copies of Manual Furnished	6
II.	VOTER REGISTRATION	
a.	Persons Entitled to Vote: Compliance with Registration Provisions.....	6
b.	Affidavit of Registration, Necessity for and Contents of	6
c.	Compilation of Registration Affidavits	8
d.	Copies of Index to Candidates	8
III.	PRECINCT BOARD OFFICIAL	
a.	Precinct Board: Appointment	8
b.	Qualifications of Precinct Board Members.....	9
c.	Oath of Precinct Board Members	9
d.	Excusing and Replacing Appointees	10
e.	Failure to Appear	10
f.	Change of Designated Polling Place.....	10
g.	Incapacitation of Precinct Leader	10
h.	Incapacitation of Precinct Clerk.....	10
i.	Administration of Oath to Substitute	10
IV.	BALLOTS	
a.	Delivery of Ballots, Machines and Supplies.....	10
b.	Receipts for Ballots.....	11
c.	Loss or Destruction of Ballots	11
d.	Instructions to Voters.....	12
e.	Nicknames, Other Identifiers on Ballot	12
f.	Security of Ballots.....	12
V.	POLLING PLACES	
a.	Polling Places.....	13
b.	Destruction of Facilities or Removal of Materials and Supplies.....	13
c.	Destruction or Removal of Instruction Cards	13
d.	Posting Instruction Cards.....	13
e.	Posting Registry Indices.	13
f.	Proclamation of Opening Polls.	14
g.	Time for Opening and Closing Polls.	14
h.	Liquor Sales at Polling Place Prohibited.	14
i.	Solicitation of Votes at Polling Place Prohibited.....	14
j.	Electioneering at Polling Place Prohibited.	15
k.	Use of Barricade Before Booths.	15
l.	Persons Permitted Within Barricade.....	15
m.	Exhibiting Ballot Box.	15
n.	Roster and Tally List.....	16
o.	Absence of Precinct Officials.	16

VI. VOTING PROCEDURES

a. Reporting of Name and Signing Roster.....16

b. Voter’s Change of Name.16

c. One (1) Ballot to Each Voter.16

d. Delivery of Ballot by Election Official Only.....16

e. Only One (1) Person in Booth.17

f. Voting in Booth.....17

g. Indicating Vote.....17

h. Two (2) or More Candidates or Nominees.17

i. Identifying Marks Prohibited.....17

j. Revealing Ballot Prohibited.....17

k. Assistance to Voter.18

l. Spoiled Ballot.....19

m. Cancellation of Spoiled Ballot.....19

n. Ballot Issued but Not Voted.....19

o. Accounting for Ballots.....19

p. Asking Voter’s Intention at Polls Prohibited.....19

q. Removal of Ballots Before Polls Closed Prohibited.....19

r. Closing Polls.....19

s. Late Arrivals Rejected.20

t. Defacement of Unused Ballots.20

u. Destruction of Unused Defaced Ballots.....20

v. Written Checklists.....20

w. Leave of Absence From Employment to Vote21

VII. ABSENT VOTING

a. Absent Voting: Requirements.....21

b. Absent Voting: Disposition of Ballot by Commission21

c. Casting Ballots21

d. Causes for Rejecting Ballots.....22

e. Rejected Ballots22

f. Addition to Registration Index.....22

g. Mailing or Delivering Ballot(s)22

h. Ballots Rejected by the Commission22

i. Challenges.....22

VIII. PROVISIONAL VOTING

a. Provisional Ballot.....23

b. Provisional Ballot: General23

c. Qualifications.....24

d. Processing Provisional Ballot24

e. Disposition26

f. Notice.....26

g. Final Notice.....26

h. Tabulation Provisional Ballots.....26

i. Security of Provisional Ballots26

	j. Provisional Ballots Affidavit in lieu of registration.....	27
IX.	CHALLENGES	
	a. Grounds for Challenge.....	27
	b. Examination of Person Challenged.....	27
	c. Refusal to be Sworn or to Answer.....	28
	d. Record on Challenges.....	28
	e. Place of Residence.....	28
	f. Rules for Determining Residency.....	28
	g. Overseas Citizens.....	29
X.	ADMINISTRATIVE COMPLAINTS	
	a. Who can File.....	30
	b. Election Campaign and Campaign Offenses.....	30
	c. When to File.....	30
	d. Record of Complaint.....	30
XI.	CANVASS	
	a. Officials Present at Close of Polls.....	31
	b. Two (2) Ballots in One (1) Envelope.....	31
	c. Ballots Exceeding Number on Roster.....	31
	d. Signing Roster.....	31
	e. Rejected Ballots.....	32
	f. Delivery of Ballots to Election Return Center.....	32
	g. Election Return Center.....	32
	h. Opening Boxes and Counting Ballots.....	32
XII.	VOTE TABULATION	
	a. Vote Tabulating Device: Mode of Tallying.....	32
	b. Tabulating at Precincts.....	32
	c. Imperfectly Marked Ballots Void.....	33
	d. Defective Ballots.....	33
	e. Ballot Not Rejected for Technical Error.....	33
	f. Only Invalid Portions of Ballot Rejected; Blank Ballots and Improperly Marked Ballots are Not “Votes Cast” for Calculating a Majority.....	33
	g. Write-in Votes.....	34
	h. Unauthorized Marks on Ballot.....	34
XIII.	DECLARATION OF RESULTS	
	a. Sealing and Reviewing Counted Ballots.....	34
	b. Certification of Election.....	34
	c. Delivery of Certification of Election.....	35
	d. Disregard of Technical Error.....	35
	e. Tabulation and Publication of Election Results.....	35
	f. Unofficial Results Open to Public Inspection.....	35
	g. Election Center Open Until Tabulation Complete.....	35
	h. Clerical Assistance and Expenses.....	35
	i. Incomplete or Ambiguous Precinct Forms.....	35
	j. Correction or Completion.....	36

k.	Declaration of Results.	36
l.	Certificate of Election.	36
m.	Death of Candidate After Certification.	36
n.	Special Provision for Presidential Election.	36
o.	Recount.	36
p.	Review of Ballots.	37
q.	Entry of Results on Record.	37
r.	Preservation of Ballots.	37
XIV.	CERTIFICATION OF ELECTION RESULTS	
a.	3 GCA § 11128 Certificate of Election.....	37
XV.	APPENDICES: Election Commission (EC) Forms	
a.	EC-11 Precinct Official Oath of Office	38
b.	EC-12 Supply Inventory Sheet	39
c.	EC-13 Ballot Inventory Sheet.....	40
d.	EC-13P Provisional Ballot Inventory Sheet	41
e.	EC-14 Entry of Challenge.....	42
f.	EC-14A Challenge Rebuttal	43
g.	EC-15 Absentee Ballot Transfer form	44
h.	EC-15P Provisional Ballot Transfer form.....	45
i.	EC-16 Ballot Box/Supply Box/Ballot Transfer Record.....	46
j.	EC-18 Record of Poll Status.....	47
k.	EC-42 Precinct Officials Clearance Sheet	49
l.	EC-49 Administrative Complaint Form.....	50
m.	Provisional Ballot Affidavit.....	52
n.	Provisional Ballot Disposition	53

I. ELECTION MANUAL

- a. **§ 2104 Election Manual.** It shall be the duty and responsibility of the Commission to prepare an Election Manual of administrative procedures, rules, regulations and forms to be used in the conduct of elections. All manuals and publications shall be prepared pursuant to the Administrative Adjudication Law. The manual shall set forth the regulations to be followed by all election officials, as well as the descriptions of the necessary equipment and forms to be used in election procedures.

SOURCE: GC § 2052. Codified as 3 GCA § 2104. Amended by P.L. 25-146:6 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

- b. **§ 9101 Procedures in Election Manual.** The Election Manual shall prescribe in detail the procedures to be followed in the conduct of elections.

SOURCE: GC § 2350. Codified as 3 GCA § 9101. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

- c. **Copies of Manual Furnished.** The Commission shall furnish each precinct board with a copy of the Election Manual. (3 GCA § 9102)

II. VOTER REGISTRATION

- a. **Persons Entitled to Vote: Compliance With Registration Provisions.** Every person not confined to a mental institution, nor judicially declared incompetent, nor incarcerated under a sentence of imprisonment, who is a citizen of the United States over eighteen (18) years of age, or who shall have reached his or her eighteenth (18th) birthday by the day set for election, who is a resident of Guam, as defined in 3 GCA § 9123 and who complies with the provisions of 3 GCA governing the registration of electors is entitled to vote at any general election held within Guam; provided, that in the election of municipal, division or district officers only those otherwise qualified electors who reside within the municipality, division or district concerned shall have the right to vote for such municipal, division or district officers. (3 GCA § 3101)

- b. **Affidavit of Registration, Necessity for and Contents of**

- i. No person shall be registered as a voter, except by affidavit of registration made before an authorized registration clerk or, in the case of an absentee voter, pursuant to the provisions of Chapter 10 of 3 GCA. Before such affidavit shall be made, the person shall state if he or she is currently registered to vote in any other jurisdiction. If that person answers affirmatively, that person shall identify said jurisdiction and complete and sign an attested statement on a form provided by the Commission which requests

the cancellation of that person's registration, and which shall be forthwith forwarded by the Commission to that jurisdiction. If that person answers negatively, that person shall nonetheless identify the jurisdiction in which that person last voted. No registration clerk shall register any person except upon presentation by the person applying for registration of written evidence that the person is a citizen of the United States who will be at least eighteen (18) years of age upon the date of the next election to be conducted by the Commission, and that the person is a resident of Guam.

- ii.** A copy of the evidence of citizenship and residency submitted by the applicant shall be attached to the registration form or absentee ballot application. No person shall be registered except upon that person's declaration under penalty of perjury of the street name and number, municipality or lot number, and municipality where that person resides on Guam, and that the person has been a resident of Guam for not less than thirty (30) days immediately preceding the date on which the next election will be held. The GEC Executive Director shall determine whether the evidence provided by an applicant establishes the person's eligibility to be registered. The Executive Director shall give written notice of any denial of registration within five (5) working days upon the receipt of the application. Any person whose affidavit or application for an absentee ballot is rejected may appeal the decision to the Commission and, if again rejected, to the Superior Court of Guam. No person shall be required to disclose that person's Social Security number as a condition of registration or voting. The Commission shall prepare forms for the collection of this data, and may require the submission of such additional information as will enable it to comply with this Section. The affidavit shall then be made in triplicate, and shall set forth all the facts required to be shown by this Title and the Election Manual.
- iii.** Written evidence of U.S. citizenship for purposes of this Section shall include:
 - 1.** U.S. Passport;
 - 2.** Certificate of U.S. Citizenship; Certificate of Naturalization;
 - 3.** A combination of one (1) document from list (A) and one (1) document from list (B) as follows:
 - (A) (i) certification of birth abroad issued by the Department of State;
 - (ii) Original or certified copy of a birth certificate issued by a state, county, municipal authority, commonwealth district or possession of the United States bearing an official seal;
 - (iii) Native American tribal document;

- (iv) U.S. citizen identification card (ID); or
- (v) Government of Guam Cedula identification (CI);
- (B) (i) driver's license or ID card issued by a state or possession of the United States; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;
- (ii) ID card issued by federal, state or local government agencies or entities; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;
- (iii) School ID card with a photograph;
- (iv) Voter registration card; U.S. Military ID card or draft record; military dependent's ID card;
- (v) U.S. Coast Guard Merchant Mariner card; or
- (vi) An identification card that is compliant with the provisions of the Real ID Act of 2005. (3 GCA § 3102)

c. Compilation of Registration Affidavits. Within ten (10) days after the last day of registration for any election, the Commission shall compile the original and duplicate affidavits of registration for each precinct in which the election is to be held in such manner as the Commission may prescribe in the Election Manual. (3 GCA § 3127)

d. Copies of Index to Candidates. Upon written demand of any candidate in any forthcoming election or upon written demand of a candidate's campaign committee, the Commission shall furnish one (1) copy of the index of the registration of voters for such election, subject to a charge as may be prescribed in the Election Manual. All moneys so collected shall be deposited in the Treasury of the government of Guam. (3 GCA § 3129)

III. PRECINCT BOARD OFFICIALS

a. Precinct Board: Appointment. At least ninety (90) days before any regular election is to be held, the Commission will solicit from each recognized political party, nominations of voters to serve as precinct board members. Party chairpersons should submit nominees for each precinct based on the total number of precinct officials required, including alternates, and then evenly divided among the recognized political parties. Final appointments of precinct workers will be on a master list concurred by members of the Commission. Notification of appointment by individual letters can be mailed or delivered to the chairperson of each of the political parties if requested. (6 GARR § 1101)

b. Qualifications of Precinct Board Members.

- i.** The Commission shall determine the qualifications of all precinct officials. Any person who cannot read or write the English language shall be deemed ineligible. Any nominee for an elective office, or a parent, grandparent, spouse, sibling, child, grandchild, or in-law of a candidate is automatically disqualified as a precinct official. In any event the Commission shall appoint any registered voter to take the place of a person being disqualified.(6 GARR § 1102)
- ii.** Each member of a precinct board shall be a registered voter of the district in which they are appointed and shall serve only in the precinct for which they are appointed; however, the Commission may appoint any individual to serve regardless of his or her voting precinct, as the Commission deems necessary. The Commission, pursuant to the Administrative Adjudication Act, shall set forth a training program for precinct board members which shall include passage of a standardized examination of the precinct board members' knowledge of the election laws necessary to perform their duties.
- iii.** The Commission may establish by regulation such additional minimum qualifications for appointment as a member of a precinct board as it deems necessary. (3 GCA § 4105)

c. Oath of Precinct Board Members.

- i.** The following oath must be taken by all members of the precinct board in the presence of an officer qualified to administer oaths:

 - 1.** "I do solemnly swear that I am a voter of the district of _____ that I can read and write the English language, that I am not holding nor am I a nominee for an elective office; that I am not a parent, grandparent, spouse, sibling, child, grandchild, or in-law of a candidate in the district in which I am being appointed and that I will support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam, and that I will faithfully discharge the duties of the office of _____ on the Precinct Board for Precinct # _____ in the District of _____ to the best of my ability."
- ii.** Any member who fails or refuses to take the Oath of Office shall be disqualified and replaced by the Commission. The Commission shall appoint a substitute and require the new member to take the Oath of Office, a copy of which must be filed with the Election Commission. (6 GARR § 1104)
- iii.** Upon the administration of the oath of office by a duly authorized official of the Commission, the Oath of Office (Form EC-11) shall be completed.

- iv. No person shall act as a member of a precinct board until he or she has taken the oath prescribed in the Election Manual. (3 GCA § 4106)
- d. **Excusing and Replacing Appointees.** In constituting precinct boards, the Commission may in its discretion excuse or replace persons appointed and appoint substitutes, regardless of whether such person has taken the oath prescribed in the Election Manual. (3 GCA § 4109)
- e. **Failure to Appear.** If any member of a precinct board does not appear at the opening of the polls, the precinct leader, if present, shall appoint a substitute to fill the vacancy. The precinct leader shall immediately notify the Commission, which shall either ratify the appointment or make another appointment. If the precinct leader is not present or fails to appear, the members present shall immediately notify the Commission. (3 GCA § 4110)
- f. **Change of Designated Polling Place.** If, for any valid reason, the polling place designated for any precinct cannot be utilized, the Commission shall designate another polling place as near thereto as possible, post notice of the change at or near the place first designated, and conduct the election at the place substituted. (3 GCA § 4111)
- g. **Incapacitation of Precinct Leader.** If, during the progress of an election, the precinct leader ceases to act or becomes incapacitated, a member of the precinct board shall at once notify the Commission for action to appoint a new precinct leader. (3 GCA § 4112)
- h. **Incapacitation of Precinct Clerk.** The precinct leader shall appoint substitute precinct clerks if, during the progress of an election, any clerk ceases to act or becomes incapacitated, and shall immediately inform the Commission which shall ratify the appointment or make another appointment. (3 GCA § 4113)
- i. **Administration Of Oath to Substitute.** If at any time on election day a substitute is appointed to fill a vacancy on any precinct board, the precinct leader, or if absent, a precinct clerk shall administer and certify oaths required to be administered during the progress of an election, which certified oath shall be forwarded to the Commission at the Election Return Center. (3 GCA § 4114)

IV. BALLOTS

- a. **Delivery of Ballots, Machines and Supplies.**
 - i. The Commission shall, before the opening of the polls at any election, cause to be delivered to the precinct board of each precinct where an election is to be held, the proper number of ballots, voting machines if they are to be utilized, the voter registration roster for that precinct, and all other documents and supplies to be used in

that precinct. The ballots shall be delivered in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed. (3 GCA § 7111)

- ii.** A Ballot Box/Supply Box and Ballot Transfer Record (Form EC-16) must accompany ballot boxes to each precinct. The Precinct Leader, or in his or her absence, any of the four precinct clerks, shall immediately conduct an inventory of the number of ballots received and compare the total number counted with the number shown on Form EC-16. If for any reason the numbers do not agree, the official shall show the actual count received on Form EC-16. The Form EC-16 must be returned to the Commission’s voter/ballot clearance officer at the tabulation center.
- iii.** The Commission shall also prepare a Supply Inventory Sheet (Form EC-12) listing materials delivered to each precinct. The Precinct Leader is designated, or, in his or her absence, any of the four precinct clerks, to receive and sign the receipt for the materials sent by the Commission. A Precinct Official shall conduct an inventory. If for any reason the numbers in Form EC-12 differ from the inventory, the precinct board shall show in the Form EC-12 the actual numbers of supplies received. The Form EC-12 shall be submitted to Election Commission staff at the tabulation center. (6 GARR § 1201)
- b. Receipts for Ballots.** The Commission shall cause to be prepared a receipt for each polling place, enumerating the packages and stating the time, day and date when they were delivered to the precinct board leader. The precinct leader shall sign the receipt upon receiving the packages, which shall forthwith be returned and filed. The Commission may employ such persons as may be necessary to ensure the security and safe and expeditious delivery of the ballots to the precinct boards and fix a reasonable compensation for their services, to be paid as other election expenses are paid. (3 GCA § 7112)
- c. Loss or Destruction of Ballots.**

 - i.** In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the precinct leader or other member of the board for that precinct, shall prepare an affidavit stating forth the fact, and shall immediately transmit it to the Commission. Upon receipt of the affidavit, the Commission may, and upon the application of any nominee for any office to be voted for by the electors of that precinct, order a new election in that precinct. (3 GCA § 7113)
 - ii.** The Commission may prepare a form for use by Precinct Officials as an affidavit, in the

event that a ballot is lost, damaged or destroyed at the polling place. (6 GARR § 1203)

- d. Instructions to Voters.** At the top of the ballot, there shall be printed instructions to the voters as to the number of nominees to vote for, the marks to be used, including a sample of the marks, and other such instructions as the Commission deems necessary. (3 GCA § 7114)
- e. Nicknames, Other Identifiers on Ballot.** Any person who is a candidate for any office may, at the time of filing his or her nominating petition, or, thereafter, as the Commission by uniform regulations may prescribe, file with the Commission a request that his or her name be further identified on the ballot by the addition of an identifying word or phrase not derogatory or obscene and not exceeding twenty (20) letters, in which event it shall be the duty of the Commission to so comply. The Commission shall have the authority on its own motion and in its discretion to so identify names on the ballot in accordance with regulations set forth in the Election Manual. (3 GCA § 7115)
- f. Security of Ballots.**
 - i.** The Commission shall promulgate and publish in the Election Manual rules and regulations pursuant to the Administrative Adjudication Law to ensure maximum security of the ballots and assure the integrity of the election process.
 - ii.** The rules on security of ballots:
 - 1.** The boxes that will contain cast ballots shall be locked and sealed from the time the first ballot is cast until their opening at the Election Return Center after polls close;
 - 2.** All precinct board members shall accompany the ballot boxes at all times to the Election Return Center after the polls close, and also accompanied by at least one (1) Police Officer; and
 - 3.** Government of Guam buses shall be utilized to transport the ballot boxes, the precinct board members and the Police Officers to the Election Return Center; and
 - 4.** Private security services hired by the Commission, if any, shall not be with a security company which employs an individual who is a sibling or related in the first degree of consanguinity, or has any business ownership relation with a nominee who is seeking an elected public office.
 - 5.** Only an official designated by the Commission may unlock and open ballot boxes at the Election Return Center. (3 GCA § 7116)

V. POLLING PLACES

a. Polling Places.

- i.** The precincts shall be arranged so that neither the ballot boxes nor tables on which they are placed shall be hidden from the view of voters outside the guard-rail, rope or other barricade. (3 GCA § 9103)
- ii.** The Commission has the responsibility of developing a layout for each of the polling places in accordance with 3 GCA §9103. The preparation of the polling place shall be completed prior to the opening of the polls.
- iii.** Prior to any election the Commission shall solicit the assistance of the Department of Public Works of the Government of Guam to utilize its labor force for the preparation of the polls. The request from the Commission must be made well in advance so that the Department of Public Works can set its schedule to meet the deadline. (6 GARR § 1202)

b. Destruction of Facilities or Removal of Materials and Supplies.

- i.** No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or on the tables for the purpose of enabling the voter to prepare his or her ballot. (3 GCA § 9104)
- ii.** Precinct officials are charged with keeping all materials in order and shall immediately notify the Guam Police Department Officer assigned to the precinct of any adverse activity within the polling site. The Commission shall also be immediately notified. (6 GARR § 1204)

c. Destruction or Removal of Instruction Cards. No person shall, during an election, remove, tear down or deface any card printed outlining instructions for the voters. (3 GCA § 9105)

d. Posting Instruction Cards.

- i.** On the day of any election, the precinct board shall post instruction cards in each booth or table provided for voter preparation of the ballots, and at other places in and around the polling site within easy access to the voters. Such instructions shall be printed in both the English and Chamorro languages. (3 GCA § 9106)
- ii.** The Commission shall prepare voter instruction cards and include them in Form EC-12 furnished to each precinct. (6 GARR § 1205)

e. Posting Registry Indices.

- i.** Before opening the polls, the precinct board shall post in separate, convenient places, at or near the precinct, and of easy access to the voters, not less than two (2) copies of the

index of registration furnished for that precinct. (3 GCA § 9107)

- ii. Two (2) copies of the index of registration shall be prepared by the Commission, and provided to each precinct, strictly for the use of voters who may want to verify their registration. The indices must be placed where voters approaching the precinct may verify their registration. These indices are not for use by political party poll watchers. (6 GARR § 1206)

f. Proclamation of Opening Polls. Before the precinct board issues or receives any ballots it shall proclaim aloud at the place of election that the polls are open. (3 GCA § 9108)

g. Time for Opening and Closing Polls.

- i. The polls shall be opened at seven (7) o'clock a.m. of the day of an election, and shall remain open until eight (8) o'clock p.m. of the same day, at which time the precinct leader shall declare aloud that the polls are closed, except as provided in § 9143. (3 GCA § 9109)
- ii. It is the responsibility of the Precinct Leader to ensure that all precinct board members are present and ready to conduct business when the polls open at seven o'clock a.m. and that they remain throughout until closing of the polls at eight o'clock p.m. on Election Day. It is the duty of the Precinct Leader to ensure that only one official at a time can leave the polling room. The Precinct Leader shall record the exact time the polls opened and closed as well as any changes in the makeup of the precinct board in the Record of Poll Status (Form EC-18), which shall be surrendered to Commission staff at tabulation center.
- iii. The Precinct Leader and other officials shall be at the polling place no later than six o'clock a.m. to receive the ballot boxes and other necessary materials and supplies. (6 GARR § 1207)

h. Liquor Sales at Polling Place Prohibited.

- i. A polling place shall not be any place where any alcoholic beverage is sold or dispensed. A polling place shall not be connected by a door or window or other opening with any place where any alcoholic beverage is sold or dispensed. (3 GCA § 9110)
- ii. The precinct board is charged with enforcing 3 GCA §9110. Precinct officials shall seek assistance from the Guam Police Department, and shall immediately report any violation to the Commission. (6 GARR § 1208)

i. Solicitation of Votes at Polling Place Prohibited.

- i. Within one hundred (100) feet of a polling place, no person shall solicit a vote or speak

to a voter on the subject of marking his or her ballot or on behalf of, or against, any candidate. (3 GCA § 9111)

- ii. Enforcement of 3 GCA § 9112 rests with the Precinct officials and the Guam Police Officer assigned to the precinct. Anyone who has actual knowledge of any person soliciting votes on behalf of any candidate or speaking against any candidate should report the violation to a member of the precinct board. "Polling place" refers to the whole area where voting takes place including entire grounds of schools or other public buildings utilized as a polling place. (6 GARR § 1209)
- j. **Electioneering at Polling Place Prohibited.** No person shall do any electioneering on election day within one hundred (100) feet of any entrance and/or exit of any polling place. In the case of a school, the entrance is hereby defined as the entrance gate, if the school is fenced. The Commission may, on a case-by-case basis and limited to the election then forthcoming, create an exception to this Section through resolution in order to safely conduct the election. Notices identifying the newly set perimeter also shall be clearly posted at the polling place(s) affected. (3 GCA § 9112)
- k. **Use of Barricade Before Booths.** A guard-rail, rope or other form of barricade shall be assembled, constructed or arranged and placed so that only those persons who are inside the barricade can approach within six (6) feet of the ballot boxes, booths, tables or other facilities set up for voting. (3 GCA § 9113)
- l. **Persons Permitted Within Barricade.** Only voters engaged in receiving, preparing or depositing their ballots, the precinct board, and any other person specifically permitted by law, shall be authorized to be within the barricade before the closing of the polls. At all times while the precinct board is present in the precinct and during the time that the ballots are being transported to the Election Return Center established pursuant to § 11108 of this Title, each recognized political party and a representative of an independent candidate whose name appears on the ballot, if any, may have no more than one (1) observer present to witness the conduct of the election and to challenge any voter. Such observers are hereby prohibited from interfering with the precinct board at any time during the conduct of the election, and shall not be permitted within the precinct barricade. (3 GCA § 9114)
- m. **Exhibiting Ballot Box.** Before receiving any ballots, the precinct board shall, in the presence of any voters already assembled at the polling place, display the locked ballot box. Thereafter, the ballot box shall not be removed from the polling place or from the presence of any voters until the polls are closed. (3 GCA § 9115)

n. Roster and Tally List.

- i.** The registration roster and tally list provided by the Commission to each precinct board shall be in the form outlined in the Election Manual. (3 GCA § 9116)
- ii.** The Commission shall issue each precinct a roster of all registered voters in that precinct. The roster shall contain the voters' names, dates of birth and mailing addresses. (6 GARR § 1210)
- o. Absence of Precinct Officials.** Not more than one (1) member of any precinct board shall be absent at any time from the polling place at any one (1) time. (3 GCA § 9117)

VI. VOTING PROCEDURES

- a. Reporting of Name and Signing Roster.** A person desiring to vote shall state his or her full name and address to the precinct officials at the polling place. After verifying the person's identity and determining that the person's name appears as a registered voter on the precinct roster, the precinct officials shall clearly and loudly announce the person's name. If no person challenges the person's right to vote, or if, after a challenge, the precinct board determines that the challenged person is entitled to vote, the person shall be required to sign the roster and then be permitted to vote. In the case of a person who is unable to sign the roster, a precinct official shall so note that fact on the roster, and two (2) other precinct board members shall initial the entry. The person shall then be permitted to vote. Any person whose right to vote is denied by the precinct board may immediately appeal the decision to the Commission and, if unsuccessful, to the Superior Court of Guam. (3 GCA § 9126)
- b. Voter's Change of Name.** If the full name or surname of any person desiring to vote has been legally changed since that person registered, that person shall report both his or her name as it was before the change, and his or her name as it is at the time of the election; provided, that the person presents to the precinct officials a legal document or other satisfactory written proof of the name change. The precinct board shall thereupon make the necessary adjustment in the register, indicating the reason for the change therein, and thereafter permit the person to vote. (3 GCA § 9127)
- c. One (1) Ballot to Each Voter.** Only one (1) ballot or one (1) set of ballots shall be given to each voter. (3 GCA § 9128)
- d. Delivery of Ballot by Election Official Only.**
 - i.** No person, other than a member of the precinct board, shall hand over, give or deliver

any ballot to any voter. (3 GCA § 9129)

- ii. Only precinct board member(s) or authorized Election Commission official(s) may handle a marked or unmarked ballot. Anyone other than a precinct board member or authorized Election Commission official handling any ballot shall be cause for a challenge of distributing an illegal ballot. (6 GARR § 1212)

e. Only One (1) Person in Booth.

- i. Booths shall not be occupied by more than one (1) person at a time, except as provided by 3 GCA § 9136. Voters shall not remain in or occupy a booth longer than is necessary to mark their ballots. (3 GCA § 9130)
- ii. Precinct officials are charged with enforcing 3 GCA § 9112 to ensure that voters do not occupy the voting booth for more than five (5) minutes, unless it is a voter who requires assistance as described in 3 GCA § 9136. (6 GARR § 1214)

f. Voting in Booth.

- i. Upon receiving a ballot or set of ballots, the voter shall forthwith, and without leaving the enclosed area, proceed alone to one (1) of the designated places, booths or tables provided to prepare his or her ballot. (3 GCA § 9131)
- ii. Immediately following certification, a voter is not permitted to leave the enclosed space until the voter has properly deposited his or her ballot(s) into the ballot box(es). (6 GARR § 1213)

- g. **Indicating Vote.** In voting, the voter shall place the appropriate mark in the voting oval or other defined space provided adjacent to the name of any nominee for whom he or she intends to vote, or shall vote for a candidate or person whose name is not printed on the ballot by writing in a name for that office in the blank line-space provided, and clearly marking the adjacent voting oval or other space provided. (3 GCA § 9132)

- h. **Two (2) or More Candidates or Nominees.** Where two (2) or more persons are to be nominated for or elected to the same office, and the voter desires to vote for that office, the voter shall clearly mark or darken the oval or other space provided adjacent to the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the maximum number of persons who are to be nominated or elected. (3 GCA § 9133)

- i. **Identifying Marks Prohibited.** A voter shall not place any random mark upon a ballot by which it may be later identified as the one voted on by him or her. (3 GCA § 9134)

- j. **Revealing Ballot Prohibited.** After a ballot is marked, a voter shall not show it to any person in such a way as to reveal its contents. (3 GCA § 9135)

k. Assistance to Voter.

- i.** A voter may request assistance in voting to the precinct board, and assistance shall be granted thereby only if a voter is blind, physically disabled, or unable to read or write.
- ii.** If a voter is granted assistance, the voter shall be accompanied into the voting booth by one (1) precinct official and another person designated by the voter. If a voter with a physical disability finds it unduly burdensome to enter the polling place, the ballot may be completed within one hundred (100) feet of the polling place. A precinct official shall read the ballot to the voter who shall indicate his or her choices. Such choices shall be properly marked by the attending precinct official while under the observation of the other person designated by the voter.
- iii.** Any registered voter who enters the public grounds containing the polling place, but for some reason is unable to enter the polling place itself, and who is capable of reading and marking the ballot without assistance, shall be given the opportunity to vote.
- iv.** Curbside voting is allowed only for those individuals who are not physically able to enter and vote within the designated polling area. The following procedures shall be followed:
 - 1.** A Precinct Clerk shall courteously ask for an identification card of the individual who is requesting to vote curbside. After verifying the person's identity and determining that the person's name appears as a registered voter on the precinct roster, the precinct officials shall clearly and loudly announce the person's name. Indicate "Curbside Voter" on the Signature Roster.
 - 2.** A person desiring to vote shall state his or her full name and address to the precinct officials at the polling place.
 - 3.** Place a partisan and non-partisan ballot in the "Curbside Folder" and bring this with two pencils and the "Signature Roster Sheet for Curbside Voters". Two precinct officials will proceed to the curbside voter with these in hand.
 - 4.** The Precinct Officials will proceed to ensure as much as possible the secrecy of the ballot while ensuring that the curbside voter is provided with assistance requested by the voter.
 - 5.** Place the ballots face down in the Curbside Folder. The two precinct officials together proceed to enter the polling place and cast ballots accordingly, placing the Curbside Folder closest to the ballot box.
- v.** Any member of a precinct board rendering assistance to a voter is hereby prohibited

from revealing any of the votes cast by such voter. (3 GCA § 9136)

- l. Spoiled Ballot.** Any voter who spoils a ballot may return it to a member of the precinct board and receive another in its place, one (1) at a time, not to exceed three (3). (3 GCA § 9137)
- m. Cancellation of Spoiled Ballot.** The precinct board shall immediately cancel a spoiled ballot returned by a voter by writing the letter “X” upon the face of the ballot in ink or indelible pencil. All spoiled ballots shall be counted and placed and sealed in an envelope endorsed “Spoiled Ballots,” and returned to the Election Return Center along with the roster, ballot boxes, unused ballots and all other documents, materials and supplies at the closing of the polls. Each precinct board member shall sign their names across the sealed portion of the envelope and write thereon the total number of spoiled ballots contained in the envelope. (3 GCA § 9138)
- n. Ballot Issued but Not Voted.** Any voter who does not mark the ballot issued or delivered to him or her shall, before leaving the polling place, cast the ballot in the ballot box. (3 GCA § 9139)
- o. Accounting for Ballots.**
 - i.** Every precinct board shall account for all ballots delivered to that precinct by returning all unused ballots which, when added to the number of ballots cast and the number of spoiled ballots returned, shall equal the total number of ballots assigned and delivered to that precinct. The Commission, upon receiving all the ballots, shall require such an accounting prior to tabulating the returns of the precinct. (3 GCA § 9140)
 - ii.** An accurate accounting of all cast, unused, and spoiled ballots must be entered on Ballot Inventory Sheet (Form EC-13) and signed by all precinct officials. The completed Form EC-13 shall be submitted to Election Commission staff at tabulation center. (6 GARR § 1215)
- p. Asking Voter’s Intention at Polls Prohibited.** No person shall ask another at a polling place for whom he intends to vote. (3 GCA § 9141)
- q. Removal of Ballots Before Polls Close Prohibited.** Unless otherwise provided by law, no person shall remove any ballot from any polling place before the closing of the polls. (3 GCA § 9142)
- r. Closing Polls.** At eight (8) o’clock p.m., the precinct leader shall proclaim aloud that the poll has closed. After the proclamation, no ballot shall be received. However, if at the hour of closing there are voters within the polling place or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall remain

open and allow sufficient time to enable them to vote. (3 GCA § 9143)

- s. **Late Arrivals Rejected.** Anyone who arrives at the polling place after the polls have closed shall not be entitled to vote. (3 GCA § 9144)
- t. **Defacement of Unused Ballots.** Immediately upon the closing of the polls, the members of the precinct board shall, in the presence of other authorized persons in the polling place who may desire to observe them, proceed to deface every unused ballot by writing the letter “X” across its face in ink or indelible pencil. The members of the precinct board shall thereupon immediately count and place all unused defaced ballots in an envelope endorsed “Unused Defaced Ballots” and seal the envelope. Each member of the precinct board shall then immediately sign their names across the sealed portion of the envelope and write thereon the total number of unused defaced ballots contained in the envelope. The envelope of unused defaced ballots shall be returned to the Election Return Center after the closing of the polls. (3 GCA § 9145) Ballot reconciliation procedures will be covered in detail during precinct official training. (6 GARR § 1301)
- u. **Destruction of Unused Defaced Ballots.** No earlier than thirty (30) days after the Commission has certified the election results, provided that no election contest is pending resolution, the Commission shall dispose of the unused defaced ballots in a manner it deems appropriate. (3 GCA § 9145)
- v. **Written Checklists.** Written Checklists will be utilized during Elections relative to providing instructions to voters; treatment of absentee ballots and voters; treatment of provisional voters; handling of ballots; dealing with challenges; absentee voting and handling of absentee ballots; setting up the polling place; and any other training needs. Checklists will include:
 - 1. Supplies adequate to perform election day duties;
 - 2. Standardized procedures to inform voters and handle ballots;
 - 3. Contact information for all critical personnel to answer questions and make decisions;
 - 4. Guide on how to assist disabled voters;
 - 5. What constitutes proper voter identification;
 - 6. The process for provisional voting;
 - 7. A specific checklist, including a step-by-step process to close precincts following the conclusion of voting. (Closing procedures in polling places shall not be initiated until after the polling place has ended operations and all voters have departed.) (6 GARR § 1216)

w. Leave of Absence From Employment to Vote.

- i.** Every voter shall be entitled, on the day of every election at which he or she is entitled to vote, to absent himself or herself from any service or employment in which he or she is then engaged or employed for two (2) consecutive hours between the time of opening and the time of closing of the polls. The voter shall not be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall the voter be suspended or discharged from his or her service or employment. Any violation of this provision shall be reported to the Guam Department of Labor for enforcement, and may subject an employer to pay a fine.
- ii.** A voter who unilaterally absents himself or herself from employment for the purpose of voting shall provide to his or her employer evidence from GEC that he or she had voted during the hours of his or her absence. (3 GCA § 9125)

VII. ABSENT VOTING

- a. Absent Voting: Requirements.** Processing and execution of absent voting applications and absentee ballots are covered by the Uniformed and Overseas Citizens Absentee Voting Act, the Military and Overseas Voter Empowerment Act and 3 GCA Chapter 10. (6 GARR § 1301)
- b. Absent Voting: Disposition of Ballot by Commission.**

 - i.** On Election Day the Commission shall deliver, if there are any, absentee ballots and affidavits to the precinct(s) along with the Absentee Ballot Transfer Receipt (Form EC-15). The precinct board shall immediately take inventory of all absentee ballots received. Should the name(s) or number of absentee ballots received differ from that shown on Form EC-15, the precinct board shall record the difference on Form EC-15 and immediately notify the Commission. Form EC-15 shall be submitted to Election Commission staff at the tabulation center.
 - ii.** The precinct officials prior to the closing of the polls shall cross check the names of absentee voters listed in Form EC-15 against the signature roster. This ensures that all absentee voters have been properly processed. (6 GARR § 1302)
- c. Casting Ballots.**At any time between the opening and closing of the polls on election day, the precinct board shall announce the absent voter's name, and compare the signature between that shown upon the application and the signature upon the affidavit. The precinct board shall determine if the affidavit is sufficiently executed, that the

signatures correspond, that the applicant is a duly qualified elector of the precinct, and that the applicant has not voted in person at such election, and open the outer or carrier envelope and the return envelope. The board shall then deposit the unopened ballot envelope in the ballot box. Upon depositing the unopened ballot envelope in the ballot box, the board shall indicate on the signature roster next to the voter's name that such voter has voted absentee. (3 GCA § 10117)

- d. Causes for Rejecting Ballots.**In the event the affidavit is found to be insufficient, or the signature on the affidavit and the application do not correspond, or the applicant is not a duly qualified elector in such precinct, or the ballot envelope or return envelope is open or has been opened and resealed, or the return envelope contains more than one (1) ballot envelope with ballots enclosed, or that said voter has voted in person, such ballot shall not be accepted or deposited in the ballot box. (3 GCA § 10118)
- e. Rejected Ballots.** Every ballot not accepted shall be endorsed on the back of the ballot envelope "Rejected because _____ (giving reason therefore)." All such rejected ballots shall be enclosed and securely sealed in an envelope on which the precinct board members shall endorse "Defective Ballots," with a statement of the precinct in which, and the date of the election at which, the ballots were cast. Said envelope shall be signed by the members of the precinct board and returned to the Commission at the Election Return Center after the polls close. (3 GCA § 10119)
- f. Addition to Registration Index.** The precinct board shall, when the absentee ballot envelope is deposited in the ballot box, enter the absentee voter's name on the registration index if not already shown on the roster. (3 GCA § 10120)
- g. Mailing or Delivering Ballot(s).** The sealed returned envelope containing the ballot or set of ballots may be delivered to the Commission at its main office or its postal address at any time prior to the closing of the polls, and within ten (10) days after any election and by 5:00 p.m. on the tenth (10th) day after any election. (3 GCA § 10114)
- h. Ballots Rejected by the Commission.** All ballots forwarded to absent voters and not physically received by the Commission at its main office prior to the closing of the polls, or within ten (10) days after any other election day or by 5:00 p.m. on the tenth (10th) day after any election shall be rejected. (3 GCA § 10116)
- i. Challenges.**

 - i.** Any person may challenge the vote of any absentee voter for cause. The precinct board shall determine in accordance with the provisions of the Election Code, whether the challenge is valid or invalid. In the event a challenge is made it shall be recorded on the

Entry of Challenge (Form EC-14), and submitted to Election Commission staff at the tabulation center.

- ii. The provisions of 6 GAR §1211 shall apply in the case of a challenge of a voters absentee ballot. (6 GARR § 1303)

VIII. PROVISIONAL VOTING

- a. **Provisional Ballot.** The Commission will provide provisional ballots to each precinct in accordance with 3 GCA §14102. The provisional ballot is printed with a different color ink and paper with the words “Official Provisional Ballot” printed across the top. (6 GARR § 1401)

- b. **Provisional Ballots: General**

- i. Before issuing a provisional ballot the precinct board must make every effort to determine a voter’s registration status and correct polling location by:
 - 1. Reviewing the list of all registered voters in the precinct;
 - 2. Reviewing the list of all registered voters in the polling area; and
 - 3. Contacting the Commission at its headquarters to make the final determination of voter registration status and polling location; in the event attempts to contact Election headquarters by precinct officials are unsuccessful, the Precinct Leader must document the times, the names of the precinct officials who made the attempt and the name of the provisional voter in the precinct log. Prior to executing the provisional ballot.
- ii. If the voter is registered in another polling location and it is determined by both the precinct official and the voter that the voter will not reach the correct polling location in time to cast a regular ballot before polls close, the precinct official shall offer the voter a provisional ballot.
- iii. To assist the precinct boards in determining a voter’s registration status and correct polling location, the Commission shall provide each precinct with a:
 - 1. List of all registered voters in the precinct;
 - 2. List of all registered voters in the polling area;
 - 3. Directions to all polling locations; and
 - 4. Commission contact information so the provisional voter can ascertain the status of his or her provisional ballot.
- iv. Precinct board members shall inform the Commission at its headquarters of all provisional ballots issued before the close of the polls. All provisional ballots issued

must be documented in detail in the precinct log which will be submitted to Election Commission staff at the tabulation center.

- v. Provisional ballot guidelines will be posted at each polling site and at the Guam Election Commission office. These guidelines will include an explanation of what a voter should do before casting a provisional ballot in order to increase the chances of the provisional vote being counted. An explanation sheet will be provided to provisional voters that defines their status, the criteria used to qualify their ballot, how the provisional voter will be contacted regarding the final disposition of the ballot, and the fact that a provisional voter may appeal the disqualification of their ballot. (6 GARR § 1402)
- c. **Qualifications.** Any person who would otherwise be denied an opportunity to vote a regular ballot may vote a provisional ballot in accordance with the procedures set forth in § 14104, for any reason authorized by the Help America Vote Act, and other applicable federal and Guam laws, including, but not limited, to the following:
 - i. the person's name does not appear in the precinct signature roster which lists all registered voters within the polling area;
 - ii. there is an indication in the precinct signature roster that the person has requested an absentee ballot, but wishes to vote at the polling place;
 - iii. the person is voting during polling hours that have been extended by court order; or
 - iv. any other reason outlined in statute. (3 GCA § 14103)
- d. **Processing Provisional Ballots.**
 - i. If a potential voter wishes to vote but does not appear in the register, and precinct board members have exhausted all efforts to determine the voters registration status and polling location as prescribed in 6 GAR § 1402 (a), the following procedures must be strictly followed:
 - 1. The precinct leader shall issue the voter a Provisional Ballot Affidavit Envelope to complete. The voter must fill the in required information and sign the affirmation in the presence of the precinct leader.
 - 2. The precinct leader will write on the Provisional Ballot Affidavit Envelope the reason(s) for issuing that provisional ballot.
 - 3. The precinct leader shall then provide the voter a ballot with the words "Official Provisional Ballot" printed at the top, along with a Ballot Envelope. The provisional voter is required to sign the receipt of the provisional ballot(s) on

the back of the signature roster. When signing receipt for a provisional ballot, the provisional voter must indicate his or her name, date of birth, mailing address, residential address.

4. After receiving his or her voting instructions the provisional voter may proceed to the voting booth to vote in secret.
 5. The precinct official shall instruct the provisional voter to place his or her completed provisional ballot in the Ballot Envelope provided, seal it, and then insert it in the Provisional Ballot Affidavit Envelope and seal it. Precinct officials are prohibited from opening the Provisional Ballot Affidavit Envelope. A precinct official must notify the Commission headquarters after a provisional ballot is completed. The precinct official will put the Provisional Ballot Affidavit Envelope in the supply box until further instructions are received from the Commission.
 6. The precinct official shall provide the provisional voter Commission contact information in the event he or she wishes to ascertain the status of his or her provisional ballot. Provisional ballots are not to be cast into the ballot boxes, unless upon the direction from the Commission headquarters as confirmed by two precinct officials.
 7. **Refusal.** Only when such a person refuses to proceed to the correct polling location, or, if in the shared judgment of the precinct official and the potential voter, the person will not reach the correct polling location in time to cast a regular ballot before polls close, shall the precinct official offer the person a provisional ballot. (3 GCA § 14104)
 8. At tabulation center precinct officials shall surrender all provisional ballot affidavits along with Provisional Ballot Transfer Receipt (Form EC-15P) to Election Commission staff at the tabulation center.
- ii. The disposition of a voter's provisional ballot must be completed and signed by the Executive Director to the Commission within ten (10) days after any election. (6 GARR § 1403)
- e. Disposition.**
- i. Counting Provisional Ballots. Within ten (10) days after any election, the Commission shall count the provisional voter's choices for every race for which the voter was eligible to vote. When a provisional voter casts a provisional ballot in the incorrect precinct, election officials shall count the votes on that ballot in every race for which

the voter would be entitled to vote if he or she had been in the correct precinct.

- ii.** Opportunity to Remedy Incomplete Provisional Ballots. Provisional voters who lacked required information, such as proof of identity or failure to sign, shall be notified and shall be granted a seven (7)-day period to comply or supply missing information. Failure to abide shall constitute a spoiled provisional ballot.
- iii.** Provisional Ballots as a Remedy for Incomplete or Deficient Registration Applications. Provisional ballots shall serve to remedy incomplete or otherwise deficient voter registration applications. In the event that a voter is denied the right to vote a regular ballot because of an incomplete or otherwise deficient voter registration application, the provisional ballot shall be used to complete said voter's application. The provisional voter shall be deemed registered as of the date of the original application. Within ten (10) days after an election, when the voter's application shall have been satisfactorily completed and deemed valid, the provisional ballot shall be counted.
- iv.** Registration of Unregistered Provisional Voters. Election officials shall register provisional voters, if they are not already registered or who are eligible to be registered, based on the information provided on the provisional ballot envelope. (3 GCA § 14105)
- f. Notice.** The Provisional Voter shall be provided notice of the plausible remedies of their provisional ballot by the precinct official. (6 GARR § 1404)
- g. Notice of Disposition.** The Commission shall after the tenth (10) day after any election notify the provisional voter by mail the disposition of his or her provisional ballot, and, if applicable, the reason the ballot was not counted. (6 GARR § 1405)
- h. Tabulating Provisional Ballots.** The Commission at any time within ten (10) days after any election count a valid provisional voter's choices for every race for which the voter was eligible to vote. The provisional ballots may be tabulated by hand or by machine. (6 GARR § 1406)
- i. Security of Provisional Ballots.**
 - i.** Immediately after any election, the Commission shall, under lock and key, secure all provisional ballots received at tabulation center. Only the Executive Director or designated staff, under the direction of the Executive Director, may open a 'provisional ballot box'.
 - ii.** At any time within ten (10) days after an election the Commission may remove provisional ballots from under lock and key and placed in secured storage. (6 GARR § 1407)
- j. Provisional Ballot Affidavit in lieu of registration.** The Commission shall deem as

registered those provisional voters who meet all voter registration requirements. The Provisional Ballot Affidavit shall constitute as sufficient registration in the municipality, municipal division, or district in which the provisional voter resides provided that provisions of 3 GCA § 3102 pertaining to citizenship, age and Guam residency requirements are met. The Commission shall preserve Provisional Ballot Affidavits constituting as registration in the same manner as it preserves affidavits of registration. (6 GARR § 1408)

IX. CHALLENGES

a. Grounds for Challenge.

- i.** A person present to vote may be orally challenged by any voter of the same precinct upon any or all of the following grounds:
 - 1.** that he or she is not the person whose name appears on the register;
 - 2.** that he or she is not a resident of Guam;
 - 3.** that he or she is not a citizen of the United States;
 - 4.** that he or she is not a resident of the precinct at which he or she is voting;
 - 5.** that he or she has voted that day;
 - 6.** that he or she voted in another precinct; and
 - 7.** that he or she voted in another U.S. jurisdiction. (3 GCA § 9118)
- ii.** The precinct board shall address any challenge by a voter for any reason cited in 3 GCA § 9118. The challenge must be duly and fully documented by the precinct board on the Entry of Challenge Form (EC-14) which shall be surrendered to the Commission staff at the tabulation center. The appeal of the voter or the challenger must also be duly and fully documented by the precinct board and reported on the Challenge Rebuttal Form (EC-14A). The precinct board member(s) shall inform the Commission at its headquarters of any challenges recorded before the close of the polls.
- iii.** Members of the precinct board shall inform the voter and the challenger that he or she may appeal the decision of the precinct board to the GEC board of Commissioners and that the board's decision may then be appealed to the Superior Court of Guam. (6 GARR § 1211)

b. Examination of Person Challenged.

- i.** The precinct board shall immediately examine on oath the challenged individual and his or her witnesses, if any, together with the voter who called the challenge and his or her witnesses, if any. The precinct board may give the voter challenged and the voter

who offered the challenge time to present witnesses wherever possible, but in no event shall such time be granted so as to prevent the precinct board from rendering a decision prior to the time for closing the polls.

- ii. The voter or the challenger may appeal the decision of the precinct board to the Commission. The Commission shall, as soon as possible, hear the appeal and shall examine the oaths of the voter and the challenger and hear the witnesses, if any. The Commission shall make its decision prior to the time for the closing of the polls.
- iii. Either the voter or the challenger may appeal the decision of the Commission to the Superior Court. (3 GCA § 9119)
- c. **Refusal to be Sworn or to Answer.** If the voter challenged refuses to take the oath tendered, or refuses to be sworn and to answer questions regarding the matter of the challenge, he or she shall not be allowed to vote. (3 GCA § 9120)
- d. **Record on Challenges.** At any time when a challenge is made, the precinct board shall immediately notify the Commission telephonically and in writing, and shall maintain and keep a record showing:
 - 1. the names of all persons challenged;
 - 2. the names of all challengers;
 - 3. the grounds of each challenge; and
 - 4. the determination of the precinct board regarding each challenge. The precinct board shall deliver the record of any challenges to the Commission upon arrival at the Election Return Center after the polls close. (3 GCA § 9121)
- e. **Place of Residence.** The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in this Chapter, as far as they are applicable. (3 GCA § 9122)
- f. **Rules for Determining Residency.**
 - i. Each person's residency shall be determined individually; that is, no person's residency shall conclusively determine the residency of that person's spouse or child. The Commission shall not register any applicant who fails to provide sufficient information for it to determine residency.
 - ii. The following rules shall determine the residency of voters, candidates and nominees:
 - 1. The residency of a person is that place where that person lives for a period of at least thirty (30) days, maintains that person's home and to which, whenever that person is absent, that person has the bona fide intention to return. For voting purposes, a person may have only one (1) residence. Indicia of residence on

Guam shall include, but not be limited to, payment of Guam personal income taxes, maintaining a home or other living accommodation on Guam, having temporarily departed Guam with the intention of returning, and not being registered to vote in any other U.S. jurisdiction since departing Guam.

2. A person does not gain residency on Guam, or any voting district, from which that person comes unless that person intends to establish a permanent dwelling place within Guam, or such voting district.
3. If a person resides with one's family in one (1) place, and does business or maintains real property in another place, the former is that person's place of residence; but any person having a family, who establishes one's own dwelling place other than with one's family, with the intention of remaining there, shall be considered a resident where that person established such dwelling place.
4. The mere intention to acquire a new residence without physical presence at such place does not establish residency.
5. A person does not obtain or lose residency solely by reason of that person's presence or absence while employed in the services of the United States, or of the government of Guam, or while a student at an institution of learning, or while kept in an institution, a hospital, or asylum, or while confined in prison.
6. A person loses one's residency in Guam if that person registers to vote or votes in an election held in a place other than Guam.
7. No person who is registered to vote in another U.S. jurisdiction may vote on Guam until the Commission has transmitted an affidavit to said jurisdiction requesting that person's name to be removed from such election roll. The Commission shall provide affidavit forms for the removal of names of voters from the election rolls of other U.S. jurisdictions. For purposes of establishing residency in a district or municipality, a person shall be domiciled in that district or municipality for at least thirty (30) days immediately prior to the election. For voting purposes, a person shall have only one (1) place of domicile. (3 GCA § 9123)

g. Overseas Citizens.

- i. Notwithstanding the provisions of 3 GCA § 9123 respecting residency, any citizen of the United States living outside of the United States shall be considered a resident of Guam and shall have the right to register according to the terms of this Chapter; provided, that:

1. immediately before abandoning the Guam domicile, he or she would have met all qualifications, except for the qualification relating to minimum voting age;
2. he or she has complied with all registration requirements;
3. he or she does not maintain a domicile, is not registered to vote, and is not voting in any other U.S. jurisdiction; and
4. the overseas registrant maintains the intent to return to Guam.
5. A person loses his residency on Guam if he or she applies to register to vote or votes in an election held in another U.S. jurisdiction by absentee ballot or in person.
6. No person who is registered to vote in another U.S. jurisdiction may vote in Guam until his or her name has been requested by the Commission to be removed from that jurisdiction's election rolls. The Commission shall provide affidavit forms for the removal of names of voters from election rolls of other U.S. jurisdictions.
7. The rules herein shall be clearly displayed on every application for an absentee ballot, and at every registration and voting site on Guam. (3 GCA § 9124)

X. ADMINISTRATIVE COMPLAINTS.

- a. **Who can File.** Any person who believes that there has been a violation, there is a violation, or a violation is about to occur of any provision of Title III: Uniform and Non Discriminatory Election Technology and Administration Requirements of the Help America Vote Act of 2002 ("HAVA") and Chapter 8 of 3GCA, may file a complaint.(6 GARR § 1503)
- b. **Election Campaign and Campaign Offenses.** It is the duty of every voting citizen and precinct official to report any offense as listed in Chapter 8 of 3GCA. It is the responsibility of precinct officials to document all complaints and ensure the complainant is given ample opportunity to complete the Administrative Complaint (EC-49) Form. The precinct official shall notify the Commission immediately following each filing of an Administrative Complaint. The Commission will take appropriate action by investigating and reporting the infraction to the Attorney General. (6 GARR § 1217)
- c. **When to File.** A complaint shall be filed within 60 days after the occurrence of the actions or events that form the basis for the complaint or within 90 days after the Complainant becomes aware of the actions or events, whichever is later. (6 GARR § 1505)

- d. Record of Complaint.** The complaint must be duly and fully documented by the precinct board on the Administrative Complaint (EC-49) Form which shall be surrendered to the Commission staff at the tabulation center. The precinct board members shall inform the Commission at its headquarters of any challenges reentered before the close of the polls.

XI. CANVASS

- a. Officials Present at Close of Polls.** All members of the precinct boards shall be present at the closing of the polls. (3 GCA § 11102)
- b. Two (2) Ballots in One (1) Envelope.** If a precinct board finds two (2) or more of the same ballots upon opening an absentee voter's envelope, it shall lay them aside until the count of the ballots is complete. If, upon comparison of the count between ballots cast in that precinct and the number of voters on the roster who voted, it appears that two (2) ballots were cast by one (1) voter, the precinct board shall reject both ballots. (3 GCA § 11103)
- c. Ballots Exceeding Number on Roster.**
 - i.** If the ballots in the box exceed in number the names on the roster who voted, one (1) of the members of the precinct board shall, while being observed by the other precinct board members and without looking into the box, draw out singly a number of ballots equal to such excess. The precinct board shall make a record upon the roster of the number of ballots so drawn and place those ballots in a sealed envelope marked "Excess Ballots Drawn". All precinct board members shall affix their name on the envelope seal along with their precinct number from which the excess ballots were drawn. The Commission shall determine the method of destroying those ballots drawn. (3 GCA § 11104)
 - ii.** If it is necessary for ballots to be extracted from the cast ballots and destroyed, an account of this act, including the number of ballots destroyed, and the precinct officials giving authorization, should be written on the last page of the roster and also on Form EC-13 and submitted to Election Commission staff at tabulation center. (6 GARR § 1602)
- d. Signing Roster.**
 - i.** When the number of ballots equal or made thus to equal with the number of names on the roster who voted, the precinct board shall document the totals by writing in words and figures at the foot of the roster, and signed by those precinct board members who counted

the ballots and attested to by the remaining precinct board members. All members of the precinct board shall sign the roster. (3 GCA § 11105)

ii. At tabulation center the precinct board shall indicate on the last page of the roster:

1. The number of voters.
2. The following wording:

"We the undersigned precinct officials hereby certify that _____ (number of voters) appeared before us this _____ day of _____, 20____, and each did cast a ballot as is their right."

iii. The five (5) precinct officials on duty shall place their signatures after the statement. (6 GARR § 1603)

e. **Rejected Ballots.** All rejected ballots shall be endorsed on the back of the ballot envelope "Rejected because (giving reason therefore)." Said envelope shall be signed by the members of the precinct board and returned to the Commission at the Election Return Center after the polls close. (3 GCA § 11106)

f. **Delivery of Ballots to Election Return Center.** The locked ballot box, accompanied by the roster, all documents, all endorsements, and all ballots, including spoiled ballots, unused and defaced ballots, and rejected defective ballots shall be brought to the Election Return Center for tabulation. A representative of each political party, as authorized by the Commission, may accompany the locked ballot boxes and all other documents, supplies and materials from the precinct to the Election Return Center. (3 GCA § 11107)

g. **Election Return Center.** The Commission shall maintain within Guam an Election Return Center for the tabulation of votes and publication of returns. (3 GCA § 11108)

h. **Opening Boxes and Counting Ballots.** At the tabulation center the precinct board shall immediately begin conducting an inventory and record the counts of cast, unused and spoiled ballots on the Form EC-13. Form EC-13 shall be signed by all members of the precinct board. (6 GARR § 1601)

XII. VOTE TABULATION

a. **Vote Tabulating Device: Mode of Tallying.** The Commission may appoint such persons as may be necessary for the manual tabulation of ballots and/or for the operation of the vote tabulating device, and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device. (3 GCA § 11109)

b. **Tabulating at Precincts.** Notwithstanding any other provision of law, the Guam Election

Commission may authorize ballots to be tabulated at the precincts. Tabulating of ballots by the precinct board shall be a cross-check of the tabulating of ballots by the Election Commission at the Election Return Center. (3 GCA § 11110)

- c. Imperfectly Marked Ballots Void.** At any election, any ballot which is not marked as provided by law shall be void, but the ballot shall be preserved. Two (2) or more markings in one (1) voting oval or other defined space provided, or a mark made partly within and partly without a voting oval or other defined space, does not make a ballot void. (3 GCA § 11111)
- d. Defective Ballots.** If a ballot is folded, torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by a vote tabulating machine, the Commission may cause a duplicate to be punched, slotted or otherwise marked in the presence of at least two (2) Commission members, one (1) from each party. Both the new ballot and the defective ballot shall be marked with a serial number and the new ballot shall bear the words “Duplicate - Serial Number _____”. (3 GCA § 11112)
- e. Ballot Not Rejected for Technical Error.**

 - i.** At any election a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter’s choice, even though the ballot may be soiled or defaced. (3 GCA § 11113)
 - ii.** The Election Commission will provide marked “sample ballots”, of ways it anticipates voters might mark a ballot. If a voter’s ballot is marked differently and rejected by the tabulator, the tally crew must hand the ballot to the Commission Resolution Committee for final determination and validity. If questions as to validity arise in regard to a ballot the Commission Resolution Committee may refer to the file of these samples. (6 GARR § 1604)
- f. Only Invalid Portions of Ballot Rejected; Blank Ballots and Improperly Marked Ballots are Not “Votes Cast” for Calculating a Majority.**

 - i.** If a voter indicates either:

 - 1.** by placing the voter’s marks in the voting ovals or other defined spaces provided adjacent to the names of any candidates or nominees; or
 - 2.** by writing the names of persons for an office in the blank line spaces provided;
 - 3.** by a combination of both, the choice of more than there are candidates or nominees to be elected or certified for any office, or if for any reason it is impossible to determine the voter’s choice for any office, the voter’s ballot shall not be counted for that office, but the remainder of the voter’s ballot, if

properly marked, shall be counted. A ballot that is blank, or that is marked with more candidates or nominees than are to be nominated or elected, shall not be included as part of the base for determining what constitutes a majority in each election requiring a candidate or nominee to garner a majority of votes in order to be nominated or elected. (3 GCA § 11114)

g. Write-in Votes.

- i.** If the write-in voting oval or other defined space provided is marked, a write-in vote shall be counted for the office under which it is marked, provided a name is written alongside the voting oval or other defined space shown. The write-in names appearing next to the marked write-in voting ovals or other defined space provided for that office shall be tabulated and published. (3 GCA § 11115)
 - ii.** Persons authorized by the Election Commission to manually count rejected ballots shall count a write-in vote as valid only when the voting oval or other defined space provided adjacent to a write-in candidate's name is marked. Failure to mark the oval or other defined space renders the vote invalid. (6 GARR § 1605)
- h. Unauthorized Marks on Ballot.** No mark upon a ballot which is unauthorized by this Title invalidates a ballot, unless it appears that the mark was placed there by the voter for the purpose of identifying the ballot. (3 GCA § 11116)

XIII. DECLARATION OF RESULTS

a. Sealing and Reviewing Counted Ballots.

- i.** As soon as the valid votes marked on the ballots are tabulated and the Commission is satisfied as to the accuracy of the tabulation, such ballots shall not thereafter be examined by any person, except upon a recount or audit as provided in this Chapter. The counted ballots shall be carefully sealed in a sturdy envelope with the name of the precinct thereon, and a majority of the members of the Commission shall certify that all counted ballots have been secured consistent with this Section.
- ii.** The Commission may not, earlier than thirty (30) days from the date that the election results are certified, and provided that no election contest is pending resolution, unseal the ballot envelope to extract statistical data of which data will be made available to the general public. Upon the completion of the extraction, the ballot envelope shall be resealed and the Commission's seal and the date shall be affixed across the envelope's sealed portion. (3 GCA § 11117)

b. Certification of Election. In every election, except the primary election, the Guam

Election Commission shall not certify the election results until the GEC makes a determination on all election complaints or causes for contest brought to the attention of the GEC within fifteen (15) calendar days of the election. Thereafter, as soon as all the votes are counted and the ballots are sealed, the Election Commission shall certify the results of the election. The final certification and the seal on the ballot envelopes shall be signed by a majority of the Commission. (3 GCA § 11118)

- c. Delivery of Certification of Election.** As soon as the Election Commission certifies the results of the election, it shall cause to be posted on the outside of the Election Return Center or the Commission's office a certificate showing the results of the votes cast. The final certificates shall be signed by a majority of the members of the Election Commission. (3 GCA § 11119)
- d. Disregard of Technical Error.** Neither list, tally, paper or certificate return from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the directions of this Title if it is agreed upon by a majority of the members of the Commission. (3 GCA § 11120)
- e. Tabulation and Publication of Election Results.** Upon tabulation of all election ballots, the Commission shall tabulate or cause to be tabulated the cumulative results and make these results known to the public. (3 GCA § 11121)
- f. Unofficial Results Open to Public Inspection.** Immediately upon completion of the tabulation by the Commission of all of the ballots from all of the precincts, the unofficial election results shall be declared and available for public inspection. (3 GCA § 11122)
- g. Election Return Center Open Until Tabulation Complete.** The Commission shall, on the day of the closing of the polls, keep the Election Return Center open for the tabulation of election results until each and every ballot has been received and tabulated and the results thereof made public. (3 GCA § 11123)
- h. Clerical Assistance and Expenses.** The Commission may incur expenses for all clerical assistance and other necessary expenses, including the transportation of precinct boards between their respective precincts and the Election Return Center. (3 GCA § 11124)
- i. Incomplete or Ambiguous Precinct Forms.**

 - i.** If the rosters, certificates or other forms from any precinct are incomplete or ambiguous, or not properly authenticated, or are otherwise defective, the Commission, by a majority vote, may order issued and served subpoenas requiring the attendance of such persons and records before the Commission. (3 GCA § 11125)
 - ii.** Precinct board members are prohibited from leaving the clearance section of the

tabulation center until all forms and inventories are completed. In the event a problem arises after precinct officials have departed from the tabulation center, they may be subpoenaed and required to appear before the Commission. (6 GARR § 1606)

- j. Correction or Completion.** The Commission may require a precinct board to correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon. (3 GCA § 11126)
- k. Declaration of Results.** Immediately after the certification of all election results, the Commission shall declare elected to each office those persons having the highest number of votes for that office. (3 GCA § 11127)
- l. Certificate of Election.** Immediately after declaring certification of the results of any election, the Commission shall make, or cause to be made, a “Certificate of Election” for every person elected to office. The form of such certificates shall be prescribed in the Election Manual. The Commission shall cause to be placed in the hands of the elected person the original certificate which shall constitute evidence of the person’s right to office. The Election Commission shall preserve a copy of such certificate for a period of five (5) years, and then may transfer the copies to the University of Guam Micronesian Area Research Center. (3 GCA § 11128)
- m. Death of Candidate After Certification.** Except in the case of the office of *I Maga’låhenGuåhan* or *I Segundu Na Maga’låhenGuåhan*, in the event that a candidate dies after he or she has been certified as elected and prior to the commencement of his or her term, the Commission shall certify as elected the person who received the next highest number of votes in that election. If no other person had fewer votes than the candidate whose election was certified, the vacancy shall be filled as otherwise provided by law. In the case of a person who has been certified as being elected *I Maga’låhenGuåhan* or *I Segundu Na Maga’låhenGuåhan* and who dies prior to the commencement of his or her term, the vacancy shall be filled as provided by law. (3 GCA § 11129)
- n. Special Provision for Presidential Election.** In those years when the ballot contains the names of candidates for President and Vice-President of the United States, the Commission shall declare the results of said election and shall, by written direction, order the Chairperson of the Election Commission to act as the elector for Guam, as such term is used in Article II, Section 1 of the United States Constitution, to cast his ballot for the candidates for President and Vice-President receiving the highest number of votes and to transmit said results to the President of the Senate of the United States. (3 GCA § 11130)

- o. Recount.** If the tabulation indicates that a difference in votes is two percent (2%) or less, the Commission shall conduct a recount of the votes. At the end of the recount all ballots shall be returned to the precinct envelopes and resealed with the majority of the Commission writing their names across the seal. The result of the recount shall immediately be made public as a recount. (3 GCA § 11131)
- p. Review of Ballots.** The Commission shall not review any ballots except as permitted on a recount. (3 GCA § 11132)
- q. Entry of Results on Record.** Immediately upon the completion of the tabulation of all ballots, the Commission shall enter on its record a statement of the results, which shall show:
 - 1. the total number of votes cast on Guam;
 - 2. the names of the persons and the total number of votes tabulated for each candidate; and
 - 3. for which office each person was voted. (3 GCA § 11133)

Preservation of Ballots. The Commission shall be responsible for the preservation of all the ballots cast and all rosters and certificates delivered to it by the precinct boards for a period of five (5) years after the date of the election. The Commission shall be required to produce such ballots upon the order of a court of competent jurisdiction, and shall obtain a receipt for any release from its custody. (3 GCA § 11134)

XIV. CERTIFICATION of ELECTION RESULTS

a. § 11128 Certificate of Election.

Immediately after declaring certification of the results of any election, the Commission shall make, or cause to be made, a “Certificate of Election” for every person elected to office. The form of such certificates shall be prescribed in the Election Manual. The Commission shall cause to be placed in the hands of the elected person the original certificate which shall constitute evidence of the person’s right to office. The Election Commission shall preserve a copy of such certificate for a period of five (5) years, and then may transfer the copies to the University of Guam Micronesia Area Research Center.

SOURCE: GC § 25340. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2533. Codified as 3 GCA § 11133. Amended by P.L. 25-146:69 (May 27, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2535, entitled “*Election center open until tabulation complete.*” Reenacted as 3 GCA § 11123 by P.L. 31-255:2 (Dec. 11, 2012)



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



PRECINCT OFFICIAL OATH OF OFFICE

EC-11

Print Name: _____ DOB: _____

Mailing Address: _____ Tel: (H) _____ (W) _____ (C) _____

_____ Email: _____

I do solemnly swear that I am a voter of the District of _____, that I can read and write the English language; that I am **not** holding nor am I a nominee for an elective office, that I am **not** a parent, grandparent, spouse, sibling, child, grandchild, or in-law of a candidate in the District in which I am being appointed, and that I will support the Constitution of the United States, the laws of the United States applicable to Guam and the laws of Guam; and, that I will faithfully discharge the duties of the office of _____ on the precinct board for Precinct No. _____ in the District of _____ to the best of my ability.”

Signature: _____ Date: _____

Guam)
)
City of Hagåtña)

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____ 20_____.

NOTARY PUBLIC in and for Guam
My Commission expires:

_____ EC-11 Rev. 4/14



GUAM ELECTION COMMISSION

Kumision Eleksion Guahan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



SUPPLY INVENTORY SHEET

EC-12

GEC	SUPPLIES	ISSUED	RECEIVED	REMARKS
	BADGES, PRECINCT OFFICIAL			
	BADGES, POLL WATCHERS			
	BALLOT BOX, PARTISAN			
	BALLOT BOX, NON-PARTISAN			
	PADLOCKS/ TIE STRAPS			
	PRECINCT BINDER			
	MANUAL, PRECINCT OFFICIALS (Located In binder)			
	PRECINCT LOG BOOK			
	SIGNATURE ROSTER (PRECINCT OFFICIAL USE ONLY)			
	PRECINCT LISTING (VOTER USE)			
	SAMPLE BALLOTS, PARTISAN / NON-PARTISAN			
	VOTER INSTRUCTION CARDS			
	POSTER, VOTER INSTRUCTIONS			
	PRECINCT SIGNS			
	CURBSIDE VOTER FOLDER (1 Partisan, 1 Non- Partisan)			
	ENVELOPES, CAST			
	ENVELOPES, SPOILED			
	ENVELOPES, UNUSED			
	ENVELOPES, PROVISIONAL AFFIDAVIT			
	ENVELOPES, PROVISIONAL SPOILED			
	ENVELOPES, PROVISIONAL UNUSED			
	PENS, BLUE			
	PENS, RED			
	PENCILS, GRAPHITE LEAD			
	PENCIL SHARPENER			
	RULER			
	SCISSORS			
	THIMBLES			
	TAPE, SCOTCH (ROLL)			
	ASSISTIVE TECHNOLOGY DEVICES BAG			
	FLASHLIGHT			
	HAND SANITIZER			
	CELLULAR PHONE with CHARGER			

EC-12 Rev. 4/14

414 W. Soledad Ave. • GCIC Bldg. Ste. 200 • Hagåtña, Guam 96910

671. 477.9791 (tel) • 671. 477.1895 (fax)

vote@gec.guam.gov (e-mail) • <http://gec.guam.gov> (website)

Doc No. 32GL-14-1636



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



BALLOT INVENTORY SHEET

EC-13

ELECTION: _____ DATE: _____ PRECINCT: _____

PART I:

- (A) Enter Total Number of **Official Ballots** received with Ballot Box: (A) _____
- (B) Enter Total Number of **Absentee Ballots** received with Ballot Box: (B) _____
- (C) Enter Total Number of **Absentee Ballots** received on Election Day: (C) _____
- TOTAL PART I:** _____

PART II:

- (D) Enter Total Number of **Spoiled Ballots**: (D): _____
- (E) Enter Total Number of **Unused Ballots**: (E): _____
- TOTAL PART II:** _____

PART III:

- (F) Enter Total Number of **Cast Ballots** in Ballot Box: (F) **TOTAL PART III:** _____

PART IV:

- (G) Enter Total Number of **Voters** who signed the Signature Roster, including those who voted **Absentee and Curbside**: (G) **TOTAL PART IV:** _____

Note: TOTAL PART III and TOTAL PART IV should be the same.

We, the precinct officials affirm that the inventory of ballots as noted above is true and correct.

Precinct Leader (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

EC-13 Rev. 4/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your **VOTE** is your voice. ✓ **BOTA** ya un ma kuenta.

BALLOT INVENTORY SHEET (PROVISIONAL)

EC-13P

ELECTION: _____ DATE: _____ PRECINCT: _____

PART V:

(G) Enter Total Number of **Completed Provisional Ballots/Envelopes** submitted at tabulation center: (G) _____

PART VI:

(H) Enter Total Number of **Voters** who signed the Signature Roster who voted **Provisional**: (H) _____

We, the precinct officials affirm that the inventory of ballots as noted above is true and correct.

Precinct Leader (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

Precinct Clerk (Print/Sign)

EC-13P Rev. 5/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



ENTRY OF CHALLENGE EC-14 BEFORE THE GUAM ELECTION COMMISSION

Election: _____ Date: _____ Precinct: _____

GUAM
Municipality of: _____

Entry of Challenge

I do solemnly swear that my name is _____.

I am a duly registered and qualified elector of the above-stated precinct.

I am a resident of the municipality of _____.

My date of birth is _____ I.D.# _____.

I have reason to believe that _____

is attempting to vote illegally. The reason(s) for my belief is as follows:

Signature of Challenger: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Precinct Official's Signature: _____

Second Precinct Official's Signature: _____

Third Precinct Official's Signature: _____

EC-14 Rev 4/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your VOTE is your voice. ✓ BOTA ya un ma kuenta.

ENTRY OF CHALLENGE

EC-14a

BEFORE THE GUAM ELECTION COMMISSION

Election: _____ Date: _____ Precinct: _____

GUAM
Municipality of: _____

Challenge Rebuttal

I do solemnly swear that my name is _____.

I am a resident of the municipality of _____.

My date of birth is _____ I.D.# _____.

I am duly registered and qualified voter of the above stated precinct. I have not already voted in this election either in person or by absentee ballot. I am not registered to vote in any precinct other than the one I am presently seeking to vote

in:

Signature of Challenged: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

Precinct Official's Signature: _____

Second Precinct Official's Signature: _____

Third Precinct Official's Signature: _____

EC-14aRev 4/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your **VOTE** is your voice. √ **BOTA** ya un ma kuenta.

ABSENTEE BALLOT TRANSFER/RECEIPT FORM

EC-15

Election: _____ Date: _____ Precinct: _____

GEC	Precinct	#	Reg #	Name	DOB	Absentee Type
		1				
		2				
		3				
		4				
		5				
		6				
		7				
		8				
		9				
		10				
		11				
		12				
		13				
		14				
		15				

Delivered By: _____ Received By: _____

EC-15 Rev. 4/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your **VOTE** is your voice. √ **BOTA** ya un ma kuenta.

PROVISIONAL BALLOT TRANSFER/RECEIPT FORM EC-15P

Election: _____ Date: _____ Precinct: _____

GEC	Precinct	#	Reg #	Name	DOB	Absentee Type
		1				
		2				
		3				
		4				
		5				
		6				
		7				
		8				
		9				
		10				
		11				
		12				
		13				
		14				
		15				

Delivered By: _____ Received By: _____

EC-15 Rev. 4/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



BALLOT BOX/SUPPLY BOX AND BALLOT TRANSFER RECORD

EC-16

Election: _____ Date: _____ Prec. No. _____

1. Transfer Record from Guam Election Commission (GEC) to Transportation Officer.

- A. Number of Official Ballots Transferred:
- B. Number of Ballot Boxes Transferred:
- C. Number of Supply Boxes Transferred:
- D. Other: _____

Partisan	Non-Partisan	GEC Official:
1	1	
1		

2. Transportation Officer Affidavit of Receipt

I hereby acknowledge receipt of the above stated official ballots, ballot boxes, supply boxes, etc., from the Guam Election Commission.

Transportation Officer:

3. Precinct Leader Affidavit of Receipt:

I hereby acknowledge receipt of the above stated official ballots, ballot boxes, supply boxes, etc., from the Transportation Officer.

Precinct Leader:

4. Transfer Record of ballot and Supply Boxes, etc.

- A. Number of Ballot Boxes Transferred: _____
- B. Number of Supply Boxes Transferred: _____
- C. Number of Voting Booths Transferred: _____
- D. Other: _____

GEC Official:

EC-16 Rev 04/14



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your **VOTE** is your voice. ✓ **BOTA** ya un ma kuenta.

RECORD OF POLL STATUS / PRECINCT OFFICIAL REPORT

EC-18

Election: _____ Date: _____ Precinct No.: _____

Time Poll Opened: _____ Time Poll Closed: _____

Reason(s) for Delay (if any):

The following changes were made in the appointment of Precinct Officials due to the absence of the original appointee:

From:

Name of Absent Precinct Official

SSN# (Payroll Purposes Only)

Position

Reason for Absence

To:

Name of Substitute Precinct Official

SSN# (Payroll Purposes Only)

Position

Address

From:

Name of Absent Precinct Official

SSN# (Payroll Purposes Only)

Position

Reason for Absence

To:

Name of Substitute Precinct Official

SSN# (Payroll Purposes Only)

Position

Address

NOTE: Attach Oath of Office (EC-11) with this form if applicable.

Signature of Precinct Inspector: _____



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan



Your **VOTE** is your voice. ✓ **BOTA** ya un ma kuenta.

RECORD OF POLL STATUS / PRECINCT OFFICIAL REPORT, EC-18 (Con't.)

Election: _____ Date: _____ Precinct: _____

The following are significant occurrences in the precinct:

Time: _____ Occurrence: _____

Time: _____ Occurrence: _____

Time: _____ Occurrence: _____

Time: _____ Occurrence: _____

Time: _____ Occurrence: _____

Time: _____ Occurrence: _____

Signature of Precinct Leader: _____



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



PRECINCT OFFICIAL CLEARANCE SHEET

EC-42

Time of Arrival: _____

Precinct No: _____

STATION #1 – PRECINCT OFFICIAL CLEARANCE

PRECINCT LEADER:		
CLERK:	CLERK:	
CLERK:	CLERK:	
		GEC

STATION #2 – BALLOT BOX OPENING

	GEC
--	------------

STATION #3 – BALLOT INVENTORY CLEARANCE (EC-13)

Number of signatures on Voter Signature Roster: _____ Number of cast ballots to tabulate: Partisan _____ Non-Partisan _____ Number of provisional ballots to review: _____	GEC
--	------------

STATION #4 – SUPPLY CLEARANCE (EC-12)

CUSTODY TRANSFER OF BALLOT BOX AND SUPPLY INVENTORY

I, the undersigned Precinct Official, do hereby transfer custody of all ballot boxes and supplies in my possession to the Guam Election Commission.

PRECINCT LEADER/PRECINCT OFFICIAL:	GEC
------------------------------------	------------

EC -42 Rev 12/13



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: _____ First Name: _____ M.I.: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Day Phone: _____ Evening Phone: _____ Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- I was not allowed to vote in private.
- I was not allowed to turn in my absentee ballot.
- I was not allowed to ask questions or ask for assistance.
- I was not allowed to vote, even though I was standing in line before the polls closed.
- I was not able to vote because I was not given assistance to accommodate my disability.
- I was not able to vote because I was not given assistance in my own language.
- I was not provided election materials in my own language.
- My voter registration information was altered.
- Other Guam Law violation: _____
- I did not observe a sample ballot at the polls.
- I observed the casting of a fraudulent vote.
- My polling place was not open on time, or not at all.
- I observed pollworkers acting or saying something discriminatory.
- I observed inappropriate electioneering or campaigning too close to the polls.
- I was not allowed to re-vote after I made a mistake.
- I observed precinct officials neglecting to perform their duties.

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- I was not allowed to vote using a provisional ballot.
- Required voting information was not publicly posted in a polling place on Election Day.
- Other Federal Law Violation: _____
- Provisions regarding verification of new voter registration were not followed.
- I was not able to determine whether my provisional ballot was counted.

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ at: _____
(Date) (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
_____)
Guam) SS
_____)
_____)

On: _____ before me, _____
(Date) (Name of Notary)

personally appeared _____
(Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

(Notary Signature)

EC-49

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

PROVISIONAL BALLOT RECORD OF DISPOSITION

PROVISIONAL BALLOT # _____

Guam)
)
) Record of Disposition
)
)

STATEMENT OF DISPOSITION OF PROVISIONAL BALLOT

The provisional ballot contained in this Provisional Ballot Affidavit Envelope is disposed of as follows:

_____ The affiant voter is determined by the GEC Executive Director to be an eligible voter and registered to vote. Therefore, the envelope was opened and the ballot was counted. The final vote for each candidate was adjusted to include the votes in this provisional ballot before the official results were issued.

_____ The affiant voter is determined by the GEC Executive Director to be an eligible voter and registered to vote however voted in the wrong precinct. Therefore, the envelope was opened and the ballot was counted for every race the voter would be entitled to vote if he or she had been in the correct precinct. The final vote for each candidate was adjusted to include the votes in this provisional ballot before the official results were issued.

_____ The affiant voter is determined by the GEC Executive Director to be an eligible voter and registered to vote and has provided proper identification with in or on the seven (7) day period as prescribed by P.L. 31-255 §14105 (b). Therefore, the envelope was opened and the ballot was counted. The final vote for each candidate was adjusted to include the votes in this provisional ballot before the official results were issued.

_____ The affiant voter is determined by the GEC Executive Director to be an eligible voter and has remedied his or hers Incomplete or Deficient Registration Application with in ten (10) after the election as prescribed by P.L. 31-255 §14105 (c). Therefore, the envelope was opened and the ballot was counted. The final vote for each candidate was adjusted to include the votes in this provisional ballot before the official results were issued.

_____ The affiant voter is determined by the GEC Executive Director to be an eligible voter, but not currently registered to vote. Therefore, the envelope was not opened and the votes cast were not counted. The GEC Executive Director has directed the information supplied by the affiant voter shall be used in the GEC voter Registration Program to ensure that the affiant vote is registered to vote in the next election

_____ The affiant voter is determined by the GEC Executive Director not to be an eligible voter, nor registered to vote. Therefore, the envelope was not opened and the voters cast were not counted.

Remarks: _____

Dated this _____ day of _____ 20 _____

Executive Director

PROVISIONAL BALLOT AFFIDAVIT ENVELOPE

Guam)
)
) Affidavit of Eligibility to vote
)
)

I, _____ Hereby declare my desire to vote in this election. Accordingly, I swear and affirm that I am a citizen of the United States of America; a resident of

(District/Village) _____, precinct No. _____, Guam, for at least thirty (30) days; at least eighteen (18); not confined to a mental institution or judicially declared insane; not committed under sentence of imprisonment; duly registered to vote within ten (10) days of the election and therefore eligible to vote.

My current residential address is: _____

My current mailing address is: _____

Date of Birth: _____ Telephone No. _____

Signature of Affiant: _____ Date: _____

STATEMENT OF ELECTION / PRECINCT OFFICIAL

The conditions applicable in the affiant voter's right to vote by provisional ballot are as follows: (Check all appropriate conditions)

- The affiant voter's name does not appear on the voter registration listing.
- A GEC official determines that the affiant voter is not an eligible voter
- A court order requires that the polls shall be opened beyond the normal closing time

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS _____ DAY OF _____, 20 _____

Name of Election _____ Name of Precinct Official: _____

Signature: _____

In lieu of registration

3GCA8203 Unlawful Registration as a Crime. Every person who willfully causes, procures or allows himself or any person to be registered as a voter, knowing himself or that other person not be entitled to registration is guilty of felony of the third degree (P.L. 22-109 4/94)

Proof of U.S. Citizenship is required. 3GCA3102 (b) Written evidence of U.S. citizenship shall include (1) U.S. passport; (2) Certificate of U.S. Citizenship; (3) Certificate of Naturalization; or (4) a combination of an original or certified copy of a birth certificate issued by the state or territory, or similar document, and a driver's license issued by a state or territory, or similar document. (P.L. 25-146 6/00)

GEC Seal



TITLE 6 GARR

Guam Administrative Rules and Regulations

ELECTIONS



GUAM

ELECTION
COMMISSION

Kumision Ileksion Guåhan

Your vote is your voice.
Bota ya un ma kuenta.

TITLE 6 ELECTIONS

(Election Commission)

- 1 Chapter 1 Conduct of Elections.
- 2 2 Initiative, Referendum and Legislative Submission.
- 3 3 Election Campaign Contributions and Expenditures.
- 4 4 Public Official Financial Disclosure.

5

CHAPTER 1 CONDUCT OF ELECTIONS

- 7 Article 1 Precinct Board
- 8 2 Rules for Election Days, Ballots
- 9 3 Absentee Voting
- 10 4 Provisional Voting
- 11 5 Administrative Complaints
- 12 6 Counting Ballots

13

14 Article 1
15 Precinct Board

16 § 1101. Precinct Board: Appointment.

17 § 1102. Same: Members' Qualifications.

18 § 1103. Same: Oath.

19 § 1104. Same: Oath of Members.

20 **NOTE:** Rule-making authority cited for Election Commission, 3 GCA § 2103

21 **§1101. Precinct Board: Appointment.** At least ninety (90) days before any regular election is to
22 be held, the Commission will solicit from each recognized political party, nominations of voters
23 to serve as precinct board members. Party chairpersons should submit nominees for each
24 precinct based on the total number of precinct officials required, including alternates, and then
25 evenly divided among the recognized political parties. Final appointments of precinct workers
26 will be on a master list concurred by members of the Commission. Notification of appointment
27 by individual letters can be mailed or delivered to the chairperson of each of the political parties
28 if requested.

6GARR ELECTIONS

1 SOURCE: Law governing 3 GCA §4103.

2 **§1102. Same: Members' Qualifications.** The Commission shall determine the qualifications of
3 all precinct officials. Any person who cannot read or write the English language shall be deemed
4 ineligible. Any nominee for an elective office, or a parent, grandparent, spouse, sibling, child,
5 grandchild, or in-law of a candidate is automatically disqualified as a precinct official. In any
6 event the Commission shall appoint any registered voter to take the place of a person being
7 disqualified.

8 SOURCE: Law governing 3 GCA §4105.

9 **§ 1103. Same: Oath.** Upon the administration of the oath of office by a duly authorized official
10 of the Commission, the Oath of Office (Form EC-11) shall be completed.

11 SOURCE: Law governing 3 GCA §4106.

12 **§1104. Same: Oath of Members.** The following oath must be taken by all members of the
13 precinct board in the presence of an officer qualified to administer oaths:

14 "I do solemnly swear that I am a voter of the district of _____; that I can read and write the
15 English language; that I am not holding, nor am I a nominee for, an elective office; that I am not a
16 parent, grandparent, spouse, sibling, child, grandchild, or in-law of a candidate in the district in
17 which I am being appointed; and that I will support the Constitution of the United States, the
18 laws of the United States applicable to Guam and the laws of Guam, and that I will faithfully
19 discharge the duties of the office of _____ on the Precinct Board for Precinct # _____ in the
20 District of _____ to the best of my ability."

21 Any member who fails or refuses to take the Oath of Office shall be disqualified and replaced by
22 the Commission. The Commission shall appoint a substitute and require the new member to take
23 the Oath of Office, a copy of which must be filed with the Election Commission.

24 SOURCE: Law governing 3 GCA §4106.

25

26 Article 2

27 Rules for Election Days & Ballots

28

29 § 1201. Same: Delivery of Ballots, Machines and Supplies.

30 § 1202. Polling Places.

31 § 1203. Loss or Destruction of Ballots

6GARR ELECTIONS

1 § 1204. Destruction of Facilities or Removal of Materials & Supplies

2 § 1205. Posting Instruction Cards.

3 § 1206. Posting Registry Indices.

4 § 1207. Times for Opening and Closing Polls.

5 § 1208. Liquor Sales at Polling Places Prohibited.

6 § 1209. Solicitation of Votes at Polling Places Prohibited.

7 § 1210. Roster and Tally List.

8 § 1211. Grounds for Challenge.

9 § 1212. Delivery of Ballots by Election Officer Only.

10 § 1213. Voting in Booth.

11 § 1214. Time Allotted in Booth.

12 § 1215. Accounting for Ballots.

13 § 1216. Written Checklists

14 § 1217. Election Campaign and Campaign Offenses.

15 **§1201. Same: Delivery of Ballots, Machines and Supplies.**A Ballot Box/Supply Box and
16 Ballot Transfer Record (Form EC-16) must accompany ballot boxes to each precinct. The
17 Precinct Leader, or in his or her absence, any of the four precinct clerks, shall immediately
18 conduct an inventory of the number of ballots received and compare the total number counted
19 with the number shown on Form EC-16. If for any reason the numbers do not agree, the official
20 shall show the actual count received on Form EC-16. The Form EC-16 must be returned to the
21 Commission's voter/ballot clearance officer at the tabulation center.

22 The Commission shall also prepare a Supply Inventory Sheet (Form EC-12) listing
23 materials delivered to each precinct. The Precinct Leader is designated, or, in his or her absence,
24 any of the four precinct clerks, to receive and sign the receipt for the materials sent by the
25 Commission. A Precinct Official shall conduct an inventory. If for any reason the numbers in
26 Form EC-12 differ from the inventory, the precinct board shall show in the Form EC-12 the
27 actual numbers of supplies received. The Form EC-12 shall be submitted to Election Commission
28 staff at the tabulation center.

29 SOURCE: Law governing 3 GCA § 7111.

1 **§1202. Polling Places.**The Commission has the responsibility of developing a layout for each of
 2 the polling places in accordance with 3GCA §9103. The preparation of the polling place shall be
 3 completed prior to the opening of the polls.

4 Prior to any election the Commission shall solicit the assistance of the Department of
 5 Public Works of the Government of Guam to utilize its labor force for the preparation of the
 6 polls. The request from the Commission must be made well in advance so that the Department
 7 of Public Works can set its schedule to meet the deadline.

8 SOURCE: Law governing 3 GCA §§ 9113 and 9114.

9 **§1203. Loss or Destruction of Ballots.**The Commission may prepare a form for use by Precinct
 10 Officials as an affidavit, in the event that a ballot is lost, damaged or destroyed at the polling
 11 place.

12 SOURCE: Law governing 3 GCA §7113

13 **§1204. Destruction of Facilities or Removal of Materials and Supplies.**Precinct officials are
 14 charged with keeping all materials in order and shall immediately notify the Guam Police
 15 Department Officer assigned to the precinct of any adverse activity within the polling site. The
 16 Commission shall also be immediately notified.

17 SOURCE: Law governing 3 GCA § 9104.

18 **§1205. Posting Instruction Cards.** The Commission shall prepare voter instruction cards and
 19 include them in Form EC-12 furnished to each precinct.

20 SOURCE: Law governing 3 GCA § 9106.

21 **§1206. Posting Registry Indices.** Two (2) copies of the index of registration shall be prepared
 22 by the Commission, and provided to each precinct,strictly for the use of voters who may want to
 23 verify their registration. The indices must be placed where voters approaching the precinct may
 24 verify their registration.These indices are not for use by political party poll watchers.

25 SOURCE: Law governing 3 GCA § 9107.

26 **§1207. Time for Opening and Closing Polls.** It is the responsibility of the Precinct Leader to
 27 ensure that all precinct board members are present and ready to conduct business when the polls
 28 open at seveno'clock a.m. and that they remain throughout until closing of the polls at eight
 29 o'clock p.m. on Election Day.It is the duty of the Precinct Leader to ensure that only one official
 30 at a time can leave the polling room. The Precinct Leader shall record the exact time the polls

1 opened and closed as well as any changes in the makeup of the precinct board in the Record of
2 Poll Status (Form EC-18), which shall be surrendered to Commission staff at tabulation center.
3 The Precinct Leader and other officials shall be at the polling place no later than sixo'clock a.m.
4 to receive the ballot boxes and other necessary materials and supplies.

5 SOURCE: Law governing 3 GCA § 9109.

6 **§1208. Liquor Sales at Polling Places Prohibited.** The precinct board is charged with
7 enforcing 3 GCA §9110. Precinct officials shall seek assistance from the Guam Police
8 Department, and shall immediately report any violation to the Commission.

9 **§1209. Solicitation of Votes at Polling Place Prohibited.** Enforcement of 3 GCA § 9112 rests
10 with the Precinct officials and the Guam Police Officer assigned to the precinct. Anyone who
11 has actual knowledge of any person soliciting votes on behalf of any candidate or speaking
12 against any candidate should report the violation to a member of the precinct board. "Polling
13 place" refers to the whole area where voting takes place including entire grounds of schools or
14 other public buildings utilized as a polling place.

15 SOURCE: Law governing 3 GCA § 9111.

16 **§1210. RosterandTally List.**The Commission shall issue each precinct a roster of all registered
17 voters in that precinct. The roster shall contain the voters' names, dates of birth and mailing
18 addresses.

19 SOURCE: Law governing 3 GCA § 9116

20 **§1211. Grounds for Challenge.** The precinct board shall address any challenge by a voter for
21 any reason cited in 3 GCA §9118. The challenge must be duly and fully documented by the
22 precinct board on the Entry of Challenge Form (EC-14) which shall be surrendered to the
23 Commission staff at the tabulation center. The appeal of the voter or the challenger must also be
24 duly and fully documented by the precinct board and reported on the Challenge Rebuttal Form
25 (EC-14A). The precinct board member(s) shall inform the Commission at its headquarters of any
26 challenges recorded before the close of the polls.

27 Members of the precinct board shall inform the voter and the challenger that he or she may
28 appeal the decision of the precinct board to the GEC board of Commissioners and that the
29 board's decision may then be appealed to the Superior Court of Guam.

30 SOURCE: Law governing 3 GCA §§ 9118, 9119

1 **§1212. Delivery of Ballot by Election Officer Only.** Only precinct board member(s) or
2 authorized Election Commission official(s) may handle a marked or unmarked ballot. Anyone
3 other than a precinct board member or authorized Election Commission official handling any
4 ballot shall be cause for a challenge of distributing an illegal ballot.

5 SOURCE: Law governing 3 GCA §9129.

6 **§1213. Voting in Booth.** Immediately following certification, a voter is not permitted to leave
7 the enclosed space until the voter has properly deposited his or her ballot(s) into the ballot
8 box(es).

9 SOURCE: Law governing 3 GCA §9131.

10 **§1214. Time Allotted in Booth.** Precinct officials are charged with enforcing 3GCA § 9112 to
11 ensure that voters do not occupy the voting booth for more than five (5) minutes, unless it is a
12 voter who requires assistance as described in 3 GCA § 9136.

13 SOURCE: Law governing 3 GCA §§ 9130 and 9136.

14 **§1215. Accounting for Ballots.** An accurate accounting of all cast, unused, and spoiled
15 ballots must be entered on Ballot Inventory Sheet (Form EC-13) and signed by all precinct
16 officials. The completed Form EC-13 shall be submitted to Election Commission staff at
17 tabulation center. Ballot reconciliation procedures will be covered in detail during precinct
18 official training.

19 SOURCE: Law governing 3 GCA § 9140; P.L. 31-61.

20 **§1216. Written Checklists.** Written Checklists will be utilized during Elections relative to
21 providing instructions to voters; treatment of absentee ballots and voters; treatment of
22 provisional voters; handling of ballots; dealing with challenges; absentee voting and handling of
23 absentee ballots; setting up the polling place; and any other training needs. Checklists will
24 include:

- 25 (1) supplies adequate to perform election day duties;
- 26 (2) standardized procedures to inform voters and handle ballots;
- 27 (3) contact information for all critical personnel to answer questions and make decisions;
- 28 (4) guide on how to assist disabled voters;
- 29 (5) what constitutes proper voter identification;
- 30 (6) the process for provisional voting;

1 (7) A specific checklist, including a step-by-step process to close precincts following the
2 conclusion of voting. (Closing procedures in polling places shall not be initiated until
3 after the polling place has ended operations and all voters have departed.)

4 SOURCE: Law governing P.L. 31-61

5 **§ 1217.Election Campaign and Campaign Offenses.**It is the duty of every voting citizen and
6 precinct official to report any offense as listed in Chapter 8 of 3GCA. It is the responsibility of
7 precinct officials to document all complaints and ensure the complainant is given ample
8 opportunity to complete the Administrative Complaint (EC-49) Form. The precinct official shall
9 notify the Commission immediately following each filing of an Administrative Complaint. The
10 Commission will take appropriate action by investigating and reporting the infraction to the
11 Attorney General.

12 SOURCE: Law governing 3 GCA Chapter 8.

13
14 Article 3

15 Absent Voting

16
17 §1301. Absent Voting: Requirements

18 §1302. Absent Voting: Disposition of Ballot by Commission.

19 § 1303. Same: Challenges

20 **§ 1301. Absent Voting: Requirements.** Processing and execution of absent voting applications
21 and absentee ballots are covered by the Uniformed and Overseas Citizens Absentee Voting Act,
22 the Military and Overseas Voter Empowerment Act and 3 GCA Chapter 10.

23 **§1302. Absent Voting: Disposition of Ballot by Commission.**On Election Day the Commission
24 shall deliver, if there are any, absentee ballots and affidavits to the precinct(s) along with the
25 Absentee Ballot Transfer Receipt (Form EC-15). The precinct board shall immediately take
26 inventory of all absentee ballots received. Should the name(s) or number of absentee ballots
27 received differ from that shown on Form EC-15, the precinct board shall record the difference on
28 Form EC-15 and immediately notify the Commission. Form EC-15 shall be submitted to
29 ElectionCommission staffat the tabulation center.

1 The precinct officials prior to the closing of the polls shall cross check the names of
2 absentee voters listed in Form EC-15 against the signature roster. This ensures that all absentee
3 voters have been properly processed.

4 SOURCE: Law governing 3 GCA §10115.

5 **§1303. Same: Challenges.**The provisions of 6 GAR §1211 shall apply in the case of a challenge
6 of a voters absentee ballot.

7 SOURCE: Law governing 3 GCA §§ 9118 10121.

8
9 Article 4

10 Provisional Voting

11
12 §1401. Provisional Ballot.

13 §1402. Provisional Ballots: General.

14 §1403. Processing Provisional Ballots.

15 §1404. Notice.

16 §1405. Notice of Disposition.

17 §1406. Tabulating Provisional Ballots.

18 §1407. Security of Provisional Ballots.

19 §1408. Provisional Affidavit in lieu of registration.

20 **§1401. Provisional Ballot.** The Commission will provide provisional ballots to each precinct in
21 accordance with 3 GCA §14102. The provisional ballot is printed with a different color ink and
22 paper with the words “Official Provisional Ballot” printed across the top.

23 SOURCE: Law governing 3 GCA §14102

24 **§1402. Provisional Ballots: General.**

25 (a) Before issuing a provisional ballot the precinct board must make every effort to determine a
26 voter’s registration status and correct polling location by:

27 (1) Reviewing the list of all registered voters in the precinct;

28 (2) Reviewing the list of all registered voters in the polling area; and

29 (3) Contacting the Commission at its headquarters to make the final determination of
30 voter registration status and polling location; in the event attempts to contact Election
31 headquarters by precinct officials are unsuccessful, the Precinct Leader must document

1 the times, the names of the precinct officials who made the attempt and the name of
2 the provisional voter in the precinct log. Prior to executing the provisional ballot.

3 (b) if the voter is registered in another polling location and it is determined by both the precinct
4 official and the voter that the voter will not reach the correct polling location in time to cast a
5 regular ballot before polls close, the precinct official shall offer the voter a provisional ballot.

6 (c) To assist the precinct boards in determining a voter's registration status and correct polling
7 location, the Commission shall provide each precinct with a:

8 (1) List of all registered voters in the precinct;

9 (2) List of all registered voters in the polling area;

10 (3) Directions to all polling locations; and

11 (4) Commission contact information so the provisional voter can ascertain the status of his
12 or her provisional ballot.

13 (d) Precinct board members shall inform the Commission at its headquarters of all provisional
14 ballots issued before the close of the polls. All provisional ballots issued must be documented in
15 detail in the precinct log which will be submitted to ElectionCommission staff at the tabulation
16 center.

17 SOURCE: Law governing 3 GCA §14104 (b) (e)

18 (e) Provisional ballot guidelines will be posted at each polling site and at the Guam Election
19 Commission office. These guidelines will include an explanation of what a voter should do
20 before casting a provisional ballot in order to increase the chances of the provisional vote being
21 counted. An explanation sheet will be provided to provisional voters that defines their status,
22 the criteria used to qualify their ballot, how the provisional voter will be contacted regarding the
23 final disposition of the ballot, and the fact that a provisional voter may appeal the disqualification
24 of their ballot.

25 SOURCE: Law governing P.L. 31-61

26 **§1403. Processing Provisional Ballots.**

27 (a) If a potential voter wishes to vote but does not appear in the register, and precinct board
28 members have exhausted all efforts to determine the voters registration status and polling location
29 as prescribed in 6 GAR § 1402 (a), the following procedures must be strictly followed:

6GARR ELECTIONS

1 (1) The precinct leader shall issue the voter a Provisional Ballot Affidavit Envelope to
2 complete. The voter must fill their required information and sign the affirmation in the presence
3 of the precinct leader.

4 (2) The precinct leader will write on the Provisional Ballot Affidavit Envelope the reason(s)
5 for issuing that provisional ballot.

6 (3) The precinct leader shall then provide the voter a ballot with the words "Official
7 Provisional Ballot" printed at the top, along with a Ballot Envelope. The provisional voter is
8 required to sign the receipt of the provisional ballot(s) on the back of the signature roster. When
9 signing receipt for a provisional ballot, the provisional voter must indicate his or her name, date
10 of birth, mailing address, residential address.

11 (4) After receiving his or her voting instructions the provisional voter may proceed to the
12 voting booth to vote in secret.

13 (5) The precinct official shall instruct the provisional voter to place his or her completed
14 provisional ballot in the Ballot Envelope provided, seal it, and then insert it in the Provisional
15 Ballot Affidavit Envelope and seal it. Precinct officials are prohibited from opening the
16 Provisional Ballot Affidavit Envelope. A precinct official must notify the Commission
17 headquarters after a provisional ballot is completed. The precinct official will put the
18 Provisional Ballot Affidavit Envelope in the supply box until further instructions are received
19 from the Commission.

20 (6) The precinct official shall provide the provisional voter Commission contact information
21 in the event he or she wishes to ascertain the status of his or her provisional ballot. Provisional
22 ballots are not to be cast into the ballot boxes, unless upon the direction from the
23 Commission headquarters as confirmed by two precinct officials.

24 (7) At tabulation center precinct officials shall surrender all provisional ballot affidavits along
25 with Provisional Ballot Transfer Receipt (Form EC-15P) to Election Commission staff at the
26 tabulation center.

27 (b) The disposition of a voter's provisional ballot must be completed and signed by the
28 Executive Director to the Commission within ten (10) days after any election.

29 SOURCE: Law governing GCA § 14104 (d) (e) (g) (h) (i) (j)

30 **§1404. Notice.** The Provisional Voter shall be provided notice of the plausible remedies of their
31 provisional ballot by the precinct official.

1 **§1405. Notice of Disposition.** The Commission shall after the tenth (10) day after any election
2 notify the provisional voter by mail the disposition of his or her provisional ballot, and, if
3 applicable, the reason the ballot was not counted.

4 **§1406. Tabulating Provisional Ballots.** The Commission at any time within ten (10) days after
5 any election count a valid provisional voter's choices for every race for which the voter was
6 eligible to vote. The provisional ballots may be tabulated by hand or by machine.

7 **§1407. Security of Provisional Ballots.** Immediately after any election, the Commission shall,
8 under lock and key, secure all provisional ballots received at tabulation center. Only the
9 Executive Director or designated staff, under the direction of the Executive Director, may open a
10 'provisional ballot box'.

11 At any time within ten (10) days after an election the Commission may remove
12 provisional ballots from under lock and key and placed in secured storage.

13 **§1408. Provisional Ballot Affidavit in lieu of registration.** The Commission shall deem as
14 registered those provisional voters who meet all voter registration requirements. The Provisional
15 Ballot Affidavit shall constitute as sufficient registration in the municipality, municipal division,
16 or district in which the provisional voter resides provided that provisions of 3GCA §3102
17 pertaining to citizenship, age and Guam residency requirements are met. The Commission shall
18 preserve Provisional Ballot Affidavits constituting as registration in the same manner as it
19 preserves affidavits of registration.

20 Source: Law governing 3 GCA §§ 14105 (d), 3102

21 - - -

22 Article 5

23 Administrative Complaints

24

25 § 1501. Scope.

26 § 1502. Definitions.

27 § 1503. Who May File.

28 § 1504. Form of Complaint.

29 § 1505. Place and Time of Filing

30 § 1506. Processing of Complaint

1 **§ 1501. Scope.** These provisions provide a uniform, nondiscriminatory procedure for resolving
2 any complaint alleging a violation of any provision of Title III of the Help America Vote Act of
3 2002 (“HAVA”), including a violation that has occurred, is occurring, or is about to occur. This
4 procedure does not apply to alleged violations of Guam or federal law not involving Title III.
5 Any writing received by the Guam Election Commission that does not appear to involve an
6 alleged violation of Title III shall be referred to appropriate persons or agencies for processing.

7 **§ 1502. Definitions.**

8 (a) “Complainant” means the person who files a complaint with the Guam Election Commission
9 under these provisions.

10 (b) “Person” shall be any individual residing in Guam, at the time the complaint is filed.

11 (c) “Respondent” means any Guam Election Official or local election official, or any other person
12 or entity, whose action or actions are alleged, in a complaint under these provisions, to have
13 violated, are violating, or are about to violate Title III.

14 (d) “Title III” means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116
15 Stat. 1666 (2002), codified at 42 United States Code §15481-15485.

16 **§ 1503. Who May File.** Any person who believes that there has been a violation, there is a
17 violation, or a violation is about to occur of any provision of Title III may file a complaint.

18 **§ 1504. Form of Complaint.**

19 (a) Writing and Notarization. As required by HAVA, a complaint shall be in writing and
20 notarized, signed and sworn by the Complainant.

21 (b) What to file.

22 (1) The Complainant may use the form prescribed by the Guam Election Commission, which
23 may be downloaded from the Guam Election Commission’s website. Alternatively, the
24 Complainant may use any other writing containing the information solicited by the
25 prescribed form.

26 (2) The Guam Election Commission shall consult with an advisory committee, appointed for
27 such purpose, on ways to ensure that the complaint procedure is accessible to persons with
28 disabilities.

29 **§ 1505. Place and Time of Filing.**

30 (a) Where to File. A complaint shall be sent to Guam Election Commission, or delivered in
31 person to the Office of the Guam Election Commission, Suite 200, GCIC Building, 414 W.

1 Soledad Avenue, Hagatna, Guam 96910.

2 (b)When to File. A complaint shall be filed within 60 days after the occurrence of the actions or
3 events that form the basis for the complaint, or within 90 days after the Complainant becomes
4 aware of the actions or events, whichever is later.

5 **§ 1506. Processing of Complaint.**

6 (a)Consolidation. The Guam Election Commission may consolidate complaints if they relate to
7 the same actions or events, or if they raise common questions of law or fact.

8 (b)Notice to Respondents. The Guam Election Commission, at a time which it deems
9 appropriate, but in any case prior to making any determination regarding the complaint, shall
10 notify all Respondents of the allegations made in the complaint. This subsection shall not apply
11 if the Guam Election Commission has reason to believe that notifying a respondent or
12 respondents of the complaint filed might compromise a criminal investigation or prosecution or
13 other enforcement action by any local, state or federal agency.

14 (c)Record.The Guam Election Commission shall compile and maintain an official record in
15 connection with each complaint filed pursuant to these provisions.The official shall contain:

- 16 (1) A copy of the complaint, including any amendments;
17 (2) A copy of any written submission by the Complainant;
18 (3) A copy of any written response by any Respondent or other interested person;
19 (4) A written report of any investigation conducted by agents of the Guam Election
20 Commission or of any local election official, who may not be directly involved in the actions
21 or events complained of;
22 (5) Copies of all notices and correspondence to or from the Guam Election Commission in
23 connection with the complaint;
24 (6) Originals or copies of any tangible evidence produced at any hearing conducted under
25 subsection (d) of this section.
26 (7) The original tape recording produced at any oral hearing conducted under subsection (d)
27 of this section, and a copy of any transcript produced; and
28 (8) A copy of any final determination.

29 (d)Hearing.At the request of the Complainant, the Guam Election Commission shall conduct a
30 hearing on the record. This hearing may be oral, at the discretion of the Guam Election
31 Commission, but otherwise it shall be based on:

6GARR ELECTIONS

1 (1) All writings and tangible evidence listed under record subsection (c).

2 (2) The hearing shall be conducted no sooner than 10 days and no later than 60 days after the
3 Guam Election Commission receives the complaint.

4 (3) The Guam Election Commission may designate the Executive Director or any other
5 qualified person to act as the hearing officer.

6 (d)Final Determination.

7 (1) The Guam Election Commission's designated hearing officer shall review the record,
8 including the record of any hearing conducted, and determine whether, under a
9 preponderance of the evidence standard, a violation of Title III has been established.

10 (2) Form of Determination.

11 a. If the Guam Election Commission or its designated hearing officer determines that a
12 violation of Title III has occurred, the Guam Election Commission shall provide an
13 appropriate remedy if an appropriate remedy is available. No remedy may involve the
14 awarding of compensatory or punitive monetary damages to a Complainant.

15 b. If the Guam Election Commission or its designated hearing officer determines that
16 violation of Title III has not occurred or that there is insufficient evidence to establish
17 a violation of Title III, the Guam Election Commission shall dismiss the complaint.

18 (3) The Guam Election Commission or its designated hearing officer shall explain in a
19 written decision the reasons for the determination and for any remedy selected.

20 (4) Except as specified in subsection (v)(e) of this section, the final determination of the
21 Guam Election Commission shall be issued within 90 days after the complaint was filed,
22 unless the Complainant consents in writing to an extension. The final determination shall be
23 mailed to the Complainant, each Respondent, and any other interested person who has asked
24 in writing to be advised of the final determination. It shall also be published on the Guam
25 Election Commission website and made available on request to any interested person.
26 However, publication or other providing of the determination or remedy shall be required if
27 the Guam Election Commission has reason to believe that such mailing, publication or
28 providing might compromise a criminal investigation or prosecution or other enforcement
29 action by any local, state or federal agency.

30 (5) If the Guam Election Commission cannot make or has not made a final determination
31 within 90 days after the complaint was filed, or within any extension to which the

1 Complainant consents, the complaint shall be referred for final resolution under subsection
2 (e) below (Alternate Dispute Resolution). The record compiled under subsection (c) of this
3 section shall be made available for use under subsection (e).

4 (e)Alternate Dispute Resolution.

5 (1) If, for any reason, the Guam Election Commission or its designated hearing officer does
6 not render a final determination within 90 days after the complaint was filed, or within any
7 extension to which the Complainant consents, the complaint shall be resolved under this
8 subsection.

9 (2) On or before the fifth (5th) business day after a final Guam Election Commission
10 determination was due, the Guam Election Commission shall designate in writing a Hearing
11 Officer who shall be a neutral party not associated with the Complainant or any respondent.

12 (3) The Hearing Officer may review the record compiled in connection with the complaint,
13 but need not receive additional testimony or evidence. The Hearing Officer may request that
14 the parties present additional briefs, memoranda, or oral testimony.

15 (4) The Hearing Officer shall determine the appropriate resolution of the complaint. No
16 resolution may involve the awarding of compensatory or punitive monetary damages to a
17 Complainant.

18 (5) The Hearing Officer must issue a written resolution within 60 days after the final Guam
19 Election Commission determination was due. This 60-day period may not be extended
20 without the express consent of the Complainant. The final resolution shall be transmitted the
21 Hearing Officer to the Guam Election Commission and shall be the final resolution of the
22 complaint. The final resolution shall be mailed by the Guam Election Commission to the
23 Complainant, each Respondent, and any other interested person who has asked in writing to
24 be advised of the final resolution. It shall also be published on the Guam Election
25 Commission website and made available on request to any interested person. However, no
26 mailing, publication or other providing of the determination or remedy shall be required if
27 the Guam Election Commission has reason to believe that such mailing, publication or
28 providing might compromise a criminal investigation or prosecution or other enforcement
29 action by any local, state or federal agency.

30 - - -

31

1 Article 6

2 Counting Ballots

3

4 § 1601. Opening Boxes and Counting Ballots.

5 § 1602. Ballots Exceeding Number of Signatures on Roster.

6 § 1603. Signing Roster.

7 § 1604. Ballot Not Rejected for Technical Error.

8 § 1605. Write-in Votes.

9 § 1606. Same: Incomplete or Ambiguous Precinct Forms.

10 **§ 1601. Opening Boxes and Counting Ballots.**At the tabulation centerthe precinct board shall
11 immediately beginconducting an inventory and record the counts of cast, unused and spoiled
12 ballots on the Form EC-13. Form EC-13 shall be signed by all members of the precinct board.

13 **§ 1602. Ballots Exceeding Number of Signatures on Roster.** If it is necessary for ballots to be
14 extracted from the cast ballots and destroyed, an account of this act, including the number of
15 ballots destroyed, and the precinct officials giving authorization, should be written on the last
16 page of the roster and also on Form EC-13 and submitted to Election Commission staff at
17 tabulation center.

18 SOURCE: Law governing 3 GCA §11104.

19 **§ 1603. Signing Roster.**At tabulation center the precinct board shall indicate on the last page of
20 the roster:

21 (1) The number of voters.

22 (2) The following wording:

23 "We the undersigned precinct officials hereby certify that _____ (number of voters) appeared
24 before us this _____ day of _____, 20____, and each did cast a ballot as is their right."

25 (3) The five (5) precinct officials on duty shall place their signatures after the statement.

26 SOURCE: Law governing 3 GCA §11105.

27 **§ 1604. Ballot Not Rejected for Technical Error.** The Election Commission will provide
28 marked "sample ballots", of ways it anticipates voters might mark a ballot. If a voter's ballot is
29 marked differently and rejected by the tabulator, the tally crew must hand the ballot to the
30 Commission Resolution Committee for final determination and validity. If questions as to

1 validity arise in regard to a ballot the Commission Resolution Committee may refer to the file of
2 these samples.

3 SOURCE: Law governing 3 GCA § 11113.

4 **§ 1605. Write-in Votes.**Persons authorized by the Election Commission to manually count
5 rejected ballots shall count a write-in vote as valid only when the voting oval or other defined
6 space provided adjacent to a write-in candidate's name is marked. Failure to mark the oval or
7 other defined space renders the vote invalid. SOURCE: Law governing 3 GCA § 11115.

8 **§ 1606. Incomplete or Ambiguous Precinct Forms.**Precinct board members are prohibited
9 from leaving the clearance section of the tabulation center until all forms and inventories are
10 completed. In the event a problem arises after precinct officials have departed from the
11 tabulation center, they may be subpoenaed and required to appear before the Commission.

12 SOURCE: Law governing 3 GCA §11125

1 **CHAPTER 2**

2 **INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION LAW**

3 §2101. Purpose.

4 §2102. Definitions.

5 §2103. Initiative: Submission to Election Commission.

6 §2104. Commission to Develop Registration and Disclosure Requirements and Form.

7 §2105. Same: Summary of Proposed Measure.

8 §2106. Same: Acceptance of Petitions for Filing.

9 § 2107. Same: Preparation and Publication of Ballot Title.

10 § 2108. Same: Ballot Pamphlets.

11 § 2109. Same: Mailing of Ballot Pamphlets.

12 § 2110 Same: Form of Ballot.

13 § 2111. Referendum Procedure Generally.

14 § 2112. Same: Ballot Pamphlets.

15 § 2113. Same: Mailing of Ballot Pamphlets.

16 § 2114. Same: Form of Ballot.

17

18 **NOTE:** Rule-making authority cited for Election Commission,

19 3 GCA §16513.

20 **§2101. Purpose.** The rules and regulations within this chapter implement 3GCA Chapter 16 and
21 in so doing establish an orderly and efficient method for processing initiative, referendum and
22 legislative submission matters.

23 **§2102. Definitions.** For the purpose of these Rules and Regulations:

24 (a) *Commission* shall mean the Guam Election Commission;

25 (b) *Director* shall mean the Executive Director of the Guam Election Commission;

26 (c) *Initiative* means the power of the voters to propose statutes, and to adopt or reject them at the
27 polls;

28 (d) *Referendum* means the power of eligible voters to initiate action to enact laws or repeal
29 existing statutes or parts of statutes, except those establishing appropriations for expenses of the
30 Government of Guam;

1 (e) *Legislative submission* means the power of eligible voters to approve or reject legislation
2 referred to them by the Legislature;

3 (f) *Measure* refers to the action proposed or question presented on the initiative, referendum or
4 legislative submission.

5 **§2103. Initiative: Submission to Election Commission.**

6 (a) The GEC Executive Director shall mark on the front page of both the original and the copy
7 the exact time and date of receipt of the draft. The Commission shall keep the original and return
8 the copy to the proponent.

9 (b) The initiative measure should be written the way in which the proponent desires that it appear
10 on the ballot for voting.

11 (c) No draft of an initiative measure embracing unrelated subjects may be accepted. If, in the
12 opinion of the Commission's legal counsel, a submitted draft embraces subjects which are
13 unrelated, the Executive Director shall return the draft to the proponent along with the filing
14 fee stating the manner in which the draft violates the prohibition against unrelated subjects. If a
15 proposed measure is returned in this manner, the original submission shall be deemed void for
16 all purposes. Any GEC action under this Subsection shall be taken within ten (10) days after
17 formal submission of the draft of the initiative proposal.

18 (d) Qualified proponent at the time of submission of draft measure to the Director must insure
19 compliance with all requirements of 3 GCA §§ 16216, 16217 and 16218.

20 **§ 2104. Commission to Develop Registration and Disclosure Requirements and Form.**

21 The provisions of 4 GCA Chapter 13 and 6 GAR Chapter 4 shall apply to any person, and all
22 individual shareholders or members of any organization, partnership, corporation, committee, or
23 business, which receives funds or makes expenditures in an effort to directly support or put
24 forward any initiative.

25 SOURCE: Law governing 3GCA §16215.

26 **§2105. Same: Summary of Proposed Measure.**

27 (a) Within twenty-five (25) days of the submission of any initiative measure, the Commission's
28 legal counsel shall prepare and submit to GEC a summary of the chief purposes and points of the
29 proposal. The summary shall not exceed one hundred (100) words and shall reflect an accurate
30 and impartial summary of the measure.

1 (b) Legal counsel to the Commission shall also prepare and provide to the Commission a Short
2 Title of the measure describing the nature and subject to which it relates. The Short Title shall be
3 submitted simultaneously with the summary, and shall not exceed twenty (20) words.

4 (c) Within thirty (30) days of the submission of any initiative measure, the Director shall deliver
5 or send by registered mail to the proponent, the summary and Short Title described in (a) and (b),
6 and shall inform the proponent of the deadline for filing required petitions as prescribed by 3 GCA
7 §16212.

8 **§ 2106. Same: Acceptance of Petitions for Filing.**

9 (a) The Executive Director shall determine if the petition conforms with all the requirements and
10 any other requirements of 3 GCA Chapter 16, before accepting the petition for filing. The date of
11 acceptance for filing shall be deemed the date of certification of the proposed initiative measure
12 in conformance with 3 GCA §§ 16105 & 16205.

13 (b) The Director shall notify in writing the initiative proponent and deliver or send by registered
14 mail acceptance or refusal to accept an initiative petition for filing within twenty (20) days of the
15 presentation of the petition to the Commission. The date of delivery or deposit as registered mail
16 with the U.S. Postal Service of a notice of acceptance shall be deemed the date of acceptance. If
17 no notice is issued within twenty (20) days, it shall be deemed as an acceptance of the petition for
18 filing on the date the twenty (20) day period expires. The time period provided in this paragraph
19 may be extended no more than ten (10) days by giving notice, as above, of the extension to the
20 proponent, if in the opinion of the Executive Director, an extension of the period is necessary
21 to determine whether the requirements for filing are met. If such extension is made and no notice
22 of acceptance or refusal is given before expiration of the extension, it shall be deemed as an
23 acceptance as of the expiration date of the extension.

24 (d) If the Executive Director refuses to accept a petition for an initiative measure for filing, he or
25 she shall state the reason(s) in the notice of refusal to the proponent.

26 (e) If the Executive Director refuses to accept a petition for an initiative measure for filing, and
27 the one-hundred twenty-day (120) period for filing of petitions has not expired, the proponent
28 may remedy any defects before the expiration of the one-hundred twenty-day (120) period set
29 forth in 3 GCA § 16212.

1 (f) The proponent reserves the right to appeal a refusal to the Election Commission. If an appeal
 2 proves favorable for the initiative proponent, the date of certification of the proposed measure
 3 shall be the date on which a decision was made by the Commission.

4 Petitions may be destroyed after four (4) years barring any pending court action or proceeding in
 5 which notice was issued to maintain them as evidence.

6 SOURCE: Law governing 3 GCA §§2102(a), 16104, 16201, 16208-16212.

7 **§2107. Same: Preparation and Publication of Ballot Title.** The Executive Director shall publish
 8 the ballot title once a week for three (3) consecutive weeks in a newspaper of general circulation
 9 on Guam including the date of the election during which the measure will be voted.

10 SOURCE: Law governing 3 GCA §16105.

11 **§ 2108. Same: Ballot Pamphlets.**

12 (a) The Executive Director shall cause to be printed one and one-tenth (1-1/10) times as many
 13 ballot pamphlets as there are registered voters, to be available not less than thirty (30) days prior
 14 to an election in which an initiative measure will be presented to voters.

15 (b) The ballot pamphlets shall contain, in the strict following order:

- 16 (1) The initiative sample;
- 17 (2) An analysis of the proposed measure;
- 18 (3) The selected argument approved by the GEC favorable to the initiative measure;
- 19 (4) The selected argument against the proposal provided such an argument has been submitted
 20 to the Commission; and,
- 21 (5) The complete text of the initiative measure.

22 If, in the opinion of legal counsel to the Commission, any existing statutory provision
 23 or provisions would be affected by the measure, the text of the specific statutory provision or
 24 provisions affected shall be printed following the end of the text of the initiative measure.

25 SOURCE: Law governing 3 GCA §§16508-16511.

26 **§2109. Same: Mailing of Ballot Pamphlets.** Not less than thirty (30) days prior to an election in
 27 which an initiative measure is presented to voters, the Executive Director shall cause to be mailed
 28 the ballot pamphlets as specified in 3 GCA §16512.

29 **§ 2110. Same: Form of Ballot.**

30 (a) Proposed initiative measures may appear on the same ballot as that of names of nominees for
 31 offices, or on a separate ballot, at the discretion of the Commission. If a measure appears on the

1 same ballot as names of nominees for offices, the measures shall be printed below names of
2 nominees vying for public office. If more than one measure is presented to voters in any election,
3 they shall appear in the order of their alphabetical designation.

4 (b) Each proposed measure shall appear on the ballot in the following form:

5 (1) First shall appear the words "Shall Proposal (insert appropriate letter designation) be
6 adopted by the voters of Guam?";

7 (2) Next shall appear the ballot title;

8 (3) Lastly shall appear the words "Yes" and "No", each word to be printed immediately to the
9 left of a square or oval of sufficient size for the placing of a mark therein.

10 (c) A mark in the square or oval to the right of the word "Yes" shall be counted as a vote for the
11 measure, and a mark in the square or oval to the right of the word "No" shall be counted as a vote
12 against the measure.

13 SOURCE: Law governing 3 GCA § 16106.

14 **§ 2111. Referendum Procedure Generally.** Referendum Procedure shall be governed by the
15 provisions of the GAR applicable to initiative measures.

16 **§ 2112. Same: Ballot Pamphlets.** The provisions of 6 GAR § 2107 shall apply in the case of a
17 legislative submission measure. For purposes of this Section the words "legislative submission"
18 shall be substituted for the word "initiative" wherever it appears in 6 GAR § 2107.

19 **§ 2113. Same: Mailing of Ballot Pamphlets.** The provisions of 6 GAR § 2108 shall be applicable
20 to ballot pamphlets on a legislative submission measure. For the purposes of this Section, the
21 words "legislative submission" shall be substituted for the word "initiative" wherever it appears in
22 6 GAR § 2108.

23 **§ 2114. Same: Form of Ballot.** 6 GAR § 2109 shall govern the ballot form on a legislative
24 submission measure.

25
26
27
28
29
30
31

1 **CHAPTER 3**

2 **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES**

3

4 § 3101. Purpose and Scope Of Rules.

5 § 3102. Dissolution of Organizations.

6 § 3103. Contents of Report.

7 § 3104. Complaints, Investigation and Rule Amendments.

8 § 3105. Fines

9

10 **§ 3101. PurposeAnd Scope Of Rules. Purpose.**The purpose and intent of these rules and
11 regulations are to implement Chapter 17 of 3GCA, as amended, cited as *Election Campaign*
12 *Contributions and Expenditures*.

13 **§ 3102. Dissolution of Organizations.**

14 (a) **When to dispose after dissolution.** Candidates, committees or political parties shall dispose
15 any organizational residual contributionsby the twentieth (20th) day after activities cease.

16 SOURCE: Law governing authority 3 GCA § 17119(b)

17 (b) **How to dispose.** Any organization or candidate not affiliated with a political party shall
18 escheat any residual contributions to the Government of Guam.Each candidate, committee or
19 organization official shall file their disposition with the Guam Election Commission using the
20 Organizational Report Form. This report shall be a detailed accounting of all funds expended and
21 returned.

22 **§ 3103. Contents of Report.** Pursuant to 3GCA Chapter 17, and the Administrative
23 Adjudication Law, the Organizational Report andElection Campaign Contributions and
24 Expenditures Report forms, and accompanying instructions thereto, are herein incorporated as
25 Appendix A and B, respectively, to these rules and regulations. Said appendices, not in conflict
26 or inconsistent with 3 GCA Chapter 17 shall govern the contents of reports filed pursuant to the
27 Election Campaign Contributions and Expenditure Chapter.

28 SOURCE: Law governing 3 GCA §17102

29 **§ 3104. Complaints, Investigation And Rule Amendments.**

1 (a) **Correction of Report.** Correction of information contained in a report filed pursuant to the
2 Election Campaign Contributions and Expenditures Chapter may be made at any time upon the
3 findings by the Guam Election Commission that the correction is not the product of a knowing or
4 willful misrepresentation or omission made in a prior report.

5 SOURCE: Law governing authority 3 GCA §§ 17102, 17121(f)

6 (b) **Investigation.** The Guam Election Commission may conduct investigations on the alleged
7 violation and may subpoena any person, documents, or relevant materials pertaining to the case.

8 SOURCE: Law governing authority 3 GCA § 17121(b)

9 (c) **Appeal of Findings.** The appeal of any finding made by the Guam Election Commission
10 relative to the filing of a report may be made by an interested party. The complaint shall be in
11 writing and shall be signed under oath by the complainant.

12 SOURCE: Law governing authority 3 GCA §17121

13 (d) **Confidential.** Until the determination of probable cause by the Election Commission, all
14 proceedings, including the filing of the complaint, investigation, and hearing shall be
15 confidential, unless the person complained against, request an open session. In the event the
16 Election Commission determines that probable cause does not exist, the complaint shall be
17 dismissed and the entire records of the proceedings shall be kept confidential at the option of the
18 person complained against.

19 SOURCE: Law governing authority 3 GCA § 17121(d)

20 (e) **Informal Hearing.** All interested party(s) shall be granted an informal hearing within fifteen
21 (15) days from receipt of a complaint, on any matter relevant to the filing of the report.

22 SOURCE: Law governing 3 GCA § 17121

23 (f) **Formal Hearing.** Should an informal hearing prescribed in § 3104(e) of this chapter fail to
24 resolve a matter, a formal hearing shall be granted within twenty (20) days thereafter.

25 SOURCE: Law governing 3 GCA §17121

26 (g) **Advisory Opinion.** Any person may request in writing for an advisory opinion regarding
27 compliance with the requirements of this Chapter.

28 (h) **Petition for Adoption of Rules.** Any person may petition the Guam Election Commission
29 requesting the promulgation, amendment, or repeal of any rule. Said petition shall be in writing

6GARR ELECTIONS

1 and should fully state reasons and factual basis for such a request. The adoption of any
2 promulgation, amendment, or repeal of any rule shall be in accordance with the Administrative
3 Adjudication Process 5 GCA Chapter 9.

4 (i) **Public Hearing.** In the event a petition made is granted a public hearing on the matter shall
5 be conducted within thirty (30) days of receipt of such petition as provided by Administrative
6 Adjudication Law (5 GCA Chapter 9, Article 3)

7 **§3105 Fines.** Any person, corporation, organization, or association who willfully violates any
8 provisions in 3 GCA chapter 17 shall be fined not less than one thousand dollars (\$1,000). Fines
9 collected under this section shall be payable to the Treasurer of Guam to be deposited into the
10 Guam Election Commission revenue account.

11 SOURCE: Law governing 3 GCA § 17122

**SPECIFIC INSTRUCTIONS FOR
ORGANIZATIONAL REPORT AND CAMPAIGN
CONTRIBUTIONS AND EXPENDITURES REPORT**

1
2
3
4
5 (a) **Name of Candidate, Committee, or Party.** The name of a candidate or the official name of
6 a committee, political party, or association should be clearly indicated. **3 GCA §17107**

7 a. A candidate is an individual who seeks nomination or election into office by filing
8 nomination papers or consents to have a declaration of nomination for office held on
9 his behalf; receives contributions of more than one hundred dollars (\$100.00) or
10 incurs any expenditures to bring about his nomination or election to office; or gives
11 consent to any other person to receive contributions or makes expenditures to aid his
12 nomination or election to office. **3 GCA §17101(c)**

13 b. A committee is any individual, partnership, corporation, association, or organization
14 that accepts contributions or makes expenditures for or against any individual,
15 candidate or group of candidates or any question or issue which is to appear on the
16 ballot at the next applicable election. **3 GCA §17101(e)**

17 c. A political party is an organization that has filed with the Guam Election Commission
18 under uniform regulations required by Title 3 GCA.

19 (b) **Treasurers.** Each organization shall appoint one (1) official campaign treasurer and may
20 appoint up to five (5) deputy campaign treasurers. Each treasurer shall be authorized to
21 receive contributions or make expenditures on behalf of the candidate, committee, or
22 political party. A candidate may also be a campaign treasurer **3 GCA §§17107(a)(2)**
23 **and 17108(a)**

24 All transactions received or expended must be recorded and accounted for, in the report
25 format required by the Guam Election Commission. **3 GCA §17108(c)**

26 (c) **Chairpersons.** The chairperson and deputy chairperson shall serve as the two (2) highest
27 ranking officials of the organization.

28 (d) **Financial Institutions.** Each organization shall keep a comprehensive financial record of its
29 transactions with any number of financial institutions it does business with. A detailed

30 (e) accounting of all transactions, safety deposit boxes, deposits, loans, and all applicable
31 account numbers shall be reported to the Commission. **3 GCA §17109**

1 All monetary contributions shall be promptly deposited in a financial depository duly
2 authorized to do business in Guam such as a bank, savings and loan or industrial loan
3 company, or similar financial institution, in the name of the candidate, committee, or
4 political party, whichever is applicable. **3 GCA §17107(a)(4) and §17109(a)**

5 **(f) Contributions.** Means a gift, subscription, loan, advance, deposit of money or anything of
6 value, or cancellation of a debt or legal obligation, or payment or compensation for personal
7 services which are rendered without charge or at an unreasonably low charge (not including
8 volunteer campaign services), or a contract, promise, or agreement to make a contribution
9 for the purposes of influencing a candidate's campaign or an issue's outcome. **3 GCA**
10 **§17101(f)**

11 **d. Cash Contributions.** All monetary contributions shall be promptly deposited in a
12 financial institution. Each candidate or organization shall establish an itemized
13 record showing the names, addresses and dates of every individual who donates a
14 cumulative amount of one hundred dollars (\$100.00) or more. No candidate or
15 organization shall accept Two Hundred Fifty Dollars (\$250.00) in cash without
16 issuing a receipt and keeping a record of the transaction. **3 GCA §17109 (a)(b) and**
17 **(d)**

18 Each candidate or organization shall report the names, dates and addresses of each
19 individual who has donated a cumulative amount of at least one-hundred dollars
20 (\$100.00) or more to the campaign. (Do not include multi-candidate contributions in
21 this section). **3 GCA §17109(b)**

22 **e. Aggregate Contributions.** Each candidate or organization shall report fundraising
23 activities, wherein the cost per person or ticket is not more than twenty-five dollars
24 (\$25.00). Each such aggregate contribution shall be reported by the cash amount
25 received, description of the means (i.e., birthday, rallies, etc.), method (i.e., cost of
26 one ticket, etc.), place and date. **3 GCA §17109(b)**

27
28 **f. Other Cash Contributions.** All other monetary contributions received and not
29 reported in the aforementioned categories shall be reported in accordance with this
30 section. Each such contribution shall be reported by the cash amount received,

1 description of the means (i.e., birthday, rallies, etc.), method (i.e., cost of one ticket,
2 etc.), place and date. **3 GCA §17109(b)**

3 **g. Non-monetary Contributions.** Non-monetary contributions are all gifts,
4 subscriptions, cancellations of debt, contracts, promises or agreements to make a
5 contribution other than cash, or the payments, by any person other than a candidate or
6 committee, or compensation for the personal services of another person, which are
7 rendered to the candidate or committee without charge or at an unreasonably low
8 charge, or a discount not offered to any other candidate or committee other than
9 volunteer campaign services. **3 GCA §17101(f) and §17109(b)**

10 All non-monetary contributions shall be reported based on the fair-market value
11 of the contribution exceeding one hundred dollars (\$100.00) along with the name and
12 address of the donor, nature of contribution and date. **3 GCA §17109(b) and (c)**

13 **h. Earmarked Contributions.** Earmarked contributions are all cash or non-monetary
14 contributions received by the candidate or organization on the condition that the funds
15 are contributed to only certain candidates, issues, or questions. (3 GCA §17109(f))

16 All earmarked contributions shall be reported by the total amount earmarked,
17 the ultimate receipt of earmarked funds, the name and address of the donor, the
18 description of the contribution, date and name(s) of sharing candidates, issues, or
19 questions. **3 GCA §17109(e)**

20 **(g) Expenditures.** Means any purchase, transfer of money or anything of value, promise or
21 agreement to purchase or transfer money or anything of value, payment incurred or made,
22 consumption of any non-monetary contribution, or the payment by any person other than a
23 candidate or committee, of compensation for the personal services of another person which
24 are rendered to the candidate or committee for the purpose of influencing a candidate,
25 committee, or political party's campaign. **3 GCA §17101(h)**

26 **Funds Expended.** Every candidate or organization shall record all cash transactions spent
27 in aid of their campaign. The record shall be an itemized accounting of the cash amount
28 spent, name and address of the payee and the date and purpose for the expenditure. **3 GCA**
29 **§17114(a)**

30 **i. Incurred Expenditures.** Every candidate or organization shall make a detailed
31 accounting of all promises or agreements to purchase. The most current balance of all

1 monetary liabilities (short and long term) shall be recorded in accordance with this
2 section. **3 GCA §17116(c) and §17118(a)(3)**

- 3 j. **Non-monetary Expenditures.** Non-monetary expenditures are gifts, consumption or
4 use of non-monetary contributions, promises or agreements to make expenditure other
5 than cash, or payments, by any person other than a candidate or committee, or
6 compensation for the personal services of another person, which are rendered to the
7 candidate or committee without charge other than volunteer campaign services.

8 **3 GCA §17101(h)(1)**

- 9 k. **Earmarked Expenditures.** All cash or non-monetary expenditures made by the
10 candidate or organization on the condition that funds be expended for certain
11 candidates, issues, or questions. **3 GCA §17109(f)**

12 All earmarked expenditures shall be reported by the total amount earmarked, the
13 ultimate receipt of earmarked funds, the name and address of the donor, the
14 description of the contribution, date and name(s) of sharing candidates, issues or
15 questions. **3 GCA §17109(e)**

16 _____

1 **CHAPTER 4**
2 **PUBLIC OFFICIAL FINANCIAL DISCLOSURE**

- 3
- 4 § 4101. Authority.
- 5 § 4102. Purpose and Scope of Rules.
- 6 § 4103. Procedures for Filing and Publication.
- 7 § 4104. Contents of Report.Forms.
- 8 § 4105. Penalties.
- 9 § 4106. Rights of Petition and Appeal.

- 10
- 11 APPENDICES A FORM FDA-Instructions
- 12 B FORM FDA-1 (10/83)
- 13 C FORM FDA-2 (10/83)
- 14 D FORM FDA-3 (10/83)

15

16 **§ 4101. Authority.** Pursuant to 4 GCA § 13101and the Administrative Adjudication Law, the
17 following rules and regulations are promulgated by the Election Commission.

18 **§ 4102. Purpose and Scope of Rules.**

19 (a) Purpose It is the purpose of these rules to implement the provision of 4 GCA Chapter 13
20 cited as the Financial Disclosure Act.

21 (b) **Who must file.** Every person who is an "official"
22 during any portion of any calendar year must file a
23 report under the Financial Disclosure Act during the succeeding calendar year.
24 For purposes of this rule, the term "official" means any person elected to
25 any public office in Guam and any person appointed, with concurrence by the Guam Legislature, to any p
26 ublic office to include but not limited to:

- 27 (1) All elected officials;
- 28 (2) Officials appointed by the Governor to boards and
- 29 Commissions whose appointment is subject to consent of the Guam Legislature, except ex-
- 30 officio and student members;

1 (3) Chief executive officers or by whatever title they may be known, of all agencies and
 2 instrumentalities

3 of the Government of Guam whether or not confirmation by the Guam Legislature is required; and

4 (4) All individuals who are given or delegated sole authority by an elected or appointed
 5 official to enter into contracts for procurement or approved change-order. Exempt are
 6 classified employees who do administrative processing but do not have discretion on
 7 awards.

8 **§ 4103. Procedures for Filing and Publication.**

9 (a) **Filing.** In addition to the instructions accompanying reporting forms attached as
 10 appendices to these rules, reports required to be filed under 4 GCA Chapter 13 shall be
 11 governed by the following:

12 (1) **When to file.** An official must file a report on or before April 22 of each calendar
 13 year for the preceding calendar year. Candidates for any elected office must submit their
 14 reports on the date they file for candidacy.

15 (2) **Where to file.** Reports must be filed with the Election Commission, Suite 200 GCIC
 16 Building, Hagatna, Guam 96910.

17 (3) **Verification.** Reports required under the Financial Disclosure Act shall be verified by
 18 oath or affirmation by the official or candidate, as prescribed by the forms attached as
 19 appendixes to these rules.

20 **NOTE:** See 6 GCA § 4308 permitting unsworn declarations under penalty of perjury.

21 (b) **Publication.** All reports, filed pursuant to the Financial Disclosure Act, shall be maintained
 22 by the Election Commission as public records, available for inspection.

23 (c) **Copies.** Copies of reports shall be furnished to the public upon request, subject to the
 24 payment of twenty-five cents (25¢) for the first page and fifteen cents (15¢) for each
 25 additional page of said report.

26 (d) **Issuance of Certificate.** The Election Commission shall issue a certificate certifying the
 27 official or candidate has filed his or her report as required by the Financial Disclosure Act.

28 (e) **Publication by the Election Commission.** On or before May 1 of every calendar year the
 29 Election Commission shall cause to have published in a Guam newspaper of general

1 circulation for a period of three (3) consecutive days, a report containing therein the names of
 2 all officials who have not filed reports as required by the Financial Disclosure Act. It shall
 3 also publish a similar report of all candidates who have not filed reports as required by the
 4 Financial Disclosure Act at least fifteen (15) days preceding the election for which the
 5 candidate has filed.

6 **§ 4104. Contents of Report.** Forms. Pursuant to 4 GCA § 13104 Forms FDA-1, Statement of
 7 Assets and Liabilities, FDA-2, Statement of Income, and FDA-3, Statement of Receipts and
 8 Disbursements, and accompanying instructions thereto, are herein incorporated as Appendices
 9 A, B, C and D, respectively, to these rules and regulations. Said appendices, not in conflict or
 10 inconsistent with 4 GCA § 13104 shall govern the contents of reports filed pursuant to the
 11 Financial Disclosure Act.

12 **§ 4105. Penalties.**

13 (a) **Failure to File.** Any official or candidate who fails to file a report required by this Chapter,
 14 or who knowingly and willfully files a false report under this Chapter shall be guilty of a misdemeanor.
 15 The Guam
 16 Election Commission shall report to the Attorney General for appropriate action the name of any official
 17 or
 18 candidate who fails to file a report required by this Chapter, or who in his professional judgment has know
 19 ingly filed a false report.
 20 This section shall not be construed to permit prosecution of a person who has unintentionally
 21 filed an erroneous report, which report shall be subject to correction.

22 SOURCE: Law governing 4 GCA § 13106

23 (b) **Fines.** Any official or candidate who fails to file a report shall be fined not more than one
 24 thousand dollars (\$1,000.00) Fines collected under this section shall be payable to the Treasurer
 25 of Guam to be deposited into the Guam Election Commission revenue account.

26 SOURCE: Law governing 3 GCA § 17121(h)

27 (c) **Knowing or Willful Filing of a False Report.** Any official or candidate who knowingly or
 28 willfully files a false report shall be subject to the punishment outlined in (a) and (b) in this
 29 section.

30 SOURCE: Law governing 4 GCA § 13106.

1 (d) **Reporting of Violations.** The Election Commission shall report to the Attorney General
2 any official or candidate who has failed to file a report, or who in the professional judgment of
3 the Guam Public Auditor has knowingly or willfully filed a false report.

4 SOURCE: Law governing 4 GCA § 13106

5 (i) **Investigatory Powers.** To permit the Election Commission to make a determination as
6 required by 4 GCA § 13106 relative to the filing of false reports, the Election Commission
7 shall have powers to investigate information contained in such reports.

8 **§ 4106. Rights of Petition and Appeal.**

9 (a) **Correction of Report.** Correction of information contained in a report filed pursuant to
10 the Financial Disclosure Act may be made at any time upon a finding by the Election
11 Commission that the error is not the product of a knowing or willful misrepresentation or
12 omission made in the prior report.

13 (b) **Appeal of Findings.** The appeal of any finding made by the Election Commission
14 relative to the filing of a report may be made by an interested party.

15 (c) **Informal Hearing.** An interested party, upon written request, shall be granted an
16 informal hearing within fifteen (15) days from receipt of such request on any matter relevant
17 to the filing of a report.

18 (d) **Formal Hearing.** Should an informal hearing, prescribed in 4106(c) of this section, fail
19 to resolve a matter, a formal hearing shall be granted within twenty days (20) days after the
20 informal hearing pursuant to Article 2 of 5 GCA Chapter 9 (Administrative Adjudication).

21 (e) **Petition for Adoption of Rules.** Any person may petition the Election Commission
22 requesting the promulgation, amendment or repeal of any rule. Said petition shall be in
23 writing and shall fully state the reasons and factual bases for such a request.

24 (f) **Public Hearing.** In the event a petition made pursuant to 4106(e) of this section is
25 granted, a public hearing on the matter shall be granted within thirty (30) days of receipt of
26 such petition as provided by Article 3 of 5 GCA Chapter 9.

27 (g) **Petition for Declaratory Ruling.** On the petition of any interested person, the Election
28 Commission may issue a declaratory ruling with respect to the applicability to any person,

1 property or statement of facts of any rule or statute enforceable by the Commission. A
 2 petition must be in writing, and must fully state the reasons and factual bases for the petition.

3 (h) **Hearing.** Within thirty (30) days of receipt of such a petition, the Election Commission
 4 shall afford the petitioner an opportunity to fully state arguments in support of a petition.

5 (1) **Decision.** The Election Commission, within fifteen (15) days following a hearing
 6 prescribed in 4106(h) in this section shall issue a decision, which shall be binding. Such a
 7 decision is subject to judicial review, as provided for in Article 2 of 5 GCA Chapter 9.

8
 9 **APPENDIX A**

10 **FORM FDA-Instructions**

11 **FINANCIAL DISCLOSURE HANDBOOK**

12 **GENERAL INSTRUCTION**

13 **1. Who Must File.**

14 Every person who is an "official" during any portion of any calendar year must file a
 15 report under the Financial Disclosure Act during the succeeding calendar year.

16 For purposes of this rule, the term "official" means: any person elected to
 17 any public office in Guam and any person appointed, with legislative
 18 concurrence or by the Guam Legislature, to any public office to include but not limited to:

- 19 (a) All elected officials;
- 20 (b) Officials appointed by the Governor to boards and
 21 Commission whose appointment is subject to the consent of the Guam Legislature, except ex-
 22 officio and student members; and (c) Chief executive officers
 23 or by whatever title they may be known, of all agencies and instrumentalities
 24 of the Government of Guam whether or not confirmation by the Guam Legislature is required; and

25 (d) All individuals who are given or delegated sole authority by an elected or appointed
 26 official to enter into contracts for procurement or approved change-order. Exempt are
 27 classified employees who do administrative processing but do not have discretion on
 28 awards.

29 **2. When to File.**

1 Officials must file their reports on or before April 22 of each calendar year for the
2 preceding calendar year. A candidate must file a report on the date he files his or her petition
3 for candidacy.

4 **3. Where to File.**

5 All reports must be filed with the Election Commission located in Suite 200, 2nd Floor
6 G.C.I.C. Building, Hagatna, Guam.

7 **4. Persons Covered by Report.**

8 All reports shall contain the gross income of officials or candidates as well as their
9 spouses and dependent children, if any.

10 **5. Failure to File.**

11 Any official or candidate who fails to file a report required by this Chapter,
12 or who knowingly and willfully files a false report under this Chapter shall be guilty of a misdemeanor.
13 The Guam
14 Election Commission shall report to the Attorney General for appropriate action the name of any official
15 or
16 candidate who fails to file a report required by this Chapter, or who in his professional judgment has know
17 ingly filed a false report.
18 This section shall not be construed to permit prosecution of a person who has unintentionally
19 filed an erroneous report, which report shall be subject to correction.

20 **6. Additional Information.**

21 Questions regarding requirements contained in this Chapter may be directed to the
22 Office of the Election Commission, Suite 200, 2nd Floor G.C.I.C. Building, Hagatna, Guam.

23 **7. Particular Source Defined.**

24 For purposes of this Act, "particular source" is defined as an individual, including a
25 spouse, dependent children and any entity over which he or she exercises actual or
26 constructive control.

27 **FINANCIAL DISCLOSURE HANDBOOK**
28 **SPECIFIC INSTRUCTIONS**

- 29 1. FORM FDA-1 - Statement of Assets and Liabilities:

6GARR ELECTIONS

- 1 a. Assets and liabilities should be shown at both their cost basis and their estimated market
2 value as of the date of the statement where the cost of the item differs from the actual
3 value.
- 4 b. Insert the word "none" in Columns A and B for any items appearing on the form which are
5 not applicable.
- 6 c. If an estimated market value does not differ from the cost, enter the cost basis of the item
7 in Column B.
- 8 d. If an estimated market value does differ from the cost, attach a brief statement regarding
9 the manner in which a market value was determined. For example, "market value of
10 securities obtained from the Wall Street Journal quotes of December 31, 20____ closing
11 prices," or, "market value of real estate obtained from appraisal completed by (firm or
12 individual) or from bona-fide offer to purchase from (name) or (date)."
- 13 e. The law does not require inclusion of household furnishing or personal effects, however,
14 they may be shown under "Other Assets" if desired.
- 15 f. Accrued income taxes payable should reflect only that portion which had not been paid at
16 the close of the calendar year.
- 17 g. Deferred income taxes on unrealized asset appreciation should reflect the tax effect
18 applicable to the unrealized gain only.

19 2. Schedule 1-A: "Cash."

20 Cash should include monies in bank accounts of family members covered by this
21 statute including interest, identified by account name, type of account, i.e. "checking",
22 "savings", "certificate of deposit", as well as name of bank or savings institution. The
23 balance shown should be as of the end of the calendar year covered by the report. Cash on
24 hand includes cash in safe deposit boxes as well as in personal possession.

25 3. Schedule 1-B: "Receivables."

26 Receivables should include all accounts, loans and notes receivable owned by any
27 family member covered in this statute identified by name of owner, name of debtor,
28 collateral, if any, and amount owed at the end of the calendar year covered by the report.

29 4. Schedule 1-C: "Marketable Securities."

1 Marketable securities should include descriptions of all securities owned, (i.e. one
2 hundred (100) shares AT&T common), the total cost or basis at date of acquisition and the
3 market value at the end of the calendar year covered by the report.

4 5.Schedule 1-D: "Cash Value of Life Insurance."

5 Cash value of life insurance should include all policies with a cash value owned by or
6 insuring any family member covered in this statute, identified by name of the insured,
7 insurer, amount of policy loan outstanding, if any, and cash value at the end of the
8 calendar year covered by the report, or the policy anniversary date closest thereto.

9 6.Schedule 1-E: "Net Assets of Proprietorships."

10 Net assets of proprietorships should include net assets at both cost and market value at
11 the end of the calendar year covered by the report of all proprietorships owned by any
12 family member covered by this statute, identified by business name and owner.

13 7. Schedule 1-F: "Interest in Net Assets of Corporations, Partnerships and Joint
14 Ventures."

15 Interest in net assets of corporations, partnerships and joint ventures, should include
16 interest owned by any family member covered by this statute in any corporation,
17 partnership or joint venture, at both cost and market value as of the end of the calendar
18 year covered in this report, identified by business name, type of business entity, i.e.,
19 corporation, partnership, jointventure, small business, etc., name of owner and percent
20 owned.

21 8. Schedule 1-G: "Investment in Real Estate."

22 Investment in real estate should include all real estate at both cost and market values
23 owned by any family member covered by this statute at the end of the calendar year
24 covered by the report, identified by description, (i.e., ten (10) unit apartment building,
25 Yona, Guam, or five thousand (5,000) square meters agricultural land, Yigo, Guam, etc.),
26 owner of property and percent owned.

27 9. Schedule 1-H: "Present Value of Future Interests."

28 Present value of any future interest should include interest owned by any family
29 member covered by this statute at the end of the calendar year covered by the report,
30 identified by description, (i.e., vested interest in pension plans, interest in annuities, estates
31 or trusts, etc.)

1 10. Schedule 1-I: "Other Assets."

2 Other assets should include all assets, except household furnishings and personal
3 effects, owned by any family member covered by this statute at the end of the calendar
4 year covered by this report which has not been included in any of the above categories.
5 Values should be shown at cost and market value if they differ.

6 11. Schedule 1-J: "Accounts Payable and Accrued Expenses."

7 Accounts payable and accrued expenses should include all open accounts and accrued
8 expenses in excess of five thousand dollars (\$5,000.00) each as unpaid interest owned by
9 any family member covered by this statute at the end of the calendar year covered by the
10 report, identified by payee, payer, type of obligation and amount.

11 12. Schedule 1-K: "Notes Payable-Unsecured."

12 Notes payable-unsecured should include all unsecured notes in excess of five
13 thousand dollars (\$5,000.00) each made by a family member covered by this statute which
14 are unpaid at the end of the calendar year covered by the report, identified by holder,
15 maker, interest rate, due date and balance owed.

16 13. Schedule 1-L: "Notes Payable-Secured."

17 Notes payable-secured should include all secured notes in excess of five thousand
18 dollars (\$5,000.00) each made by any family member covered by this statute which are
19 unpaid at the end of the calendar year covered by this report, identified by holder, maker,
20 collateral, interest rate, due date and balance owed.

21 14. Schedule 1-M: "Other Liabilities."

22 Other liabilities should include liabilities in excess of five thousand dollars
23 (\$5,000.00) each of any family member covered by this statute at the end of the calendar
24 year covered by the report which have not been included in any of the above categories.
25 These should be identified by payee, payer, type of obligation and amount owed.
26 Obligations of less than five thousand dollars (\$5,000.00) each may be entered on the
27 bottom line in total, without specific identification.

28 15. FORM FDA-2: "Statement of Income."

29 Statement of income should include income from all sources for the entire calendar
30 year for which the report is filed, for all family members covered by this statute.

31 16. Schedule 2-A: "Wages, Salaries and Other Employee Compensation."

1 This should include all wages, salaries and other employee compensation such as
2 bonuses, etc. for all family members covered by this statute earned or paid during the
3 calendar year covered by the report, identified as to payee, nature and source of income
4 and amount.

5 17. Schedule 2-B: “Fees, Commissions, Honorariums, Etc.”

6 It should include all fees, Commissions, honorariums, etc. received by any family
7 member covered by this statute during the calendar year covered by this report, identified
8 by recipient, nature and source of income and amount. If paid in goods or services rather
9 than money, the appraised value thereof should be shown.

10 18. Schedule 2-C: “Interest, Dividends and Royalties.”

11 Interest, dividends and royalties received should include any family member covered
12 by this statute during the calendar year covered by the report, identified by recipient, type
13 of income and source and amount.

14 19. Schedule 2-D: “Gross Rentals.”

15 Gross rentals should include rental amounts from all real and personal property
16 received by any family member covered by this statute during the calendar year covered
17 by the report, identified by recipient, type of income and source and amount.

18 20. Schedule 2-E: “Income from Business Interests.”

19 Income from business interests should include shares of income from all partnerships,
20 joint-ventures, etc. received by or accruing to any family member covered by this statute
21 during the calendar year covered by the report, identified by recipient, type of business,
22 name of business and amount.

23 21. Schedule 2-F: “Gains (Losses) from Sale or Exchange of Real Property.”

24 Gains and losses resulting from the sale or exchange of real property should include
25 any family member covered by this statute during the calendar year covered by the report,
26 detailing seller, purchaser, description of property, cost or basis, selling price and gain or
27 loss.

28 22. Schedule 2-G: “Income from Estates and Trusts.”

29 Income from estates and trusts should include all income received by or accruing to
30 any family member covered by this statute during the calendar year covered by the report,

1 identified by beneficiary, name of estate or trust, nature of beneficiary's interest and
2 amount.

3 23. Schedule 2-H: "Income from Gifts."

4 Income from gifts should include all gifts to the official or candidate, whose
5 aggregate value exceeds one hundred dollars (\$100.00) from a particular source during the
6 calendar year covered by the report. All gifts made jointly to the official or candidate and
7 spouse or dependent children, or gifts made to spouse or dependent children whose
8 aggregate value exceeds five hundred dollars (\$500.00) from a particular source during the
9 calendar year covered by report must also be included. All gifts included above should be
10 identified by donee, donor, nature of gift and amount. In the case of gifts other than
11 money, the fair market value of same should be shown.

12 24. Schedule 2-I: "Income from Forgiveness of Indebtedness."

13 Income resulting from the forgiveness of any indebtedness should include any family
14 member covered by this statute during the calendar year covered by the report, identified
15 by donee, donor, nature of indebtedness and amount forgiven.

16 25. Schedule 2-J: "Other Income."

17 Other income should include income from all sources not included in the above
18 categories received by or accruing to any family member covered by this statute during
19 the calendar year covered by this report, identified by recipient, nature and source of
20 income and amount.

21 26. FORM FDA-3: "Statement of Receipts and Disbursements."

22 Statement of receipts and disbursements should include beginning cash balance, total
23 receipts for the year, total disbursements for the year and the ending cash balance for any
24 fund or funds established by or on behalf of an official or candidate to assist him or her in
25 defraying expenses which may be incurred by reason of his or her being an official or
26 candidate.

27 27. Schedule 3-A: "Receipts."

28 Receipts should list all funds reported on FORM FDA-3 during the calendar year
29 covered by this report, showing name and address of donor and amount.

30 28. Schedule 3-B: "Disbursements."

6GARR ELECTIONS

- 1 Disbursements should list all funds reported on FORM FDA-3 during the calendar
- 2 year covered by this report, showing payee, reason for payment and amount.

6GARR ELECTIONS

APPENDIX B
FORM FDA-1 (10/83)



GUAM ELECTION COMMISSION
Kumision Ilekshon Guåhan
P.O. Box BG • Hagåtña, Guam 96932



FORM FDA-1 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____
MAILING: _____
ADDRESS: _____
TELEPHONE #: _____
TITLE: _____

STATEMENT OF ASSETS AND LIABILITIES

As of _____

	Schedule	Column A	Column B
		Cost Basis	Estimated Value Basis
ASSETS:			
Cash	1-A	\$ -	\$ -
Receivables	1-B	-	-
Marketable Securities	1-C	-	-
Cash Value of Life Insurance	1-D	-	-
Net Assets of Proprietorships	1-E	-	-
Interest in Net Assets of Corporations, Partnerships, Joint-Ventures Residence	1-F	-	-
Investment in Real Estate	1-G	-	-
Present Value of Future Interests	1-H	-	-
Other Assets	1-I	-	-
TOTAL ASSETS		\$ -	\$ -
LIABILITIES:			
Accounts Payable and Accrued Expenses	1-J	\$ -	\$ -
Notes Payable-Unsecured	1-K	-	-
Notes Payable-Secured	1-L	-	-
Accrued Income Taxes Payable Deferred Income Taxes on Unrealized Asset Appreciation		-	-
Other Liabilities	1-M	-	-
TOTAL LIABILITIES		\$ -	\$ -
EXCESS OF ASSETS OVER LIABILITIES		\$ -	\$ -

Under penalties of perjury, I declare the above Statement of Assets and Liabilities and accompanying schedules are stated accurately and include all income from all sources for the year indicated for myself, my spouse and my dependents.

SIGNED: _____

DATED: _____

Appendix I

6GARR ELECTIONS

APPENDIX B
FORM FDA-1 (10/83)

FORM FDA-1 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____

PERIOD ENDING: _____

SCHEDULE 1-A - CASH

Account Name	Type	Bank	Balance
_____	_____	_____	\$ -
_____	_____	_____	-
_____	_____	_____	-
_____	_____	_____	-
_____	_____	_____	-
TOTAL CASH IN BANKS			\$ -
CASH ON HAND			\$ -
TOTAL CASH			\$ -

SCHEDULE 1-B - RECEIVABLES

Owner	Name of Debtor	Collateral	Balance
_____	_____	_____	\$ -
_____	_____	_____	-
_____	_____	_____	-
_____	_____	_____	-
TOTAL RECEIVABLES			\$ -

SCHEDULE 1-C - MARKETABLE SECURITIES

Description	Cost	Estimated Value
_____	\$ -	\$ -
_____	-	-
_____	-	-
_____	-	-
_____	-	-
TOTAL MARKETABLE SECURITIES		\$ -

SCHEDULE 1-D - CASH VALUE OF LIFE INSURANCE

Insured	Insurer	Policy Loan	Cash Value
_____	_____	\$ -	\$ -
_____	_____	-	-
_____	_____	-	-
TOTAL CASH VALUE OF LIFE INSURANCE		\$ -	\$ -

(Use plain continuation sheet(s) if necessary)

6GARR ELECTIONS

APPENDIX B
FORM FDA-1 (10/83)

FORM FDA-1 (10/83)
GUAM

NAME: _____

FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

PERIOD ENDING: _____

SCHEDULE 1-E - NET ASSETS OF PROPRIETORSHIPS

Business Name	Owner	Net Assets	
		Cost	Estimated Value
		\$ -	\$ -
		-	-
		-	-
		-	-
TOTAL NET ASSETS OF PROPRIETORSHIPS		\$ -	\$ -

SCHEDULE 1-F - INTEREST IN NET ASSETS OF CORPORATIONS, PARTNERSHIPS AND JOINT VENTURES

Business Name	Type	Owner of Share	Percent Owned	Net Asset Value of Percent Owned	
				Cost	Estimated Value
				\$ -	\$ -
				-	-
				-	-
				-	-
TOTAL INTEREST IN NET ASSETS OF CORPORATIONS, PARTNERSHIPS AND JOINT-VENTURE				\$ -	\$ -

SCHEDULE 1-G - INVESTMENT IN REAL ESTATE

Description	Owner	Percent Owned	Cost	Estimated Value
			\$ -	\$ -
			-	-
			-	-
			-	-
			-	-
TOTAL INVESTMENT IN REAL ESTATE			\$ -	\$ -

SCHEDULE 1-H - PRESENT VALUE OF FUTURE INTERESTS

Description	Owner	Present Value
		\$ -
		-
		-
		-
TOTAL PRESENT VALUE OF FUTURE INTERESTS		\$ -

(Use plain continuation sheet(s) if necessary)

6GARR ELECTIONS

APPENDIX B
FORM FDA-1 (10/83)

FORM FDA-1 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____

PERIOD ENDING: _____

SCHEDULE 1-I - OTHER ASSETS

Description	Owner	Cost	Estimated Value
		\$ -	\$ -
		-	-
		-	-
		-	-
TOTAL OTHER ASSETS		\$ -	\$ -

SCHEDULE 1-J - ACCOUNTS PAYABLE AND ACCRUED EXPENSES

Payable To	Maker	Type of Debt	Amount
			\$ -
			-
			-
			-
TOTAL ACCOUNTS PAYABLE AND ACCRUED EXPENSES			\$ -

SCHEDULE 1-K - NOTES PAYABLE - UNSECURED

Payable To	Maker	Interest Rate	Due Date	Amount
				\$ -
				-
				-
TOTAL NOTES PAYABLE - UNSECURED				\$ -

SCHEDULE 1-L - NOTES PAYABLE - SECURED

Payable To	Maker	Collateral	Interest Rate	Due Date	Amount
					\$ -
					-
					-
					-
TOTAL NOTES PAYABLE - SECURED					\$ -

SCHEDULE 1-M - OTHER LIABILITIES

Payable To	Maker	Type of Debt	Amount
			\$ -
			-
			-
TOTAL OTHERS - LESS THAN \$5,000.00 EACH			-
TOTAL OTHER LIABILITIES			\$ -

6GARR ELECTIONS

APPENDIX C
FORM FDA-2 (10/83)

FORM FDA-2 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____
MAILING _____
ADDRESS: _____
TELEPHONE #: _____
TITLE: _____

STATEMENT OF INCOME

For the Year Ended _____

	<u>Schedule</u>	<u>Amount</u>
Wages, Salaries and Other Employee Compensation	2-A	\$ _____ -
Fees, Commissions, Honorariums, etc.	2-B	_____ -
Interest, Dividends and Royalties	2-C	_____ -
Gross Rentals	2-D	_____ -
Income from Business Interests	2-E	_____ -
Gains (Losses) from Sale or Exchange of Real Property	2-F	_____ -
Income from Estates and Trusts	2-G	_____ -
Income from Gifts	2-H	_____ -
Income from Forgiveness of Indebtedness	2-I	_____ -
Other Income	2-J	_____ -
TOTAL INCOME		\$ _____ -

Under the penalties of perjury, I declare the above Statement of Income and accompanying schedules are stated accurately and include all income from all sources for the year indicated for myself, my spouse and dependent children.

SIGNED: _____

DATED: _____

Appendix II

6GARR ELECTIONS

APPENDIX C
FORM FDA-2 (10/83)

FORM FDA-2 (10/83)

NAME: _____

GUAM

FINANCIAL DISCLOSURE ACT

PERIOD ENDING: _____

TITLE IV, CHAPTER 13

GUAM CODE ANNOTATED

SCHEDULE 2-A - WAGES, SALARIES AND OTHER EMPLOYEE COMPENSATION

Paid To	Nature And Source of Income	Amount
		\$ -
		-
		-
		-
		-
TOTAL WAGES, SALARIES AND OTHER EMPLOYEE COMPENSATION		\$ -

SCHEDULE 2-B - FEES, COMMISSIONS, HONORARIUMS, ETC.

Paid To	Nature And Source of Income	Amount
		\$ -
		-
		-
		-
		-
TOTAL FEES, COMMISSIONS, HONORARIUMS, ETC.		\$ -

SCHEDULE 2-C - INTEREST, DIVIDENDS AND ROYALTIES

Paid To	Type of Income	Source	Amount
			\$ -
			-
			-
			-
			-
TOTAL INTEREST, DIVIDENDS AND ROYALTIES			\$ -

SCHEDULE 2-D - GROSS RENTALS

Paid To	Description and Location of Property	Amount
		\$ -
		-
		-
		-
		-
TOTAL GROSS RENTALS		\$ -

6GARR ELECTIONS

APPENDIX C
FORM FDA-2 (10/83)

FORM FDA-2 (10/83)

GUAM

FINANCIAL DISCLOSURE ACT

TITLE IV, CHAPTER 13

GUAM CODE ANNOTATED

NAME: _____

PERIOD ENDING: _____

SCHEDULE 2-E - INCOME FROM BUSINESS INTERESTS

Paid To	Type of Business	Name of Business	Amount
			\$ -
			-
			-
			-
TOTAL INCOME FROM BUSINESS INTERESTS			\$ -

SCHEDULE 2-F - GAINS (LOSSES) FROM SALE OR EXCHANGE OF REAL PROPERTY

Seller	Purchaser	Property	Cost or Basis	Selling Price	Gain (Loss)
			\$	\$	\$ -
					-
					-
					-
TOTAL GAINS (LOSSES) FROM SALE OR EXCHANGE OF REAL PROPERTY					\$ -

SCHEDULE 2-G - INCOME FROM ESTATES AND TRUSTS

Beneficiary	Name of Estate or Trust	Nature of Interests	Amount
			\$ -
			-
			-
			-
TOTAL INCOME FROM ESTATES AND TRUSTS			\$ -

SCHEDULE 2-H - INCOME FROM GIFTS

Donee	Donor	Nature of Gifts	Amount
			\$ -
			-
			-
			-
TOTAL INCOME FROM GIFTS			\$ -

(Use plain continuation sheet(s) if necessary)

6GARR ELECTIONS

APPENDIX C
FORM FDA-2 (10/83)

FORM FDA-2 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____

PERIOD ENDING: _____

SCHEDULE 2-I - INCOME FROM FORGIVENESS OF INDEBTEDNESS

Donee	Donor	Nature of Indebtedness	Amount
_____	_____	_____	\$ -
_____	_____	_____	-
_____	_____	_____	-
_____	_____	_____	-
TOTAL INCOME FROM FORGIVENESS OF INDEBTEDNESS			\$ -

SCHEDULE 2-J - OTHER INCOME

Paid To	Nature and Source of Income	Amount
_____	_____	\$ -
_____	_____	-
_____	_____	-
_____	_____	-
TOTAL OTHER INCOME		\$ -

6GARR ELECTIONS

APPENDIX D
FORM FDA-3 (1/75)

FORM FDA-3 (10/83)
GUAM
FINANCIAL DISCLOSURE ACT
TITLE IV, CHAPTER 13
GUAM CODE ANNOTATED

NAME: _____
MAILING _____
ADDRESS: _____
TELEPHONE #: _____
TITLE: _____

STATEMENT OF RECEIPTS AND DISBURSEMENTS
For the Year Ended _____

CASH ON HAND - January 1	\$	_____	-
ADD: Receipts for Year - Schedule 3-A		_____	-
Sub-Total	\$	_____	-
DEDUCT: Disbursement for Year - Schedule 3-B		_____	-
CASH ON HAND - December 31	\$	_____	-

Under penalties of perjury, I declare the above Statement of Receipts and Disbursements and accompanying schedules are stated accurately and include all receipts and disbursements of the above-named fund for the year indicated.

SIGNED: _____

DATED: _____

Appendix III

