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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 776, "An Act to repeal Section 2018, Title III of the Government Code of Guam, to add a new Section 2055 to said Code; to repeal and reenact Sections 2057, 2059 and 2059.1 of said Code; to enact new Sections 2059.2 and 2059.3 of said Code; to amend Sections 2256, 2257, 2258, 2259, 2268, 2378, 2388, and 2389 of said Code; to amend Section 2393 of said Code; to repeal and reenact Section 2401 of said Code; to amend Section 2407 of said Code; to repeal and reenact Section 2453 of said Code; to amend Sections 2458 and 2461 of said Code; to repeal and reenact Sections 2463 and 2466 of said Code; to repeal and reenact Sections 2471 and 2473 of said Code; and to amend Sections 2502, 2507, 2508, 2514, 2515 and 2920 relative to correcting the current election law in order to conform with proposed vote counting procedure", was on the 7th day of June, 1974, duly and regularly passed.

W. D. L. Flores
W. D. L. FLORES
Acting Speaker

ATTESTED:

G. M. Bamba
G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 13th day of June, 1974 at 4:30 o'clock P.M.

Keith L. Andrews
KEITH L. ANDREWS
Attorney General of Guam
by Robert O. Nye

APPROVED:

Carlos Q. Camacho
CARLOS Q. CAMACHO
Governor of Guam
JUN 19 1974

DATED: 11:55 A.M.

Public Law
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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

Bill No. 776

Introduced by

Committee on
Judiciary, by
request.

AN ACT TO REPEAL SECTION 2018, TITLE III OF THE GOVERNMENT CODE OF GUAM, TO ADD A NEW SECTION 2055 TO SAID CODE; TO REPEAL AND REENACT SECTIONS 2057, 2059 AND 2059.1 OF SAID CODE; TO ENACT NEW SECTIONS 2059.2 AND 2059.3 OF SAID CODE; TO AMEND SECTIONS 2256, 2257, 2258, 2259, 2268, 2378, 2388, AND 2389 OF SAID CODE; TO AMEND SECTION 2393 OF SAID CODE; TO REPEAL AND REENACT SECTION 2401 OF SAID CODE; TO AMEND SECTION 2407 OF SAID CODE; TO REPEAL AND REENACT SECTION 2453 OF SAID CODE; TO AMEND SECTIONS 2458 AND 2461 OF SAID CODE; TO REPEAL AND REENACT SECTIONS 2463 AND 2466 OF SAID CODE; TO REPEAL AND REENACT SECTIONS 2471 AND 2473 OF SAID CODE; AND TO AMEND SECTIONS 2502, 2507, 2508, 2514, 2515 AND 2920 RELATIVE TO CORRECTING THE CURRENT ELECTION LAW IN ORDER TO CONFORM WITH PROPOSED VOTE COUNTING PROCEDURE.

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

2 Section 1. Section 2018 of Chapter I, Title III of the
3 Government Code of Guam is hereby repealed.

4 Section 2. A new Section 2055 is hereby added to Chapter
5 II, Title III of the Government Code of Guam to read as follows:

6 "Section 2055. Same: placement on ballot. No person
7 shall be placed on the ballot for election to any public
8 office unless the Commission has determined that said person
9 possesses the qualifications for the office for which he
10 is a candidate."

11 Section 3. Section 2057 of the Government Code of Guam
12 is hereby repealed and reenacted to read as follows:

13 "Section 2057. Affidavit of registration; prerequisite:
14 making and contents. No person shall be registered as a
15 voter except by affidavit of registration made before the
16 registration clerk of the district or municipality wherein
17 such person resides, or before a registration clerk in the
18 office of the Commission. Before such affidavit shall be

1 made, the person shall be asked if he is currently
2 registered to vote in any other jurisdiction(s). If he
3 answers affirmatively, he shall identify said jurisdiction
4 and complete and sign an attested statement on a form
5 provided by the Commission which requests the cancellation
6 of his registration and which shall be forthwith forwarded
7 by the Commission to that jurisdiction. If he answers
8 negatively, he shall nonetheless identify the juris-
9 diction in which he last voted. The Commission shall
10 prepare forms for the collection of this data, and may
11 require the submission of such additional information
12 as will enable it to comply with this section. The
13 Affidavit shall then be made in duplicate, and shall
14 set forth all the facts required to be shown by this
15 Title and the election manual."

16 Section 4. Section 2059 of Chapter III, Title III of the
17 Government Code of Guam is hereby repealed and reenacted to read
18 as follows:

19 "Section 2059. Times for registration. Thirty days
20 prior to any general, primary, or special election, the
21 registration rolls shall be closed for that election, and
22 no further affidavits of registration shall be accepted
23 by the Commission."

24 Section 5. Section 2059.1 of Chapter III, Title III of the
25 Government Code of Guam is hereby repealed and reenacted to
26 read as follows:

27 "Section 2059.1. Place of registration. The registra-
28 tion of electors shall be in progress at the main office
29 of the Commission during such hours as the office is open
30 for business at all times prior to the closing of the
31 registration rolls. The registration of electors shall
32 also be in progress in each precinct for at least fifteen

1 (15) days, excluding Saturdays, Sundays, and legal
2 holidays, prior to the closing of the registration rolls."

3 Section 6. A new Section 2059.2 is hereby added to Chapter
4 III, Title III of the Government Code of Guam to read as follows:

5 "Section 2059.2. Transfer of registration. The
6 transfer of registration from one precinct to another
7 precinct shall be in progress only at those times and at
8 those places that the registration of electors is taking
9 place; however, the application for transfer must be
10 made at either the Commission office or in the precinct
11 to which the elector transfers."

12 Section 7. A new Section 2059.3 is hereby added to Chapter
13 III, Title III of the Government Code of Guam to read as follows:

14 "Section 2059.3. Application constitutes registration.
15 The application for absent ballot shall constitute a suffi-
16 cient registration of the voter in the municipality, muni-
17 cipal division, or district in which the voter resides, pro-
18 vided that the application is received by the Commission
19 prior to the closing of the registration rolls. Such appli-
20 cation constituting registration shall be preserved and used
21 by the Commission in the same manner as it preserves and
22 uses affidavits of registration."

23 Section 8. Section 2256 of Chapter VII, Title III of the
24 Government Code of Guam is hereby amended to read as follows:

25 "Section 2256. Space for marking ballot. Immediately
26 adjacent to the name of each nominee or adjacent to the
27 word 'incumbent', as the case may be, shall be placed
28 squares of sufficient size for the placing of a mark
29 therein. A clear and distinct mark within the square
30 adjacent to the name of any nominee shall be counted as
31 a vote for that nominee."

32 Section 9. Section 2257 of Chapter VII, Title III of the
33 Government Code of Guam is hereby amended to read as follows:

1 "Section 2257. Ballots furnished to precincts. For
2 each election, the Commission shall provide each election
3 precinct with ten (10) ballots for every eight (8) or
4 fraction of eight (8) voters registered in the election
5 precinct."

6 Section 10. Section 2258 of Chapter VII, Title III of the
7 Government Code of Guam is hereby amended to read as follows:

8 "Section 2258. Correction of error or omission. When-
9 ever it appears by affidavit of a voter or nominee that
10 an error or omission has occurred in the publication of
11 the name or description of any nominee or in the printing
12 of the ballot, the Superior Court of Guam, or a judge
13 thereof, shall, upon application of the affiant, by order,
14 require the Commission to correct the error, or to show
15 cause why the error should not be corrected."

16 Section 11. Section 2259 of Chapter VII, Title III of the
17 Government Code of Guam is hereby amended to read as follows:

18 "Section 2259. Delivery of ballots, machines and
19 supplies. The Commission shall, before the opening of
20 the polls at any election, cause to be delivered to the
21 precinct board of each precinct where an election is
22 to be held, the proper number of ballots, voting machines
23 and supplies to be used in that precinct. The ballots shall
24 be delivered in sealed packages, with marks on the outside
25 clearly designating the precinct or polling place for which
26 they are intended, and the number of ballots enclosed."

27 Section 12. Section 2368 of Chapter IX, Title III of the
28 Government Code of Guam is hereby amended to read as follows:

29 "Section 2368. Grounds for challenge. A person
30 offering to vote may be orally challenged by any voter
31 of the precinct upon one or all of the following grounds:

32 (a) That he is not the person whose name appears on

1 the register.

2 (b) That he is not a resident of Guam.

3 (c) That he is not a citizen of the United States.

4 (d) That he is not a resident of the precinct at
5 which he is voting.

6 (e) That he has voted that day."

7 Section 13. Subsection (a) of Section 2378 of the Government
8 Code of Guam is hereby amended to read as follows:

9 "Section 2378. Dual voting prohibited. (a) Any
10 elector who has abandoned his residency in Guam, or who
11 votes in an election in another jurisdiction, cannot vote
12 in an election on Guam. Likewise any person who falsifies
13 information in order to be registered to vote on Guam,
14 cannot vote in an election on Guam. Any person who violates
15 any of the above prohibitions shall be punished by
16 a fine not to exceed One Thousand Dollars (\$1,000) or
17 by imprisonment not exceeding three (3) years, or both.
18 These prohibitions shall be clearly displayed on every
19 application for ballot and at every registration and
20 voting site on Guam."

21 Section 14. Section 2388 of Chapter IX, Title III of the
22 Government Code of Guam is hereby amended to read as follows:

23 "Section 2388. Indicating vote. In voting, the voter
24 shall place the appropriate mark in the voting square
25 adjacent to the name of any nominee for whom he intends
26 to vote or shall vote for a candidate or person whose
27 name is not printed on the ballot by writing a name for
28 that office in the blank space left therefor, and by
29 placing a mark in the adjacent voting square."

30 Section 15. Section 2389 of Chapter IX, Title III, of the
31 Government Code of Guam is hereby amended to read as follows:

32 "Section 2389. Same: two or more candidates to be

1 elected. Where two (2) or more candidates for the same
2 office are to be elected, and the voter desires to vote
3 for candidates for that office, he shall place his
4 voting mark in the square adjacent to the names of all
5 the candidates for that office for whom he desires to
6 vote, not exceeding, however, the number of candidates
7 who are to be elected."

8 Section 16. Section 2391 of Chapter IX, Title III of the
9 Government Code of Guam is hereby repealed in its entirety.

10 Section 17. Section 2393 of Chapter IX, Title III of the
11 Government Code of Guam is hereby amended to read as follows:

12 "Section 2393. Delivery of ballot. Having completed
13 marking his ballot the voter shall announce his name to
14 the inspector or other members of the precinct board
15 having charge of the ballot box, who shall in turn announce
16 in an audible tone of voice the name of the voter. The
17 member of the precinct board having charge of the copy
18 of the index to the affidavits of registration shall,
19 in like manner, repeat the name and shall write in the
20 ruled space opposite the name, in figures, the line number
21 designating the position of the name on the roster for
22 each voter who appeared to vote. The voter shall then
23 deposit the ballot in the ballot box under the cognizance
24 of the inspector or other member of the precinct board
25 having charge of the ballot box."

26 Section 18. Section 2401 of Chapter IX, Title III of the
27 Government Code of Guam is hereby amended to read as follows:

28 "Section 2401. Prohibited acts by officers. Every
29 inspector, judge or clerk of a precinct board is guilty
30 of a misdemeanor who:

- 31 (a) Attempts to find out any name on the ballot;
32 (b) Except as otherwise authorized by this Title,

1 examines, exhibits, or discloses the ballot of any voter.

2 (c) Makes or places any mark or device on any ballot
3 with a view of ascertaining the name of any person for
4 whom the voter has voted.

5 (d) Opens or permits to be opened the ballot box
6 during the time of voting."

7 Section 19. Section 2407 of Chapter IX, Title III of the
8 Government Code of Guam is hereby amended to read as follows:

9 "Section 2407. Destruction of unused ballots. On the
10 day of an election, immediately upon the arrival of the
11 hour when the polls are required by law to be closed, the
12 Commission shall openly, at the place designated by it
13 for the tabulation of ballots, in the presence of as
14 many voters as may there assemble to observe its act,
15 proceed to destroy every unused ballot which remains
16 in its control, and forthwith make and file its affidavit,
17 in writing, as to the number of ballots so destroyed."

18 Section 20. Subsection (a) of Section 2453 of Chapter X,
19 Title III of the Government Code of Guam is hereby repealed and
20 a new Subsection (a) enacted to read as follows:

21 "Section 2453. (a) Form of application blank.
22 Application for ballot shall be made substantially in the
23 following form:

24 'APPLICATION FOR BALLOT TO BE VOTED AT THE
25 ELECTION ON THE DAY OF, 19..
26 State or Territory of
27 County of Municipality SS

28 I,, do solemnly swear that I
29 am a resident of the Territory of Guam and of the district
30 or municipality of, and that I am a duly
31 qualified elector entitled to vote at said election; that
32 I am not voting in any other jurisdiction; that I

1 understand the prohibitions against and the penalty for
2 voting in any election of Guam if I vote in another
3 jurisdiction; that my occupation is;
4 and that on account of, I cannot be at the polls
5 on election day; I hereby make application for an official
6 ballot to be voted by me at such election, and that I will
7 return said ballot to the Commission before the time of
8 the closing of the polls on election day.

9 Signed

10 Date this day of 19....

11 (Permanent Mailing Address) NAME CI or Soc. Sec. No.
12
13

14 (Present Mailing Address) NAME Date of Birth
15
16

17 Subscribed and sworn to before me this day of 19..

	NAME	SIGNATURE
		(Print or Type name, title, rank)
MAILING ADDRESS		

21 Section 21. Section 2458 of the Government Code of Guam
22 is hereby amended to read as follows:

23 "Section 2458. Voter's affidavit on envelope. On the
24 reverse side of the envelope prescribed in the preceding
25 section shall be printed a blank form of affidavit in
26 substantially the following form:

27 State or Territory of _____)
28 County of Municipality of _____) ss

29 I, _____, do solemnly swear that the
30 following matters relating to my qualifications for regis-
31 tration and voting are true:

32 Residence: _____ (municipality, municipal,

1 division or district), Territory of Guam.

2 Age: _____ years

3 Date of Birth _____ day of _____, 19 _____

4 Place of Birth _____

5 Method of which United States citizenship attained: _____

6 Qualified voter: _____ (yes or no)

7 That I am not confined to a mental institution nor
8 judicially declared insane; that I am not serving a
9 criminal sentence; that I am not voting in any other
10 jurisdiction; that I am in the business of work of
11 _____; and that I shall be prevented from
12 attending the polls on the day of election on account
13 of _____.

14 Signed _____

15 Subscribed and sworn to before me this _____ day
16 of _____, 19 _____, and I hereby certify that the
17 affiant exhibited the enclosed ballot to me unmarked;
18 that he then in my presence and in the presence of no
19 other person, and in such manner that I could not see his
20 vote, mark such ballot and enclosed and sealed same in
21 this envelope; that the affiant was not solicited or
22 advised by me for or against any candidate or measure.

23 _____
24 _____
25 (Official Title) "

26 Section 22. Section 2461 of Chapter X, Title III of the
27 Government Code of Guam is hereby amended to read as follows:

28 "Section 2461. Officers before whom voter may appear.
29 At any time on or before the day of an election an absent
30 voter may appear before the Commission, any Notary Public
31 or any officer of any state, territory or municipality
32 within the United States, or the District of Columbia, in
which he may at the time of receiving his ballot or any

1 officer of a United States embassy or consulate authorized
2 to administer oaths, to mark his ballot."

3 Section 23. Section 2463 of Chapter X, Title III of the
4 Government Code of Guam is hereby repealed and reenacted to
5 read as follows:

6 "Section 2463. Mailing or delivering ballot. The
7 sealed return envelope containing the ballot may be
8 delivered to the Commission at its main office at any time
9 prior to the closing of the polls on election day. If not
10 so delivered, said envelope shall be mailed, postage
11 pre-paid, directly to the Commission in sufficient time to
12 reach the Commission prior to the closing of the polls on
13 election day."

14 Section 24. Section 2466 of Chapter X, Title III of the
15 Government Code of Guam is hereby repealed and reenacted to
16 read as follows:

17 "Section 2466. Ballots rejected by the Commission.
18 All ballots forwarded to absent voters and not physically
19 received by the Commission at its main office prior to the
20 closing of the polls on election day shall be rejected."

21 Section 25. Section 2471 of Chapter X, Title III of the
22 Government Code of Guam is hereby repealed.

23 Section 26. Section 2473 of Chapter X, Title III of the
24 Government Code of Guam is hereby repealed.

25 Section 27. Section 2502 of Chapter XI, Title III of the
26 Government Code of Guam is hereby amended to read as follows:

27 "Section 2502. Opening boxes and counting ballots.
28 As soon as the polls are finally closed and all unused and
29 spoiled ballots sealed, the precinct board shall immediately
30 commence to count the ballots by taking out of the box
31 the ballots and the envelopes containing the absentee
32 ballots, opening the envelopes and removing the ballot to

1 ascertain whether the envelope contains a single ballot
2 and then counting the ballots to ascertain whether the
3 number of ballots correspond with the number of names on
4 the roster. The count shall be public and shall be
5 continued without adjournment until completed."

6 Section 28. Section 2507 of Chapter XI, Title III of the
7 Government Code of Guam is hereby amended to read as follows:

8 "Section 2507. Delivery of ballots to election center.
9 The ballot with the roster and all endorsements and
10 rejected ballots shall be placed in a box with the
11 precinct clearly shown thereon and delivered to the
12 election center for tabulation. Representatives of the
13 political parties are authorized to accompany the
14 ballots from the precinct to the election center."

15 Section 20. Section 2508 of Chapter XI, Title III of the
16 Government Code of Guam is hereby amended to read as follows:

17 "Section 2508. Election return center. The Commission
18 shall maintain within the Territory of Guam an election
19 return center for the tabulation of votes and publication
20 of returns."

21 Section 30. Section 2514 of Chapter XI, Title III of the
22 Government Code of Guam is hereby amended to read as follows:

23 "Section 2514. Only invalid portion rejected. If a
24 voter indicates either:

25 (a) By placing his marks in the voting squares
26 adjacent to the names of any candidates, or

27 (b) By writing the names of persons for an office in
28 the blank spaces, or

29 (c) By a combination of both, the choice of more than
30 there are candidates to be elected or certified for any
31 office, or if for any reason it is impossible to determine
32 his choice for any office, his ballot shall not be counted

1 for that office, but the rest of his ballot, if properly
2 marked, shall be counted."

3 Section 31. Section 2515 of Chapter XI, Title III of the
4 Government Code of Guam is hereby amended to read as follows:

5 "Section 2515. Write-in votes. Any name written upon
6 a ballot shall be counted as a vote for that name for the
7 office under which it is written, if it is written
8 in the blank space therefor and the adjacent voting
9 square is marked."

10 Section 32. Subsection (f) of Section 2920 is hereby
11 amended to read as follows:

12 "(f) the ballot shall be prepared in such manner that
13 an elector may write or print the name of a candidate
14 thereon."