



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 05 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 11:04 am

Date JULY 05, 2000

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 443 (COR), "AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES", which was enacted into law without signature of the Governor. This legislation is now designated as **Public Law No. 25-148**.

This legislation amends Public Law No. 25-146 and is supposed to provide that the Political Status Plebiscite does not take place on July 1, 2000. Previously passed Public Law No. 25-146 did not accomplish the purpose of delaying the plebiscite, as it does not take effect until after July 1, 2000. This legislation does not provide for changing the legal date of the Political Status Plebiscite by July 1, either, as the Legislature did not transmit the legislation to the Executive Branch in time to allow the required 10 days, excluding Sundays, for the Chief Executive to consider the legislation. This legislation is effective July 3, 2000, midnight, two days after the plebiscite was to take effect last Saturday.

This legislation provides other amendments to Public Law No. 25-146, besides attempting to delay the July 1 plebiscite. A provision that absentee ballots would not be allowed in a runoff election, which was inserted into the code by Public Law No. 25-146, was removed. Instead, a provision is made for absentee ballots to be sent out in a runoff, and for absentee ballots which are received by 10 days after the runoff election to be counted.

This legislation also removes left-over language that continued to remain in the Elections Code, which referred to the handling of ballots at the precinct level after the close of the polls. The provisions of Public Law No. 25-146 had removed the handling of ballots at the precinct level after the close of the polls, but neglected to remove inconsistent language in other Elections Code sections.

01003

Finally, this legislation allows those in the service of the government who are Guam Election Commission members to be paid their normal board and commission stipend, as well as those members who are not in government service.

This is the second bill passed in a matter of weeks, changing the method of conducting elections, making the procedure more complicated than before. Additionally, identification of voters at the polls is more difficult due to the banning of the use of social security numbers for identification purposes. Instead of making the social security numbers private information, not releasible, the Legislature banned their use entirely, thereby making it harder to differentiate voters who have the same names, even middle names, as is common on Guam. Hopefully, this is not a deliberate attempt by the Legislature to insert identification difficulties into the election process.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

01003

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

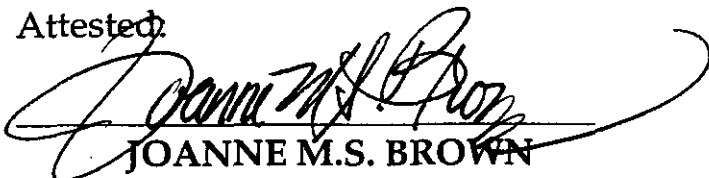
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 443 (COR) "AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES," was on the 21st day of June 2000, duly and regularly passed.



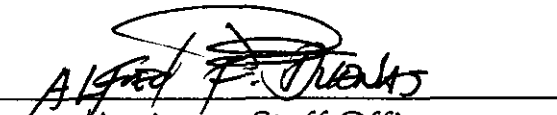
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by I Maga'lahaen Guahan this 21 day of JUNE, 2000,
at 6:32 o'clock P.M.



Alfred F. Puentas
Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: July 5, 2000

Public Law No. 25-148
Became law without the signature of
I Maga'lahaen Guahan, the Governor
of Guam.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 443 (COR)

As amended on the Floor.

Introduced by:

S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.

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

2 **Section 1.** This Act shall be referred to as the "*Election Reform Technical*
3 *Corrections Act of 2000.*"

4 **Section 2. Statement of Legislative Findings.** *I Liheslaturan*
5 *Guåhan* finds that the Acting *Maga'lahaen Guåhan's* message of May 26, 2000,
6 accompanying her veto of Bill Number 227, was conciliatory in nature and
7 included valid recommendations relative to several aspects of the election
8 reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.

9 In reciprocation to the spirit of cooperation exhibited by the Acting
10 *Maga'lahaen Guåhan, I Liheslaturan Guåhan* finds that several of her concerns
11 warrant this Body making technical corrections in the original Election
12 Reform Act so that it will best serve the needs of the people in the choosing of
13 their elected leaders. *I Liheslaturan Guåhan* concurs, for instance, that the
14 cumbersome and time-consuming process entailed in the adoption of
15 regulations pursuant to the Administrative Adjudication Law, necessitate the
16 Guam Election Commission being empowered to promulgate emergency
17 regulations for the 2000 elections. *I Liheslaturan Guåhan,* noting that the
18 Congress has made clear in the Uniformed and Overseas Citizens Absentee
19 Voting Act that the ability of absent voters to participate in the runoff
20 elections should be protected, *I Liheslaturan Guåhan* agrees that the Election
21 Reform Act should be modified to attain this objective. Further, that the
22 Commissioners should continue to receive stipends for their valuable service
23 to the People of Guam and not be precluded based upon being in the service
24 of the government of Guam.

1 Finally, Bill Number 227 was transmitted to *I Maga'lahaen Guåhan* on May
2 15, 2000. That legislation was designed to take effect thirty (30) days after
3 enactment, which would also have effectively rescheduled the July 1, 2000
4 plebiscite had it been signed into law. *However*, since it was vetoed, *I*
5 *Liheslaturan Guåhan* overrode the veto on June 12, 2000, making Bill Number
6 227's effective date on July 12, 2000, *after* the July 1, 2000 plebiscite. Based
7 upon unanimous recommendations from Executive Branch agencies, *I*
8 *Liheslaturan Guåhan* continues to intend that the decolonization plebiscite be
9 rescheduled as originally intended in §65 of Bill Number 227, now Public Law
10 Number 25-146, and contains within this legislation corrective language.

11 **Section 3.** Section 13107 of Title 3 of the Guam Code Annotated, as
12 added by Public Law Number 25-146, is hereby *repealed and reenacted* to read
13 as follows:

14 **"Section 13107. Absentee Voting for Runoff Elections.** In the
15 event that a runoff election is required pursuant to §1422 or §1712 of
16 Title 48 of the United States Code, the Commission shall mail to each
17 person who participated by absentee ballot in the election precipitating
18 the need for a runoff election an absentee ballot for the runoff election.
19 Notwithstanding any other provision of law, an absentee ballot cast in
20 the runoff election and postmarked before the closing of the polls on the
21 date of the runoff election shall be accepted by the Commission;
22 provided, that it is received by the Commission no later than ten (10)
23 days after the date of the runoff election. A runoff absentee ballot
24 received by the Commission *prior to* the closing of the polls on the date

1 of the runoff election shall be processed as prescribed by Chapter 10 of
2 Title 3 of the Guam Code Annotated. A runoff absentee ballot received
3 by the Commission *after* the closing of the polls on the date of the runoff
4 election, but before 5 p.m. Guam Standard Time on the tenth (10th) day
5 after the date of the Commission shall be processed by the staff of the
6 Commission and such vote added to the votes of the precinct in which
7 the voter is registered.

8 After the closing of the polls on the date of a runoff election, the
9 Commission may conditionally certify the results of the runoff election
10 on the basis of the results tabulated immediately after the runoff
11 election, but it shall *not* finally certify the runoff election results until
12 after 5 p.m. Guam Standard Time on the tenth (10th) day after the runoff
13 election was conducted. Any absentee ballot received by the
14 Commission after the tenth (10th) day after the runoff election shall *not*
15 be opened, but the envelope appearing to contain such ballot shall be
16 retained in the same manner as other invalid ballots received by the
17 Commission.”

18 **Section 4. Authorization for Commission to Adopt Emergency**
19 **Interim Regulations for the Conduct of the Year 2000 Elections.**

20 (a) The provisions of Article 3 of Chapter 9 of Title 5 of the
21 Guam Code Annotated shall *not* apply to any emergency regulation
22 adopted or existing regulation repealed by the Guam Election
23 Commission (“Commission”) for the purpose of implementing the

1 provisions of the Election Reform Act of 2000 and the Election Reform
2 Technical Corrections Act of 2000.

3 (b) If the Commission finds that the adoption of a regulation or
4 the repeal of a regulation is necessary to comply with the Election
5 Reform Act of 2000 and this Act, the Commission, by a vote of *not less*
6 *than* four (4) of its members, may declare that an emergency exists and
7 adopt or repeal such regulations as it deems necessary. Any finding of
8 an emergency shall include a description of the specific facts showing
9 the need for immediate action. The regulation or repeal shall *not* be
10 effective until a copy of it is filed with the Legislative Secretary, and
11 shall be subject to legislative repeal or change.

12 (c) No emergency regulation or repeal shall remain in effect
13 more than one hundred eighty (180) days, nor affect any election except
14 the election conducted in the Year 2000, and that fact shall be stated as a
15 part of the emergency regulation or repeal adopted.

16 (d) During the one hundred eighty (180) days that an
17 emergency regulation is in effect, or at any time thereafter, the
18 Commission may propose to adopt the same regulation or repeal as a
19 regular action pursuant to the Administrative Adjudication Law."

20 Section 5. Section 2101(b) of Title 3 of the Guam Code Annotated, as
21 repealed and reenacted by Public Law Number 25-146, is hereby *repealed and*
22 *reenacted* to read as follows:

1 “(b) Every member of the Commission shall be paid in
2 accordance with §43104 of Title 5 of the Guam Code Annotated, *Uniform*
3 *Compensation for Boards and Commissions.*”

4 **Section 6.** Section 65 of Public Law Number 25-146 is hereby *repealed*.

5 **Section 7. Date of the Plebiscite, Renaming the “Free Association”**
6 **Status Option.** Section 21110 of Chapter 21 of Title 1 of the Guam Code
7 Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11
8 of Public Law Number 25-106 and repealed and reenacted by §65 of Public
9 Law Number 25-146, is hereby *repealed and reenacted* to read as follows:

10 **“Section 21110. Plebiscite Date and Voting Ballot.** The Guam
11 Election Commission shall conduct a ‘Political Status Plebiscite’ at
12 which the following question, which shall be printed in both
13 English and Chamorro, shall be asked of the eligible voters:

14 ‘In recognition of your right to self-determination,
15 which of the following political status option do you favor?

16 (Mark ONLY ONE):

- 17 1. Independence ()
18 2. Free Association with the United States of
19 America ()
20 3. Statehood ()

21 Persons eligible to vote shall include those persons
22 designated as Native Inhabitants of Guam, defined within
23 Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in

1 this Act, who are eighteen (18) years of age or older on the date of
2 the Political Status Plebiscite, and are registered voters on Guam.

3 The 'Political Status Plebiscite' mandated in Subsection (a) of
4 this Section shall be held on November 7, 2000, *unless* the Guam
5 Election Commission determines that it won't be adequately
6 prepared to hold the Plebiscite on that date, in which case the
7 Guam Election Commission may determine by majority vote of
8 Commission members to hold the Plebiscite on a later date."

9 **Section 8.** Section 9116 of Title 3 of the Guam Code Annotated is
10 hereby *amended* to read as follows:

11 **"Section 9116. Exhibiting Ballot Box.** Before receiving
12 any ballots, the precinct board shall, in the presence of any voters
13 assembled at the polling place, display the locked ballot box.
14 Thereafter, the ballot box shall *not* be removed from the polling place or
15 presence of the voters until the polls are closed."

16 **Section 9.** Section 11103 of Title 3 of the Guam Code Annotated is
17 hereby *repealed*.

18 **Section 10.** Section 9152 of Title 3 of the Guam Code Annotated is
19 hereby *amended* to read as follows:

20 **"Section 9152. Defacement of Unused and Spoiled Ballots.**

21 Immediately upon the closing of the polls, the members of the precinct
22 board shall, in the presence of all authorized persons in the polling place
23 who may desire to observe them, proceed to deface every unused or
24 spoiled ballot, by drawing across its face, in ink or indelible pencil, two

1 (2) lines which shall cross each other, the cross to be more than three (3)
2 inches square. The members of the precinct board shall thereupon
3 immediately place all defaced ballots within an envelope and seal the
4 envelope. A majority of the members of the precinct board shall
5 immediately write their names across the sealed portion of the
6 envelope."

7 **Section 11.** Section 11105 of Title 3 of the Guam Code Annotated
8 is hereby *amended* to read as follows:

9 "Section 11105. **Ballots Exceeding Number on Roster.** If the
10 ballots in the box exceed in number the names on the roster, one (1) of
11 the members of the precinct board shall, while being observed by the
12 other precinct board members and without looking into the box, draw
13 out singly and destroy a number of the ballots equal to such excess. The
14 precinct board shall make a record upon the roster of the number of
15 ballots so drawn and destroyed."

16 **Section 12.** Section 11108 of Title 3 of the Guam Code Annotated
17 is hereby *amended* to read as follows:

18 "Section 11108. **Delivery of Ballots to Election Center.** The
19 locked ballot box, accompanied by the roster and all endorsements and
20 rejected ballots shall be brought to the election center for tabulation.
21 Representatives of the political parties are authorized to accompany the
22 locked ballot box and other materials from the precinct to the election
23 center."

1 **Section 13. Severability.** *If* any provision of this Law or its
2 application to any person or circumstance is found to be invalid or contrary to
3 law, such invalidity shall *not* affect other provisions or applications of this
4 Law which can be given effect without the invalid provisions or application,
5 and to this end the provisions of this Law are severable.

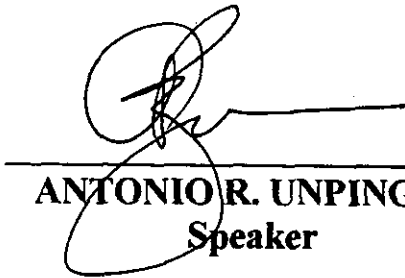


MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2000 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Singko Na Liheslaturan Guahan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR) "AN ACT TO *REPEAL AND REENACT* §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO *REPEAL AND REENACT* §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.," which was introduced on June 19, 2000, and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR).

Dated: June 21, 2000



ANTONIO R. UNPINGCO
Speaker



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910


June 21, 2000

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Bill No. 443(COR) which was passed by *I Mina' Bente Singko Na Liheslaturan Guåhan* on June 21, 2000.

Sincerely,


JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure



IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)

BILL NO. 443 (cop)

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *9*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN""*"" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *Yes*

Confirmed By: *[Signature]*
FINAL REVIEW: *[Signature]*

Dated: 6/21
Dated: 6/21

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)

- FILED by: Danny, Robert or others

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

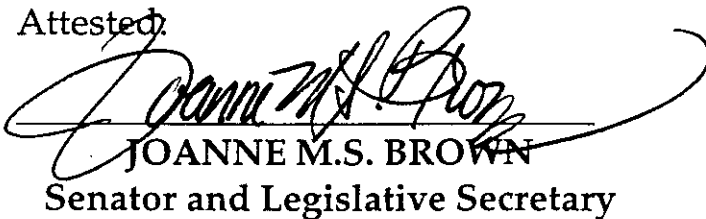
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ANTONIO R. UNPINGCO
Speaker

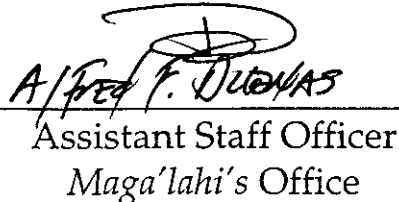
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by *I Maga'lahen Guahan* this 21 day of JUNE, 2000,
at 6:32 o'clock P.M.



Alfred F. Duenas
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
2000 (SECOND) Regular Session

Bill No. 443 (COR)

As amended on the Floor.

Introduced by:

S. A. Sanchez, II

F. B. Aguon, Jr.

E. C. Bermudes

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

2 **Section 1.** This Act shall be referred to as the "*Election Reform Technical*
3 *Corrections Act of 2000.*"

4 **Section 2. Statement of Legislative Findings.** *I Liheslaturan*
5 *Guåhan* finds that the Acting *Maga'lahaen Guåhan's* message of May 26, 2000,
6 accompanying her veto of Bill Number 227, was conciliatory in nature and
7 included valid recommendations relative to several aspects of the election
8 reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.

9 In reciprocation to the spirit of cooperation exhibited by the Acting
10 *Maga'lahaen Guåhan, I Liheslaturan Guåhan* finds that several of her concerns
11 warrant this Body making technical corrections in the original Election
12 Reform Act so that it will best serve the needs of the people in the choosing of
13 their elected leaders. *I Liheslaturan Guåhan* concurs, for instance, that the
14 cumbersome and time-consuming process entailed in the adoption of
15 regulations pursuant to the Administrative Adjudication Law, necessitate the
16 Guam Election Commission being empowered to promulgate emergency
17 regulations for the 2000 elections. *I Liheslaturan Guåhan,* noting that the
18 Congress has made clear in the Uniformed and Overseas Citizens Absentee
19 Voting Act that the ability of absent voters to participate in the runoff
20 elections should be protected, *I Liheslaturan Guåhan* agrees that the Election
21 Reform Act should be modified to attain this objective. Further, that the
22 Commissioners should continue to receive stipends for their valuable service
23 to the People of Guam and not be precluded based upon being in the service
24 of the government of Guam.

1 of the runoff election shall be processed as prescribed by Chapter 10 of
2 Title 3 of the Guam Code Annotated. A runoff absentee ballot received
3 by the Commission *after* the closing of the polls on the date of the runoff
4 election, but before 5 p.m. Guam Standard Time on the tenth (10th) day
5 after the date of the Commission shall be processed by the staff of the
6 Commission and such vote added to the votes of the precinct in which
7 the voter is registered.

8 After the closing of the polls on the date of a runoff election, the
9 Commission may conditionally certify the results of the runoff election
10 on the basis of the results tabulated immediately after the runoff
11 election, but it shall *not* finally certify the runoff election results until
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13 election was conducted. Any absentee ballot received by the
14 Commission after the tenth (10th) day after the runoff election shall *not*
15 be opened, but the envelope appearing to contain such ballot shall be
16 retained in the same manner as other invalid ballots received by the
17 Commission.”

18 **Section 4. Authorization for Commission to Adopt Emergency**
19 **Interim Regulations for the Conduct of the Year 2000 Elections.**

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21 Guam Code Annotated shall *not* apply to any emergency regulation
22 adopted or existing regulation repealed by the Guam Election
23 Commission (“Commission”) for the purpose of implementing the

1 provisions of the Election Reform Act of 2000 and the Election Reform
2 Technical Corrections Act of 2000.

3 (b) *If the Commission finds that the adoption of a regulation or*
4 *the repeal of a regulation is necessary to comply with the Election*
5 *Reform Act of 2000 and this Act, the Commission, by a vote of not less*
6 *than four (4) of its members, may declare that an emergency exists and*
7 *adopt or repeal such regulations as it deems necessary. Any finding of*
8 *an emergency shall include a description of the specific facts showing*
9 *the need for immediate action. The regulation or repeal shall not be*
10 *effective until a copy of it is filed with the Legislative Secretary, and*
11 *shall be subject to legislative repeal or change.*

12 (c) No emergency regulation or repeal shall remain in effect
13 more than one hundred eighty (180) days, nor affect any election except
14 the election conducted in the Year 2000, and that fact shall be stated as a
15 part of the emergency regulation or repeal adopted.

16 (d) During the one hundred eighty (180) days that an
17 emergency regulation is in effect, or at any time thereafter, the
18 Commission may propose to adopt the same regulation or repeal as a
19 regular action pursuant to the Administrative Adjudication Law.”

20 **Section 5.** Section 2101(b) of Title 3 of the Guam Code Annotated, as
21 repealed and reenacted by Public Law Number 25-146, is hereby *repealed and*
22 *reenacted* to read as follows:

1 “(b) Every member of the Commission shall be paid in
2 accordance with §43104 of Title 5 of the Guam Code Annotated, *Uniform*
3 *Compensation for Boards and Commissions.*”

4 **Section 6.** Section 65 of Public Law Number 25-146 is hereby *repealed*.

5 **Section 7. Date of the Plebiscite, Renaming the “Free Association”**
6 **Status Option.** Section 21110 of Chapter 21 of Title 1 of the Guam Code
7 Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11
8 of Public Law Number 25-106 and repealed and reenacted by §65 of Public
9 Law Number 25-146, is hereby *repealed and reenacted* to read as follows:

10 **“Section 21110. Plebiscite Date and Voting Ballot.** The Guam
11 Election Commission shall conduct a ‘Political Status Plebiscite’ at
12 which the following question, which shall be printed in both
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14 ‘In recognition of your right to self-determination,
15 which of the following political status option do you favor?
16 (Mark ONLY ONE):

- 17 1. Independence ()
18 2. Free Association with the United States of
19 America ()
20 3. Statehood ()

21 Persons eligible to vote shall include those persons
22 designated as Native Inhabitants of Guam, defined within
23 Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in

1 this Act, who are eighteen (18) years of age or older on the date of
2 the Political Status Plebiscite, and are registered voters on Guam.

3 The 'Political Status Plebiscite' mandated in Subsection (a) of
4 this Section shall be held on November 7, 2000, *unless* the Guam
5 Election Commission determines that it won't be adequately
6 prepared to hold the Plebiscite on that date, in which case the
7 Guam Election Commission may determine by majority vote of
8 Commission members to hold the Plebiscite on a later date."

9 **Section 8.** Section 9116 of Title 3 of the Guam Code Annotated is
10 hereby *amended* to read as follows:

11 **"Section 9116. Exhibiting Ballot Box.** Before receiving
12 any ballots, the precinct board shall, in the presence of any voters
13 assembled at the polling place, display the locked ballot box.
14 Thereafter, the ballot box shall *not* be removed from the polling place or
15 presence of the voters until the polls are closed."

16 **Section 9.** Section 11103 of Title 3 of the Guam Code Annotated is
17 hereby *repealed*.

18 **Section 10.** Section 9152 of Title 3 of the Guam Code Annotated is
19 hereby *amended* to read as follows:

20 **"Section 9152. Defacement of Unused and Spoiled Ballots.**

21 Immediately upon the closing of the polls, the members of the precinct
22 board shall, in the presence of all authorized persons in the polling place
23 who may desire to observe them, proceed to deface every unused or
24 spoiled ballot, by drawing across its face, in ink or indelible pencil, two

1 (2) lines which shall cross each other, the cross to be more than three (3)
2 inches square. The members of the precinct board shall thereupon
3 immediately place all defaced ballots within an envelope and seal the
4 envelope. A majority of the members of the precinct board shall
5 immediately write their names across the sealed portion of the
6 envelope."

7 **Section 11.** Section 11105 of Title 3 of the Guam Code Annotated
8 is hereby *amended* to read as follows:

9 **"Section 11105. Ballots Exceeding Number on Roster.** If the
10 ballots in the box exceed in number the names on the roster, one (1) of
11 the members of the precinct board shall, while being observed by the
12 other precinct board members and without looking into the box, draw
13 out singly and destroy a number of the ballots equal to such excess. The
14 precinct board shall make a record upon the roster of the number of
15 ballots so drawn and destroyed."

16 **Section 12.** Section 11108 of Title 3 of the Guam Code Annotated
17 is hereby *amended* to read as follows:

18 **"Section 11108. Delivery of Ballots to Election Center.** The
19 locked ballot box, accompanied by the roster and all endorsements and
20 rejected ballots shall be brought to the election center for tabulation.
21 Representatives of the political parties are authorized to accompany the
22 locked ballot box and other materials from the precinct to the election
23 center."

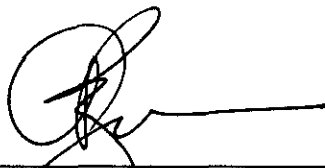


MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2000 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Singko Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR) "AN ACT TO *REPEAL AND REENACT* §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO *REPEAL AND REENACT* §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.," which was introduced on June 19, 2000, and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR).

Dated: June 21, 2000



ANTONIO R. UNPINGCO
Speaker

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 6/21/00

VOTING SHEET

Bill No. 443 (COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C. //	✓				
BLAZ, Anthony C.		✓			
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark /	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				hmm
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C. /	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

14 1 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Introduced

JUN 19 2000

MINA'BENTE SINGKO NA LIHESLATURAN GU
2000 (SECOND) Regular Session

Bill No. 443 (COR)

Introduced by:

S. A. Sanchez, II

SAS II

AN ACT TO *REPEAL AND REENACT* §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO *REPEAL AND REENACT* §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. This Act shall be referred to as the "*Election Reform*
3 *Technical Corrections Act of 2000*."

4 Section 2. *Statement of Legislative Findings.* *I Liheslaturan*
5 *Guåhan* finds that the Acting Governor's message of May 26, 2000,
6 accompanying her veto of Bill Number 227, was conciliatory in nature and
7 included valid recommendations relative to several aspects of the election
8 reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.

1 In reciprocation to the spirit of cooperation exhibited by the acting
2 *Maga'lahaen Guåhan*, *I Liheslaturan Guåhan* finds that several of her concerns
3 warrant this Body making technical corrections in the original Election
4 Reform Act so that it will best serve the needs of the people in the choosing of
5 their elected leaders. *I Liheslaturan Guåhan* concurs, for instance, that the
6 cumbersome and time-consuming process entailed in the adoption of
7 regulations pursuant to the Administrative Adjudication Law, necessitate the
8 Guam Election Commission being empowered to promulgate emergency
9 regulations for the 2000 elections. *I Liheslaturan Guåhan*, noting that the
10 Congress has made clear in the Uniformed and Overseas Citizens Absentee
11 Voting Act that the ability of absent voters to participate in the runoff
12 elections should be protected, *I Liheslaturan Guåhan* agrees that the Election
13 Reform Act should be modified to attain this objective. Further, that the
14 Commissioners should continue to receive stipends for their valuable service
15 to the People of Guam and not be precluded based upon being in the service
16 of the government of Guam.

17 Finally, Bill Number 227 was transmitted to *I Maga'lahaen Guåhan* on
18 May 15, 2000. That legislation was designed to take effect thirty (30) days
19 after enactment, which would also have effectively rescheduled the July 1, 2000
20 plebiscite had it been signed into law. *However*, since it was vetoed, *I*
21 *Liheslaturan Guåhan* overrode the veto on June 12, 2000, making Bill Number
22 227's effective date on July 12, 2000, *after* the July 1, 2000 plebiscite. Based
23 upon unanimous recommendations from Executive Branch agencies, *I*
24 *Liheslaturan Guåhan* continues to intend that the decolonization plebiscite be

1 rescheduled as originally intended in §65 of Bill Number 227, now Public Law
2 Number 25-146, and contains within this legislation corrective language.

3 Section 3. Section 13107 of Title 3 of the Guam Code Annotated, as
4 added by Public Law Number 25-146, is hereby *repealed and reenacted* to
5 read as follows:

6 “Section 13107. Absentee Voting for Runoff Elections. In
7 the event that a runoff election is required pursuant to §1422 or §1712 of
8 Title 48 of the United States Code, the Commission shall mail to each
9 person who participated by absentee ballot in the election precipitating
10 the need for a runoff election an absentee ballot for the runoff election.
11 Notwithstanding any other provision of law, an absentee ballot cast in
12 the runoff election and postmarked before the closing of the polls on the
13 date of the runoff election shall be accepted by the Commission;
14 provided, that it is received by the Commission no later than ten (10)
15 days after the date of the runoff election. A runoff absentee ballot
16 received by the Commission *prior to* the closing of the polls on the date
17 of the runoff election shall be processed as prescribed by Chapter 10 of
18 Title 3 of the Guam Code Annotated. A runoff absentee ballot received
19 by the Commission *after* the closing of the polls on the date of the runoff
20 election, but before 5 p.m. Guam Standard Time on the tenth day after
21 the date of the Commission shall be processed by the staff of the
22 Commission and such vote added to the votes of the precinct in which
23 the voter is registered.

1 After the closing of the polls on the date of a runoff election the
2 Commission may conditionally certify the results of the runoff election
3 on the basis of the results tabulated immediately after the runoff
4 election, but it shall *not* finally certify the runoff election results until
5 after 5 p.m. Guam Standard Time on the tenth day after the runoff
6 election was conducted. Any absentee ballot received by the
7 Commission after the tenth day after the runoff election shall *not* be
8 opened, but the envelope appearing to contain such ballot shall be
9 retained in the same manner as other invalid ballots received by the
10 Commission.”

11 Section 4. Authorization for Commission to Adopt Emergency
12 Interim Regulations for the Conduct of the Year 2000 Elections. (a)

13 The provisions
14 of Article 3 of Chapter 9 of Title 5 of the Guam Code Annotated shall *not*
15 apply to any emergency regulation adopted or existing regulation
16 repealed by the Guam Election Commission (“Commission”) for the
17 purpose of implementing the provisions of the Election Reform Act of
18 2000 and the Election Reform Technical Corrections Act of 2000.

19 (b) If the Commission finds that the adoption of a regulation or
20 the repeal of a regulation is necessary to comply with the Election
21 Reform Act of 2000 and this Act, the Commission, by a vote of *not less*
22 *than* four (4) of its members, may declare that an emergency exists and
23 adopt or repeal such regulations as it deems necessary. Any finding of
24 an emergency shall include a description of the specific facts showing

1 the need for immediate action. The regulation or repeal shall *not* be
2 effective until a copy of it is filed with the Legislative Secretary, and
3 shall be subject to legislative repeal or change.

4 (c) No emergency regulation or repeal shall remain in effect
5 more than one hundred eighty (180) days, nor affect any election except
6 the election conducted in the Year 2000, and that fact shall be stated as a
7 part of the emergency regulation or repeal adopted.

8 (d) During the one hundred eighty (180) days that an emergency
9 regulation is in effect, or at any time thereafter, the Commission may
10 propose to adopt the same regulation or repeal as a regular action
11 pursuant to the Administrative Adjudication Law.”

12 Section 5. Section 2101(b) of Title 3 of the Guam Code Annotated, as
13 repealed and reenacted by Public Law Number 25-146, is hereby *repealed and*
14 *reenacted* to read as follows:

15 “(b) Every member of the Commission shall be paid in
16 accordance with §43104 of Title 5 of the Guam Code Annotated,
17 *Uniform Compensation for Boards and Commissions.*”

18 Section 6. Section 65 of Public Law Number 25-146 is hereby *repealed*.

19 Section 7. Date of the Plebiscite, Renaming the “Free Association”
20 Status Option. Section 21110 of Chapter 21 of Title 1 of the Guam Code
21 Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11
22 of Public Law Number 25-106 and repealed and reenacted by §65 of Public
23 Law Number 25-146, is hereby *repealed and reenacted* to read as follows: