

TERRITORY OF GUAM )  
CITY OF AGANA ) ss

**AFFIDAVIT OF CANCELLATION  
of Previous Registration**

The undersigned affiant, being duly sworn says: I last registered and removed from

County of \_\_\_\_\_ State of \_\_\_\_\_

under the name of (Print) \_\_\_\_\_

then residing at \_\_\_\_\_ Street

City or Town of \_\_\_\_\_

I hereby authorize the cancellation of said registration.

Social Security No. \_\_\_\_\_

\_\_\_\_\_  
AFFIANT SIGN ON LINE

Date of Birth \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Guam Election Commission

By \_\_\_\_\_ Registration Clerk

NOTE: THIS AFFIDAVIT MUST BE IMMEDIATELY MAILED BY THE OFFICE OF THE ELECTION COMMISSION  
TO THE REGISTRAR OF VOTERS OF THE COUNTY OF THE AFFIANT'S PREVIOUS REGISTRATION.

EC-34

**REGISTRAR OF VOTERS — COUNTY CLERK**

OF \_\_\_\_\_ COUNTY

\_\_\_\_\_

# Substitute Bill 227

Amended under the  
Committee of the Whole  
From Sections 1 through 9

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
1999 (FIRST) Regular Session**

**Bill No. 227 (COR)**

As substituted by the Author  
and amended on the Floor.

Introduced by:

S.A. Sanchez II  
Mark Forbes  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
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 REVISE PORTIONS OF TITLE 3 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
PROVIDING STRICTER POLICIES PERTAINING TO  
THE FREGISTRATION OF VOTERS, THE  
TABULATION OF ELECTION RESULTS, TO  
INCREASE THE PENALTIES APPLICABLE TO  
VIOLATIONS OF CERTAIN PROVISIONS OF THE  
ELECTION CODE AND TO REORGANIZE AND  
CLARIFY THE POWERS OF THE COMMISSION, ALL  
FOR THE PURPOSE OF ASSURING FREE, FAIR AND  
OPEN ELECTIONS DECIDED BY PERSONS WHO ARE  
CITIZENS OF THE UNITED STATES, RESIDENTS OF**

GUAM AND OTHERWISE ELIGIBLE TO  
PARTICIPATE IN SUCH ELECTIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Statement of Legislative Findings.

*I Liheslaturan*

*Guåhan* finds that in order to assure free, fair and open elections it is necessary that the Guam Election Code be revised to absolutely ~~restrict~~ limit participation in the public elections of the Island to persons who are citizens of the United States, residents of Guam, of age, competent and *not* otherwise legally disenfranchised. ~~[of the law. The majority of the voters.]~~

Section 2. Sections 1111 through 1118 of Title 3 of The Guam Code Annotated are re-numbered 1112 through 1119 and a new Section 1111 is added to read:

"Section 1111. Runoff Election. A runoff election is an election held subsequent to a general election pursuant to the provisions of Sections 1422 and 1712 of Title 48 of the United States Code."

Section 3. Section 2101 of Title 3 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

'Section 2101. Election Commission: Composition; Removal of Members; Chairman; Quorum. (a) There is within, as an autonomous instrumentality, and an independent commission, of the government of Guam, the Election Commission. The Commission shall consist of seven (7) members, all of whom shall be eligible voters on the date of their appointment. The Governor shall appoint six (6) members from recommendations made by the recognized political parties of Guam.

1 Each of the recognized political parties via a duly passed resolution  
2 shall recommend an equal number of names to the Governor and the six  
3 (6) members appointed by the Governor shall be appointed so that the  
4 recognized political parties are equally represented. If at any time there  
5 are more than three (3) recognized political parties, the six (6) members  
6 appointed by the Governor shall be appointed so that no more than two  
7 (2) of such members shall be members of the same recognized political  
8 party. One (1) member shall be selected and appointed by the six (6)  
9 members appointed by the Governor. The appointment of the seventh  
10 member of the Commission shall be concurred in by at least four (4)  
11 members. The members shall serve for a term of two (2) years. If a  
12 vacancy should occur on the Commission, said vacancy shall be filled  
13 for the remainder of the term only, and by the method originally  
14 prescribed for its appointment.

15 (b) Every member of the Commission who is not in the service of  
16 the Government, for which he receives an annual compensation, shall  
17 be paid Fifty Dollars (\$50.00) for each attendance of a meeting upon his  
18 duties. Subject to the availability of funds and in compliance with any  
19 applicable provision of law, any member may be reimbursed reasonable  
20 expenses authorized by the Commission to be incurred in the  
21 performance of that person's office.

22 (c) Any appointed member may be removed for misconduct in  
23 office by a resolution duly adopted by a vote of two-thirds (2/3s) of the  
24 members elected and serving in *I Liheslaturan Guahan*. At the written  
25 request via a duly passed resolution of the state central committee of

1 any political party that has recommended the appointment of a  
2 member, *I Maga'lahaen Guahan* immediately shall remove such member  
3 from the Commission. The seventh member chosen by the six (6)  
4 politically recommended members may be removed upon a vote by five  
5 (5) of the politically appointed members. Any vacancy resulting from  
6 the provisions of this Paragraph shall be filled as provided in Paragraph  
7 (a).

8 (d) A majority of the members of the Commission shall  
9 constitute a quorum and no action of the Commission shall be  
10 authorized, except upon a vote of four (4) of the members.

11 (e) By majority vote the Commission shall elect annually a  
12 Chairman from among its members. The term of the Chairman shall  
13 expire on the last day of June."

14 Section 4. Section 2102 of Title 3 of the Guam Code Annotated is  
15 amended to read as follows:

16 "Section 2102. Executive Director, Appointment Of; *Ex Officio*  
17 Secretary of the Commission; Salary Of.

18 (a) The Commission shall appoint an Executive Director.  
19 Said Executive Director shall administer the election law of Guam  
20 and shall perform and discharge all of the powers, duties,  
21 purposes, functions and jurisdiction hereunder, or which hereafter  
22 by law may be vested in the Commission in accordance with the  
23 rules of the Commission and subject to the right of appeal to the  
24 Commission.

1           (b) The Executive Director shall be the *ex officio* secretary  
2 for the Commission, but shall *not* be a voting member thereof. As  
3 such secretary, the Executive Director shall keep the minutes of  
4 the Commission's proceedings, preserve all reports made to it,  
5 keep a record of all examinations held under its direction, and  
6 perform such other duties as the Commission shall prescribe.

7           (c) The Executive Director shall be a member of the  
8 unclassified service and shall receive an annual salary within a  
9 range of compensation to be prescribed by the ~~[Civil Service]~~  
10 Commission ~~in accordance with the laws of Guam~~. Said Executive  
11 Director shall serve at the pleasure of the Commission; provided,  
12 however, that the Executive Director may *not* be removed, *unless*  
13 that person's removal is concurred in by four (4) Commission  
14 members."

15       **Section 5.** Section 2103 of Title 3 of the Guam Code Annotated is  
16 *amended* to read as follows:

17           **"Section 2103. Election Commission, Duties and**  
18 **Responsibilities Of; Audit Report; Rule-making Authority.**

19           (a) The Commission shall have direct and immediate  
20 supervision over the municipal and district officials designated in  
21 accordance with the laws of Guam to perform duties relative to  
22 the conduct of elections. The Commission may suspend from the  
23 performance of said duties any of said officials who shall fail to  
24 comply with its instructions, orders, decisions or rulings, and

1 appoint temporary substitutes; and the Commission ~~[may]~~ shall  
2 remove any such officials who shall be found guilty of  
3 nonfeasance or misfeasance in connection with the performance of  
4 their duties relative to the conduct of elections. ~~[and it shall refer~~  
5 ~~such incidents to the Attorney General for review and such further~~  
6 ~~action as the Attorney General may deem warranted.]~~

7 (b) The Commission shall designate such subordinate  
8 officers and employees as may be necessary for the efficient  
9 performance of its functions and duties, each of whom, if *not*  
10 already employed by the government, shall receive a salary to be  
11 determined in accordance with the laws of Guam.

12 The Board may retain an attorney who shall be admitted to  
13 practice before the courts of Guam, who shall advise the Board  
14 and its executive officer on all legal matters pertaining to the  
15 Commission. The designated counsel shall represent the  
16 Commission in litigation in which the Commission is interested or  
17 involved. The terms, conditions and compensation of  
18 employment of any such attorney shall be determined by the  
19 Board, and the attorney shall serve at the pleasure of the Board.

20 (c) ~~{— On or before June 30 in each odd-numbered year, the~~  
21 ~~Commission shall submit to I Liheslaturan Guåhan a management~~  
22 ~~and tabulation audit of all elections it has conducted.}~~

23 As early as is reasonably possible, but not later than  
24 June 30 in each odd-numbered year, the Commission shall prepare  
25 and deliver an annual report to the Governor, the Speaker of I



1 *Liheslaturan Guahan*, the Chair of the legislative committee with  
2 jurisdiction over matters of elections, showing, with respect to the  
3 preceding fiscal year:

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

7 (2) Statistical information regarding the elections  
8 conducted during the fiscal year.

9 (d) The Commission shall promulgate rules pursuant to  
10 Chapter 9 of Title 5 of the Guam Code Annotated necessary and  
11 convenient to carry out the provisions of this Title."

12 **Section 6.** Section 2104 of Title 3 of the Guam Code Annotated is  
13 hereby *amended* to read as follows:

14 "Section 2104. Election Manual. It shall be the duty and  
15 responsibility of the Commission to prepare a public manual of  
16 administrative procedures, rules, regulations and forms to be used in  
17 the conduct of elections. After January 1, 2001, all manuals and  
18 publications shall be prepared pursuant to the Administrative  
19 Adjudication Law. The manual shall set forth the regulations to be  
20 followed by all election officials as well as the descriptions of the  
21 necessary equipment and forms to be used in election procedures."

22 **Section 7.** Section 2106 of Title 3 of the Guam Code Annotated is  
23 hereby *amended* to read as follows:

24 "Section 2106. Powers of the Commission.

1           (a) The Commission shall have the power to summon the  
2 parties to a controversy pending before it, issue subpoenas duces  
3 tecum and otherwise to take testimony in any investigation or  
4 hearing pending before it and delegate such power to any officer.  
5 Any controversy submitted to the Commission shall be tried,  
6 heard and decided within ten (10) days counted from the time the  
7 corresponding petition giving rise to said controversy is filed. The  
8 Commission shall have the power to certify to the Superior Court  
9 of Guam for contempt. ~~[A subpoena shall not be issued, except~~  
10 ~~upon the signature of the Executive Director by order of not less~~  
11 ~~than four (4) members of the Commission.]~~ No witness fee shall  
12 be paid to a person subpoenaed in that person's capacity as a  
13 government employee or agent of the Commission.

14           (b) The Commission may sue and be sued in its name.

15           (c) The Commission may take such action as is necessary  
16 or appropriate to the carrying out of its powers and duties as  
17 specified in this Title or as may be otherwise imposed upon the  
18 Commission by law."

19       Section 8. ~~Section 2107 of Title 3 of the Guam Code Annotated is~~  
20 ~~amended to read:"~~

21       **Section 2107. Placement on Ballot.** No person shall be placed  
22 on the ballot for election to any public office *unless* the Commission has  
23 determined that said person possesses the qualifications for the office  
24 for which that person is a candidate".

1       **Section 9.** Section 3102 of Title 3 of the Guam Code Annotated is  
2 hereby *amended* to read as follows:

3       **"Section 3102. Affidavit of Registration, Necessity for and**  
4 **Contents Of. (a)** No person shall be registered as a voter,  
5 *except* by affidavit of registration made before an authorized  
6 registration clerk or, in the case of an absent voter, pursuant to the  
7 provisions of §10104 of this Title. Before such affidavit shall be  
8 made, the person shall state if that person is currently registered to  
9 vote in any other jurisdiction(s). *If* that person answers  
10 affirmatively, that person shall identify said jurisdiction and  
11 complete and sign an attested statement on a form provided by  
12 the Commission which requests the cancellation of that person's  
13 registration and which shall be forthwith forwarded by the  
14 Commission to that jurisdiction. *If* that person answers  
15 negatively, that person shall nonetheless identify the jurisdiction  
16 in which that person last voted. No registration clerk shall  
17 register any person, *except* upon presentation by the person  
18 applying for registration of written evidence that the person is a  
19 citizen of the United States who will be at least eighteen (18) years  
20 of age upon the date of the next election to be conducted by the  
21 Commission, and that the person is a resident of Guam. A copy of  
22 the evidence of citizenship and residency submitted by the  
23 applicant shall be attached to the registration form or absentee  
24 ballot application. No person shall be registered *except* upon that

1 person's declaration under penalty of perjury of the street name  
2 and number and municipality or lot number and municipality  
3 where that person resides on Guam, and that the person has been  
4 a resident of Guam for not less than <sup>30</sup> ~~sixty (60)~~ days immediately  
5 ~~proceeding~~ <sup>preceding</sup> the date on which the ~~person applies to register~~ <sup>next election will be held</sup>. If a  
6 ~~registration clerk is unable to conclude that the evidence~~  
7 ~~establishes the person's eligibility to be registered, the registration~~  
8 ~~clerk shall refer the affidavit or absentee ballot application to the~~  
9 ~~Commission's Executive Director for a determination. The Guam~~  
10 ~~Election Commission Executive Director shall determine whether~~  
11 ~~the evidence provided by an applicant establishes the person's~~  
12 ~~eligibility to be registered. The Guam Election Commission~~  
13 ~~Executive Director shall give written notice of any denial of~~  
14 ~~registration within five (5) working days upon the receipt of the~~  
15 ~~application.~~ Any person whose affidavit or application for an  
16 absentee ballot is rejected may appeal the decision to the  
17 Commission and, if again rejected, to the Superior Court of Guam.  
18 No person shall be required to disclose that person's social  
19 security number as a condition of registration or voting. The  
20 Commission shall prepare forms for the collection of this data, and  
21 may require the submission of such additional information as will  
22 enable it to comply with this Section. The affidavit shall then be  
23 made in duplicate, and shall set forth all the facts required to be  
24 shown by this Title and the election manual."

1 (b) Written evidence of U. S. citizenship for purposes of  
2 this Section shall include:

3 (1) U. S. Passport;

4 (2) Certificate of U. S. Citizenship;

5 (3) Certificate of Naturalization;

6 (4) A combination of one document from list (i)  
7 and one document from list (ii) as follows:

8 (i) (A) Certification of Birth Abroad issued by the  
9 Department of State;

10 (B) Original or certified copy of a birth certificate  
11 issued by a state, county, municipal authority,  
12 commonwealth, district, or outlying possession of the  
13 United States bearing an official seal;

14 (C) Native American Tribal document;

15 (D) U. S. Citizen ID Card; and

16 (E) Government of Guam Cedula.

17 (ii) (A) Driver's license or ID card issued by a state or  
18 outlying possession of the United States provided it contains  
19 a photograph or information such as name, date of birth,  
20 sex, height, eye color, and address;

21 (B) ID card issued by federal, state, or local  
22 government agencies or entities provided it contains a  
23 photograph or information such as name date of birth, sex,  
24 height, eye color, and address;

25 (C) School ID card with a photograph;

1 (D) Voter's registration card;

2 (E) U. S. Military card or draft record;

3 (F) Military dependent's ID card;

4 (G) U. S. Coast Guard Merchant Mariner Card.

5 Section 10. Section 3104 of Title 3 of the Guam Code Annotated is  
6 hereby *amended* to read as follows:

7 "Section 3104. Times for Registration. Fifteen (15) days  
8 prior to any general, primary or special election, the registration rolls  
9 shall be closed for that election and no further affidavits of registration  
10 shall be accepted by the Commission."

11 Section 11. Section 3105 of Title 3 of the Guam Code Annotated is  
12 hereby *amended* to read as follows:

13 "Section 3105. Place of Registration. The registration of  
14 electors shall be in progress at the main office of the Commission during  
15 such hours as the office is open for business at all times *prior to* the  
16 closing of the registration rolls. Electors may also be registered at such  
17 times and places within Guam as the Commission shall deem advisable  
18 and convenient from the time registration is open until twenty-one (21)  
19 days prior to an election."

20 Section 12. Section 3107 of Title 3 of the Guam Code Annotated is  
21 hereby *amended* to read as follows:

22 "Section 3107. Application Constitutes Registration.

23 The application for an absentee ballot shall constitute a sufficient  
24 registration of the voter in the municipality, municipal division or

**COMMITTEE OF THE WHOLE  
AMENDMENTS TO  
SBill 227(COR)  
5/8/00**

<b>FA #</b>	<b>Sponsor</b>	<b>Amendment</b>	<b>Action</b>
1.	A. C. Lamorena, V	Page 1, lines 7 & 8, add period (.) after "disenfranchised" and delete rest of sentence.	Adopted
2.	M. G. Camacho	Page 1, line 5, delete "restrict" and replace with the word "limit".	Adopted
3.	A. C. Lamorena, V	Page 2, line 11, insert after "within" the following: "and an autonomous instrumentality of, and independent commission".	Adopted
3a.	A. C. Lamorena, V	Amending FA3, by inserting after the words "government of Guam" the following: "as an autonomous instrumentality and an independent commission thereof.	Adopted
4.	C. A. Leon Guerrero/ K. S. Moylan	Page 3, line 15 through 19, delete the following: "at the first meeting ....by the Governor as the seventh member"; Replace with "...matter goes before an arbitrator for binding decision." The rules for arbitration shall be pursuant to the American Arbitration Association."	Withdrawn
5.	F. B. Aguon/ C. A. Leon Guerrero/ K. S. Moylan	Page 3, line 17, delete everything after the word "and"; replace with "...the matter shall go before an arbitrator for a binding decision. The rules for arbitration shall be pursuant to the rules of the American Arbitration Association."	Withdrawn
6.	S. A. Sanchez, II	Page 3, line 11, under (ii), amend to read as follows: "A quorum of the appointed members shall elect by majority vote a seventh member." Delete rest of (ii).	Adopted
6a.	K. S. Moylan	Amending FA6, to read: "The appointed members shall elect by no less than four (4) votes a seventh member.	Adopted
7.	M. G. Camacho	Page 3, line 7, delete the word "successful".	Withdrawn

**APPENDIX IV**

8.	L. F. Kasperbauer	Page 2, line 17, delete “territory”, insert “Guam”.	Adopted
9.	S. A. Sanchez, II	Page 2, lines 1 through 6, Section 2 is amended to read: “ <b>Section 2.</b> Sections 1111 through 1118 of Title 3 of the Guam Code Annotated are re-numbered 1112 through 1119 and a new Section 1111 is added to read: ‘ <b>Section 1111. Runoff Election.</b> A Runnoff Election is an election held subsequent to a General Election pursuant to the provisions of Section 1422 and 1712 of Title 48 of the United States Code’.”	Adopted
10.	J. C. Salas	Pages 3 & 4, delete lines 20 after “(b)” to “provision of law”, line 1, page 4, and the Capital “ <u>Any</u> ..” and rest of sentence remains as is.	Withdrawn
11.	A. C. Lamorena, V	Page 2, lines 7 through line 20, page 4, replace Section 3 in its entirety. (See Attachment I)	Adopted
11a.	V. C. Pangelinan	Amending FA11 on page 2, line 3, add after “written request” the phrase “ <u>via a duly passed resolution</u> ” before “of the state...”	Adopted
11b.	F. B. Aguon‘	Amending FA11 on page 1, line 9, after “recognized political parties” add the phrase “ <u>via a duly passed resolution</u> ” before “shall recommend...”.	Adopted

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**Attachment:**

1. Attachment I – Floor Amendment No. 11.



FA 11  
11a  
11b  
11c

5/8  
5:15P

## SESSION FLOOR AMENDMENT FORM

Bill No. 227 (COR)

Senator Proposing Amendment: **SENATOR LAMORENA**

### ***Proposed Amendment:***

REPLACE §§3 OF BILL W/ FOLLOWING LANGUAGE:

"Section 3. Section 2101 of Title 3 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

*for*  
*11/11*  
**'Section 2101. Election Commission: Composition; Removal of Members; Chairman; Quorum.** (a) There is within, as an autonomous instrumentality, and an independent commission, of the government of Guam, the Election Commission. The Commission shall consist of seven (7) members, all of whom shall be eligible voters on the date of their appointment. The Governor shall appoint six (6) members from recommendations made by the recognized political parties of the Guam. Each of the recognized political parties <sup>shall pass a resolution</sup> shall recommend an equal number of names to the Governor and the six (6) members appointed by the Governor shall be appointed so that the recognized political parties are equally represented. If at any time there are more than three (3) recognized political parties, the six (6) members appointed by the Governor shall be appointed so that no more than two (2) of such members shall be members of the same recognized political party. One (1) member shall be selected and appointed by the six (6) members appointed by the Governor. The appointment of the seventh member of the Commission shall be concurred in by at least four (4) members. The members shall serve for a term of two (2) years. If a vacancy should occur on the Commission, said vacancy shall be filled for the remainder of the term only, and by the method originally prescribed for its appointment.

(b) Every member of the Commission who is not in the service of the Government, for which he receives an annual compensation, shall be paid Fifty Dollars (\$50.00) for each attendance of a meeting upon his duties. Subject to the availability of funds and in compliance w/ any applicable provision of law, any member may be reimbursed reasonable expenses authorized by the Commission to be incurred in the performance of that person's office.

FA 11a  
vaf  
R/

(c) Any appointed member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (2/3s) of the members elected and serving in *I Liheslaturan Guåhan*. At the written request of the state central committee of any political party that has recommended the appointment of a member, *I Maga'láhen Guåhan* immediately shall remove such member from the Commission. The seventh member chosen by the six (6) politically recommended members may be removed upon a vote by five (5) of the politically appointed members. Any vacancy resulting from the provisions of this Paragraph shall be filled as provided in Paragraph (a).

(d) A majority of the members of the Commission shall constitute a quorum and no action of the Commission shall be authorized, *except* upon a vote of four (4) of the members.

(e) By majority vote the Commission shall elect annually a Chairman from among its members. The term of the Chairman shall expire on the last day of June."

Date: 5/8, 2000; Floor Amendment No. 11/11a + 11b of a total of \_\_\_\_\_ Floor Amendments to Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

APPROVED AS TO FORM PASSED:

[Signature]  
AUTHOR OF AMENDMENT

[Signature]  
CLERK OF THE LEGISLATURE  
[Signature]

**AMENDMENTS TO  
SBill 227(COR)  
5/9/00**

<b>FA #</b>	<b>Sponsor</b>	<b>Amendment</b>	<b>Action</b>
1.	A. C. Lamorena, V	Page 5, line 19, delete "Civil Service", line 20, insert after "Commission" the phrase "in accordance with the laws of Guam".	Adopted
2.	S. A. Sanchez, II	Page 6, line 15, add period (.) after "elections."; delete rest of sentence.	Adopted
3.	V. C. Pangelinan	Page 6, line 12, delete "may" and replace with "shall".	Adopted
4.	A. C. Lamorena, V	Page 6, immediately after line 22, add a new paragraph. (See Attachment I)	Adopted
5.	A. C. Lamorena, V	Page 7, lines 1 through 4, delete "c" and add a new "c" (see Attachment II).	Adopted
6.	F. B. Aguon, Jr.	Page 7, line 15, insert "The provisions contained in this section shall take effect on January 1, 2000."	Withdrawn
6a.	K. S. Moylan	Amend FA6, to delete "this" and add "Section 2104"	Adopted--Moot
6b.	F. B. Aguon, Jr.	Amending FA6, delete " <del>on</del> January 1, 2001" to read " <u>after</u> January 1, 2001".	Adopted--Moot
7.	F. B. Aguon, Jr.	Page 7, line 13, delete everything after the word "prepare" and insert the following: "...a public manual of rules and forms to be used in the conduct of elections. After January 01, 2001, all manuals and publications shall be prepared pursuant to the Administrative Adjudication Law."	Adopted
8.	K. S. Moylan	Amending FA7, to insert before "rules" the words "administrative procedures,"; and to insert after "rules" the word "regulations" to read: "... a public manual <u>of administrative procedures</u> , rules, <u>regulations</u> and forms to be used in the conduct of elections.	Adopted

**APPENDIX V**

8a.	K. S. Moylan	Page 7, line 16, to add after “elections.” the following: “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.”	Adopted
9.	A. C. Lamorena, V/ E. B. Calvo	Page 8, Section 7, line 5, delete “tired” and replace with the word “tried”.	Adopted
10.	K. S. Moylan	Page 8, lines 8 through 11, delete “A subpoena.....of the Commission”.	Adopted
11.	S. A. Sanchez, II	Page 8, delete lines 20 through 22 and insert “Section 8. Section 2107 of Title 3 of the Guam Code Annotated is amended to read: ‘Section 2107. Placement on ballot. No person shall be placed on the ballot for election to any public office unless the Commission has determined that said person possesses the’ ...”	Adopted
12.	A. C. Lamorena, V	Page 10, line 2, add after “Guam” the following: “written evidence includes but is not limited to: a birth certificate; a U. S. passport; a U. S. naturalization certificate; or a cedula certificate.”	Withdrawn
12a.	A. C. Lamorena, V	delete “but is not limited to”	Adopted--Moot
12b.	A. C. Lamorena, V	to allow Legal Counsel to make technical corrections.	Adopted--Moot
12c.	Mark Forbes	after “evidence” insert “which shall be defined as indicating birth certificate in the United States of America”.	Withdrawn
13.	A. R. Unpingco	Page 10, lines 14 and 16, “absent ballot” should read “absentee ballot”.	Adopted
14.	Mark Forbes/ S. A. Sanchez, II	Page 11, after line 2, add a new (b) to Section 9 (see Attachment III)	Adopted
15.	J. C. Salas	Page 9, line 22, delete “written”.	Failed
16.	F B. Aguon, Jr.	Page 9, line 6, add (a) after the word “of.”	Adopted
17.	K. S. Moylan	Page 10, line 9, after the word “Guam”, place a period and delete “for not less than sixty(60) days prior to the date on which the person applied to register.”	Discussed but not offered

- |     |                      |  |                  |
|-----|----------------------|--|------------------|
| 18. | <b>K. S. Moylan</b>  | <i>Page 10, lines 11 through 15, delete after the word "register." the following: "If.....determination", and replace with "The Guam Election Commission Executive Director shall determine whether the evidence provided by an applicant establishes the person's eligibility to be registered."</i>  | <b>Withdrawn</b> |
| 19. | <b>K. S. Moylan</b>  | <b>Page 10, lines 11-15, delete after the word "register" the sentence "If.....determination." and replace with the following to read:</b><br><b>"The Election Commission Executive Director shall determine whether the evidence provided by an applicant establishes the person's eligibility to be registered. The Guam Election Commission Executive Director shall give written notice of any denial of registration within five (5) working days upon the receipt of the application."</b> | <b>Adopted</b>   |
| 20. | <b>M. G. Camacho</b> | <b>Page 10, line 10, delete "prior to" and replace with "immediately preceding".</b>   | <b>Adopted</b>   |

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**Attachments:**

1. Attachment I - Floor Amendment No. 4.
2. Attachment II - Floor Amendment No. 5.
3. Attachment III - Floor Amendment No. 14.

(11)  
5/9  
2:58P

MINA BENTE SINGKO NA LIHESLATURAN GUÅHAN  
FLOOR AMENDMENTS/CHANGES  
Bill No. 227 (COR)

A. C. Linares ✓  
Senator Proposing Amendment

Amendment to Section 5, at page 6, immediately following line 22, to amend by adding a paragraph, to read:

ACL  
P

The Board may retain an attorney, ~~or firm of attorneys~~, who shall be admitted to practice before the courts of Guam, who shall advise the Board and its executive officer on all legal matters pertaining to the Commission. The designated counsel shall represent the Commission in litigation in which the Commission is interested or involved. The terms, conditions and compensation of employment of any such attorney shall be determined by the Board, and the attorney shall serve at the pleasure of the Board.

-----  
(Below only for clerk of the Legislature's use and processing)

Date 5/9, 2000

Floor Amendment No. 4 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_

Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

[Signature]  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

(12)  
5/9  
3:02P

MINA BENTE SINGKO NA LIHESLATURAN GUÁHAN  
FLOOR AMENDMENTS/CHANGES  
Bill No. 227 (COR)

  
\_\_\_\_\_  
*Senator Proposing Amendment*

Amendment on page 7, beginning at line 1 thru 4 - delete in it's entirety and replace with the following:

"(c) As early as is reasonably possible, but not later than June 30 in each odd-numbered year, the Commission shall prepare and deliver an annual report to the Governor, the Speaker of I Liheslaturan Guahan, the Chair of the legislative committee with jurisdiction over matters of elections, showing, with respect to the preceding fiscal year:

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

(2) Statistical information regarding the elections conducted during the fiscal year."

-----  
*(Below only for clerk of the Legislature's use and processing)*

Date 5/9, 2000

Floor Amendment No. 5 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_

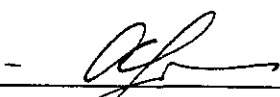
Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (initial)

  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

FA 14

Passed FA No. 19  
Date: 5/9 Time: 5:50P

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES  
Bill No. 227

Senator Proposing Amendment M. Forbes

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Section 9 of bill, page 11, after line 2, insert

Add a new subsection (b) to Section 3102 3 GCA §3102 of Section 9 of the bill to read as follows:

"(b) Written evidence of U.S. citizenship for purposes of this section shall include:

- (1) U.S. Passport;
- (2) Certificate of U.S. Citizenship;
- (3) Certificate of Naturalization;
- (4) Government of Guam cedula; or

(5) A combination of one document from list (i) and one document from list

(ii) as follows:

(i) (A) Certification of Birth Abroad issued by the Department of State;

(B) Original or certified copy of a birth certificate issued by a state, county, municipal authority, <sup>commonwealth, district,</sup> or outlying possession of the United States bearing an official seal;

(C) Native American tribal document; and

(D) U.S. Citizen ID Card; and  
(E) Govt of Guam cedula.

(ii) (A) Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph <sup>for</sup> information such as name, date of birth, sex, height, eye color, and address;

(B) ID card issued by federal, state, or local government agencies or entities provided it contains a photograph or information such as name date of birth, sex, height, eye color, and address;

(C) School ID card with a photograph;

(D) Voter's registration card;

mf  
vfp  
ykr  
withdrawn



Passed FA No. \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

- (E) U.S. Military card or draft record;  
(F) Military dependent's ID card;  
(G) U.S. Coast Guard Merchant Mariner Card; and  
~~(H) Native American tribal document"~~

*(Below only for Clerk of Legislature's use and processing))*

Date May 09, 2000

Floor Amendment No. 14 of a total of \_\_\_\_\_ changes on above Bill.

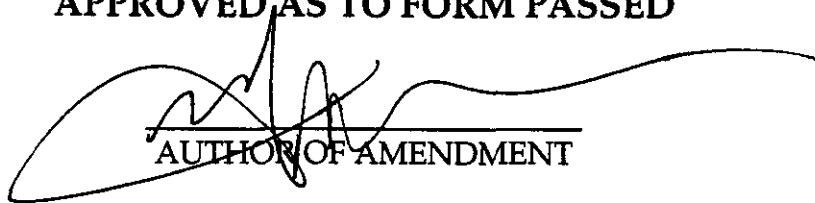
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur (initial)

ms  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

sl Ass't. Amend. Clerk  
st Engrossment Staff

AMENDMENTS TO  
SBill 227COR)  
5/10/00 (p.m.) &  
5/11/00 (a.m.)

FA #	Sponsor	Amendment	Action
5/10/00 p.m.			
1.	A. C. Lamorena, V	Page 11, line 1, delete “ <i>duplicate</i> ” and replace with “triplicate”.	Adopted
2.	S. A. Sanchez, II	Page 11, line 6, insert after “(15)”, the word “days”.	Adopted
3.	V. C. Pangelinan	Amending FA11, to change “ <i>Fifteen(15)</i> ” to reinstate “Ten (10)”.	Adopted
4.	A. C. Lamorena, V	Page 11, line 17, add “days” after “(21)”.	Adopted
5.	V. C. Pangelinan	Page 12, line 4, to add “ee” to “absent” to read “absentee”.	Adopted
6.	A. R. Unpingco	To have the Legal Counsel make technical corrections to “ <i>absent</i> ballot” to read “absentee ballot” throughout the bill.	Adopted
7.	A. C. Lamorena, V	Page 12, line 18, under Section 13, delete the word “ <i>shall</i> ” and replace with “may”.	Withdrawn
8.	V. C. Pangelinan	Page 13, lines 3 to 5, delete sentence “ <i>No person . . . . registration clerk.</i> ”	Failed
9.	K. S. Moylan	Page 13, line 3, after the word “clerk” add “The Commission pursuant to the Administrative Adjudication Law shall set forth a training program for registration clerks which shall include passage of a standardized examination of the applicant’s knowledge of the elections law necessary to perform the registration clerk’s duties.”	Adopted
10.	V. C. Pangelinan	Page 13, line 14, delete “ <i>of Six Dollars (\$6.00) per hour</i> ”, and replace with “set by the Commission”	Adopted

APPENDIX VI

11.	J. C. Salas	Amending FA10, insert after “Commission “not more than 1.5 times the prevailing minimum wage rate”.	Adopted
12.	A. C. Lamorena, V	Page 13, beginning at line 21 continuing on to page 14, lines 1 through 14, and replace with the following: (See Attachment I).	Adopted
12a.	K. S. Moylan	Amending FA12, to delete “ <del>Willfully</del> ” on (1)(a) & (b).	Adopted
13.	A. C. Lamorena, V	Page 15, lines 18 and 19,, delete the following “ <del>If the person registered has not voted at the last general election</del> ” and insert the following: “If the voter has not voted in any general election within the preceding four (4) years, beginning with the general election in the year 2002.”	Withdrawn
14.	S. A. Sanchez, II	Page 15, lines 18 and 19, delete “ <del>at the last</del> ” and replace with “in two consecutive”.	Adopted
14a.	S. A. Sanchez, II	Page 15, line 19, add “s” at the end of “election”.	Adopted
15.	K. S. Moylan	Page 15, line 11, delete <del>subsection (e)</del> and add a new subsection (c) to read: “(c) upon the production of a certification from Guam Police Department or other local or federal government instrumentality that the person is confined pursuant to a local or federal criminal sentence.”	Adopted
16.	J. C. Salas	Page 15, line 9, subsection (b), insert “or mental incompetence” after “insanity”.	Adopted
17.	S. A. Sanchez, II	Page 10, lines 4, after the word “than” change “ <del>sixty (60)</del> ” to read “thirty (30)”.	Adopted
		Page 10, line 5, change “ <del>proceeding</del> ” to read “preceding”	Adopted
		Page 10, line 5, delete “ <del>person applies to register</del> ” and replace with “next election will be held.	Adopted
18.	A. C. Lamorena, V	Page 16, line 9, delete “ <del>completion of canvass</del> ” and replace with the word “certification”.	Adopted
19.	A. C. Lamorena, V	Page 16, lines 13 and 14, delete “ <del>...to the Commission prior to the day of the election</del> ” and replace with “that was postmarked on or before the general election,”.	Adopted

20.	S. A. Sanchez, II	Page 16, line 12, after “general election”, add “pursuant to Section 3122(f)”.	Adopted
21.	F. B. Aguon, Jr.	Page 16, line 20, after “mail” add the following sentence: “The Guam Election Commission Executive Director shall give written notice of any denial of registration within five (5) working days upon the receipt of the application.”	Withdrawn
22.	S. A. Sanchez, II	Page 16, line 17, after the word “thereto” insert the phrase “or a person who failed to vote in the general election but did vote in a runoff election held subsequent to such general election.”	Adopted
23.	A. C. Lamorena, V	Page 17, line 9, change “ <i>general</i> ” to “regular”.	Adopted
23a.	K. S. Moylan	Page 17, line 9, amending FA23, delete in the phrase “ <i>the</i> regular election” to read “ <u>any</u> regular election”.	
24.	A. C. Lamorena, V	Page 17, line 12, change “2000” to read “2001”.	Adopted
25.	E. B. Calvo	Page 18, line 13, add at the end of sentence “unless determined otherwise by the Election Commission.”	Adopted
26.	A. C. Lamorena, V	Page 18, delete lines 7 through 13, and replace with the following new section: “Section 4101. Designation of polling place. The Commission shall, not less than thirty (30) days prior to the date set for any regular election designate, announce and published the Official Polling Sites; the Official Precincts, along with the alphabetical range assigned to each precinct, where the ballots are to be cast in such election. In the case of a runoff election, the polling places and precincts shall be the same as I the election precipitating the need for a runoff.”	Adopted
26a.	E. B. Calvo	Add the phrase “unless determined otherwise by the Election Commission.” at the end of FA26	Adopted
27.	E. B. Calvo	Page 18, line 21, under Section 24, after “runoff”, add “unless determined otherwise by the Election Commission.”	Adopted

28.	A. C. Lamorena, V	Page 18, line 18, delete “ <i>regular election</i> ”.	Adopted
29.	M. G. Camacho/ A. C. Lamorena, V	Page 19, line 2, delete “ <i>polling place</i> ” and replace with “precinct”.	Adopted
30.	M. G. Camacho/	Page 19, lines 18 through 23, under Section 26, delete “ <i>Section 4105</i> ” in its entirety and replace with a new “Section 4105.” (See Attachment II)	Adopted
30a.	L. F. Kasperbauer	Amending FA30, subsection (a), after “a” and before “voter”, insert the word “registered”.	Adopted
31.	M. G. Camacho/ A. C. Lamorena, V	Page 20, lines 12 through 15, delete the following: “ <i>The Commission shall also distribute the names of the members of the precinct boards to each mayor and vice mayor.</i> ”	Failed
32.	J. C. Salas	Amending FA30, add to subsection (a) at the end of the paragraph after “appointed” the following: “The Commission, pursuant to the Administrative Adjudication Act, setting 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.”	Adopted
33.	S. A. Sanchez, II	Amending FA32, to delete “ <i>setting</i> ” and replace with “shall set”.	Adopted
34.	M. G. Camacho/ A. C. Lamorena, V	Page 21, lines 3 through 7, delete in its entirety and replace with a new Section 6104.	Withdrawn
35.	M. G. Camacho	Page 22, line 18, delete “ <i>on</i> ”	Moot (See FA36)
36.	A. R. Unpingco	Page 22, lines 16 through line 10, page 23. Delete “ <i>Section 34</i> ”, and renumber.	Adopted
37.	S. A. Sanchez, II	Page 23, line 19, Add “Effective July 1, 2000” before “The” and change to small “the”.	Adopted

38.	A. C. Lamorena, V	Accordingly, on Page 23, line 17, delete the words “ <del>polling places</del> ” and replace with “precinct”; line 18, delete the words “ <del>three (3)</del> ” and replace with “two (2)”; line 18, delete the words “ <del>to the book of affidavits or</del> ” and insert the word “of”; line 18, delete the words “ <del>polling places</del> ” and replace with “precinct”.	Adopted
39.	A. C. Lamorena, V	Page 24, delete lines 1 through 15 and replace with “Section 9115. Persons permitted within barricade. Only voters engaged in receiving, preparing or depositing their ballots, the precinct board and any other person authorized by the Commission, shall be permitted to be within the barricade before the close of the polls.”	Withdrawn
40.	A. R. Unpingco	Page 24, lines 9 and 10, delete “ <del>every independent candidate or nominee</del> ” and replace with “each gubernatorial candidate”.	Adopted
41.	V. C. Pangelinan	To amend FA40, by adding at the end of sentence the following: “ <del>and independent candidate or nominee.</del> ”	Withdrawn
42.	S. A. Sanchez, II	Page 21, line 3, under Section 30, after “Ineligibility” delete and replace with the following: “No person who is a member of <i>I Liheslaturan Guåhan</i> may occupy a position requiring the advice and consent of <i>I Liheslaturan Guåhan</i> ”.	Adopted
43.	M. G. Camacho	Page 27, after line 7, add subsection (h) to read: (h) For purposes of establishing residency in a village or district, a person must be domiciled in that village or district for at least 30 days prior to the election. For voting purposes, a person may have only one place of domicile.	Adopted
43a.	V. C. Pangelinan	Amending FA43 to read: (h) For purposes of establishing residency in a village or <del>district</del> <u>municipality</u> , a person must be domiciled in that village or district for at least 30 days <u>immediately</u> prior to the election. For voting purposes, a person may have only one place of domicile.	Adopted

44.	L. F. Kasperbauer	Page 25, lines 19 and 20, delete “ <del>for a business or educational reason</del> ” and replace with: “with the intention of returning...”	Adopted
45.	S. A. Sanchez, II	Page 26, line 9, after the word “there”, insert a comma “,”.	Adopted
46.	S. A. Sanchez, II	Page 26, line 21, after the word “one’s”, insert the word “residency”.	Adopted
47.	L. F. Kasperbauer	Page 28, line 23, reinstate “for”.	Adopted
48.	J. C. Salas	Page 30, line 17, insert after “conveyance” the words “and physically” and delete “ <del>not less than one (1)</del> ” and insert “a”.	Moot (See FA49)
48a.	F. B. Aguon, Jr.	Amend FA48, delete “ <del>accompanied</del> ” and insert “escort”.	
49.	K. S. Moylan	<p>Page 30, delete Section 46 and replace with a new Section 46 to read:</p> <p><b>Section 46. Security of Ballots.</b> The Commission shall promulgate rules and regulations pursuant to the Administrative Adjudication Law for the additional security of the ballots and to ensure the integrity of the election process during election day, which shall be published in the Election Manual. The rules shall provide, at the minimum, that the ballot boxes be locked and sealed under Commission seal at all times from the time the ballot box leaves the precinct to their opening at the Election Return Center after the polls close; that all Precinct Board members accompany the ballot boxes at all times to the Election Return Center after the polls close along with at least one (1) Guam Police Department officer; that government of Guam buses be utilized to transport the ballot boxes, the Precinct Board members and Guam Police Department officers to the Election Return Center; and that only the Executive Director, or the Deputy Executive Director, may open the boxes.</p>	Adopted
50.	S. A. Sanchez, II	Page 30, line 22, insert “not” between “are” and “votes cast”.	Adopted

51.	L. F. Kasperbauer	Page 31, line 1, delete “squares” insert “ovals or other spaces”.	Adopted
51a.	K. S. Moylan	Amend FA51, to delete “ovals or other”	Withdrawn
52.	S. A. Sanchez, II	Page 31, line 13, delete “ <del>any</del> ” and replace with “each”.	Adopted
53.	A. C. Lamorena, V	Page 31, line 18, insert the word “and Reviewing” immediately after the word “Sealing”.	Adopted
53a.	A. C. Lamorena, V	Page 31, line 22, insert the following after the word “chapter”; “and as further provided by this Section.”.	Adopted
53b.	A. C. Lamorena, V	Page 32, line 3, insert a new paragraph to read as follows: “The Commission may, not earlier than thirty (30) days from the date that the elections 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 seal and date shall be affixed across the seal portion.	Adopted
54.	A. C. Lamorena, V	Page 32, line 8, delete the words “ <del>polling place</del> ” and insert the word “precinct”.	Adopted
55.	J. C. Salas	Page 32, line 8, change “ <del>property</del> ” to read “properly”.	Adopted
56.	A. C. Lamorena, V	Page 32, line 15, delete “ <del>13109</del> ” and replace with “13108”.	Adopted
57.	L. F. Kasperbauer	Page 35, line 12, delete “ <del>will or</del> ”.	Withdrawn
58.	S. A. Sanchez, II	Page 36, line 17, insert “§14114” before “Acting without Authority”.	Adopted
59.	V. C. Pangelinan	Page 37, line 4, delete “ <del>amended to read</del> ”, replace with “hereby repealed.”	Adopted
60.	A. C. Lamorena, V	Page 38, line 18, delete “ <del>misdemeanor</del> ” replace with “felony of the third degree”.	Adopted
61.	S. A. Sanchez, II	Page 38, line 20, delete “ <del>is repealed</del> ” replace with “amended as follows:”. Delete “ <del>twenty one (21)</del> ” and replace with “fifteen (15)” – in the original law.	Adopted



62.	A. C. Lamorena, V	Page 39, line 4, after “candidate” add a “period (.)”, then add “Except for the mayoral and vice mayor in jurisdictions that had less than one thousand total votes cast in the prior election, the mayoral and vice mayor candidates in these jurisdiction must acquire 5% of the qualified electors based from the prior election.”	Adopted
63.	S. A. Sanchez, II	Amend FA62, on line 2, add “(a)” before word “No”; after “500”, add a “period (.)”, then add “(b) <u>When there are candidates</u> ” for the mayoral “or” vice mayor “ <u>positions</u> ” in jurisdictions that had less than one thousand total votes cast in the prior election, the mayoral and vice mayor candidates in these jurisdiction must acquire 5% of the qualified electors based from the prior election.”	Adopted
64.	A. C. Lamorena, V	Page 39, change “500” to “1,000”	Failed
65.	M. G. Camacho	Page 39, line 16, after “challenge” insert “shall”.	Moot (See FA65)
66.	S. A. Sanchez, II	Page 39, line 16, insert “shall” after “challenge”. On lines 17 to 22, delete strike through; reinstate sentences and delete underscoring on lines 19, 22 & 23.	Adopted
67.	E. C. Bermudes	Page 40, line 6, delete the word “ <del>natural</del> ”.	Failed
68.	K. S. Moylan	Page 40, line 6, delete “ <del>he or she</del> ”, and replace with “that person”.	Adopted
69.	K. S. Moylan	Delete all “ <del>felony of the third degree</del> ” and reinstate “misdemeanor”	Moot (See FA75)
70.	F. B. Aguon, Jr.	Page 40, lines 10 and 11, change “ <del>Ten Thousand Dollars (\$10,000.00)</del> ” to read “Two Thousand Dollars (\$2,000.00)”.	Failed

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**5/11/00 a.m.  
(Past Midnight 5/10/00)**

71.	<i>F. B. Aguon, Jr.</i>	<i>Page 40, lines 10 and 11, change “<del>Ten Thousand Dollars (\$10,000.00)</del>” to read “Five Thousand Dollars (\$5,000.00)”, and delete “per offense”.</i>	<i>Failed</i>
72.	<b>F. B. Aguon, Jr./ Mark Forbes</b>	<b>Page 41, add a new Section referenced Plebiscite. (See Attachment III).</b>	<b>Adopted</b>
73.	<b>A. C. Lamorena, V</b>	<b>Page 41, add a new Section referenced Assistance to Voter. (See Attachment IV)</b>	<b>Adopted</b>
74.	<b>A. C. Lamorena, V</b>	<b>Page 41, add a new Section referenced Write-in candidates.</b>	<b>Withdrawn</b>
75.	<b>K. S. Moylan</b>	<b>Delete “<i>misdemeanor</i>” and reinstate “felony of the third degree on: Page 35, line 18; page 33, line 22; page 36, line 8; page 38, line 18; page 34, line 12; page 37, line 23.</b>	<b>Adopted</b>
76.	<b>A. C. Lamorena, V</b>	<b>Page 41, add a new Section referenced Presidential Elections. (See Attachment V)</b>	<b>Adopted</b>
77.	<b>A. C. Lamorena, V</b>	<b>Page 41, add a new Section referenced Disposal of Unused Ballots. (See Attachment VI)</b>	<b>Adopted</b>
78.	<b>A. C. Lamorena, V</b>	<b>Page 41, add a new Section referenced Certificate of Election. (See Attachment VII)</b>	<b>Adopted</b>
79.	<b>S. A. Sanchez, II</b>	<b>Page 41, add a new Section referenced §12105(e): “(e) whether a demand for jury trial is requested.”</b>	<b>Adopted</b>
80.	<b>S. A. Sanchez, II</b>	<b>Page 41, add a new Section referenced §12112, trial. (See Attachment VIII)</b>	<b>Adopted</b>
81.	<b>S. A. Sanchez, II</b>	<b>Page 41, add a new Section referenced §12119, Costs of Contest Proceedings. (See Attachment IX)</b>	<b>Adopted</b>
81a.	<b>S. A. Sanchez, II</b>	<b>Amend FA81 to delete on line 24, the word “<i>complete</i>”.</b>	<b>Adopted</b>

82.	S. A. Sanchez, II	Page 41, add a new section to read: <del>"Section ____ Paragraph (c) of Section 16404 of the Guam Code Annotated is repealed and the existing paragraph (d) of Section 16404 is renumbered paragraph (c)."</del>	Withdrawn
83.	S. A. Sanchez, II	Page 41, add a new Section referenced §12121, Appeal from Judgment. (See Attachment X)	Adopted
84.	S. A. Sanchez, II	Page 1, listing of sponsors to read: 1. S. A. Sanchez, II 2. Mark Forbes 3. E. B. Calvo 4. A. C. Lamorena, V 5. L. F. Kasperbauer 6. etc. All other senators	Adopted

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**Attachments:**

**5/10/00**

1. Attachment I - Floor Amendment No. 12.
2. Attachment II - Floor Amendment No. 30.
3. Attachment III - Floor Amendment No. 72.
4. Attachment IV - Floor Amendment No. 73.
5. Attachment V - Floor Amendment No. 76.
6. Attachment VI - Floor Amendment No. 77.
7. Attachment VII - Floor Amendment No. 78.
8. Attachment VIII - Floor Amendment No. 80.
9. Attachment IX - Floor Amendment No. 81/81a.
10. Attachment X - Floor Amendment No. 83.

FA 12

32  
5/10  
4:40P

**MINA BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 227 (COR)**

**A. C. LAMORENA, V.**  
**Senator Proposing Amendment**

At page 13, delete, beginning at line 21 continuing on to page 14 , lines 1 thru 14 and replace with the following:

**"Section 16.** Section 3115 of ~~the~~ Title 3 of the Guam Code Annotated is repealed and reenacted to read:

**Section 3115. Penalty for acts or omission.**

(1) Any person authorized by the Commission, having charge of affidavits of registration or absentee ballot applications submitted in lieu of affidavits of registration who:

KSM  
R

(a) ~~Willfully~~ neglects or refuses to perform any duty required by law in connection with the registration of voters; or

KSM  
R

(b) ~~Willfully~~ neglects or refuses to perform such duty in the manner required by voter registration law; or

(c) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

~~(e)~~ Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law,

is guilty of a felony of the third degree. Each and every omission constitutes a separate offense.

(2) Any person who:

(a) Knowingly provides false information on an application for voter registration under any provision of this Title;

(b) Knowingly makes or attests to a false declaration as to his or

her qualifications as a voter;

(c) Knowingly causes or permits himself or herself to be registered using the name of another person;

(d) Knowingly causes himself or herself to be registered under two or more different names;

(e) Knowingly causes himself or herself to be registered in two or more precincts;

(f) Offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration;

(g) Accepts payment for assisting in registering voters, where payment is based on fixed amount of money per voter registration; or

(h) Knowingly causes any person to be registered or causes any registration to be transferred or canceled except as authorized under this Title, is guilty of a felony of the third degree. Each and every violation constitutes a separate offense."

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(Below only for clerk of the Legislature's use and processing)

Date 5/10, 2000

Floor Amendment No. 12 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_

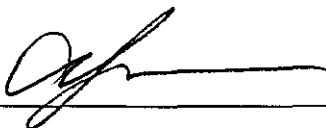
Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

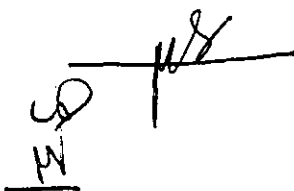
Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**



AUTHOR OF AMENDMENT



F-130  
R

(48)  
S/10  
8:28 P

**MINA BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 227 (COR)**

MGC/A. C. LAMORENA, V.  
*Senator Proposing Amendment*

At page 19, delete: beginning with line 18 thru 23 continuing on to page 20, lines 1 thru 4 and replace with the following:

**"Section 4105. Qualifications of precinct board members.**

29K  
LFK  
R  
FA32  
jer R

(a) Except as provided in subdivision (b), each member of a precinct board shall be a <sup>registered</sup> voter of the District in which they are appointed. The member shall serve only in the precinct for which they are appointed/

(b) In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, the Commission may appoint to the position of Clerk, not more than two students per precinct. A student may be appointed, notwithstanding lack of eligibility to vote, subject to the approval of their parents that the student posses the following qualifications:

(1) Is at least 16 years of age at the time of the election to which he or she is serving as a member of a precinct board;

(2) Is a United States citizen or will be a citizen at the time of the election to which he or she is serving as a member of a precinct board;

(3) Is a student in good standing attending a public or private secondary educational institution;

(4) Is a senior and has a grade point average of at least 2.5 on a 4.0 scale.

(c) No person holding an elective office or who is a candidate or nominee for elective office or who cannot read and write English shall be appointed or serve as a member of a precinct board.

(d) The Commission shall establish by regulation such additional minimum qualifications for appointment as a member of a precinct board as it determines to be necessary.

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(Below only for clerk of the Legislature's use and processing)

Date 5/10, 2000

Floor Amendment No. 30 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

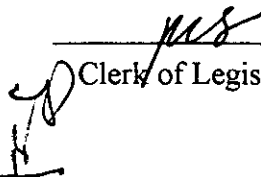
Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
AUTHOR OF AMENDMENT

Concur (initial)

  
Clerk of Legislature

\_\_\_\_\_  
Speaker

FA 72  
78

**I MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**

**Bill No. 227**

Sen. Mark Forbes

**Senator Proposing Amendment**

Please describe proposed amendment, including where change to occur:

Add a New Section:

**Section \_\_. Date of the Plebiscite, Renaming the "Free Association" Status Option.** Section 21110 of Chapter 21, Title 1, Guam Code Annotated, as enacted by §10 of Public Law Number 23-147 and amended by §11 of Public Law Number 25-106, is repealed and reenacted to read:

**"§21110. Plebiscite Date and Voting Ballot.** (a) The Guam Election Commission shall conduct a 'Political Status Plebiscite' at which the following question, which shall be printed in both English and Chamorro, shall be asked of the eligible voters:

'In recognition of your right to self-determination, which of the following political status option do you favor? (Mark ONLY ONE):

1. Independence (   )
2. Free Association with the United States of America (   )
3. Statehood (   )'

Persons eligible to vote shall include those persons designated as Native Inhabitants of Guam, defined within Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in this Act, who are eighteen (18) years of age or older on the date of the Political Status Plebiscite, and are registered voters on Guam.

(b) The 'Political Status Plebiscite' mandated in Subsection (a) of this Section shall be held on November 7, 2000, unless the Guam Election Commission determines that it won't be adequately prepared to hold the plebiscite on that date, in which case the Guam Election Commission may



Ass't. Amend. Clerk  
Engrossment Staff

79

FA 73  
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MINA BENTE SINGKO NA LIHESLATURAN GUÅHAN  
FLOOR AMENDMENTS/CHANGES  
Bill No. 227 (COR)

A. C. LAMORENA, V.  
*Senator Proposing Amendment*

Add a new Section \_\_\_\_\_ to read as follows:

"Section \_\_\_\_\_ Section 9142 of Title 3 Guam Code Annotated is repealed and reenacted to read:

"Section 9142. Assistance to Voter.

act  
R

(a) A voter may request assistance in voting to the precinct board and assistance shall be granted thereby only if <sup>a voter</sup> ~~the~~ is blind, physically disabled, or unable to read or write.

(b) If the voter is granted the opportunity to have assistance, he or she shall be accompanied into the voting booth by two precinct officials. If a voter with a physical disability finds it unduly burdensome to enter the polling place, the ballot may be completed within 100 feet of the polling place. The ballot shall be read to the voter who shall indicate his or her choices. Such choices shall be properly marked by one of the accompanying precinct officials while under the observation of the other. Any registered voter who enters the public grounds containing the polling place but for some reasons is unable to enter the polling place itself, and who is capable of reading and marking his or her ballot without assistance, shall be given the opportunity to vote. The Commission shall make the appropriate rules and regulations necessary to insure the privacy and integrity of any ballot case in such manner.

(c) No member of a precinct board rendering assistance to a voter shall reveal any of the votes cast by such voter.

(Below only for clerk of the Legislature's use and processing)

Date 5/10 <sup>12:30</sup> 2000

Floor Amendment No. 73 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

act  
R

act  
AUTHOR

FA 76

81  
5/11  
12:50A

**MINA BENTE SINGKO NA LIHESLATURAN GUAHAN**  
**FLOOR AMENDMENTS/CHANGES**  
**Bill No. 227 (COR)**

ACL  
*Senator Proposing Amendment*

Add a new Section \_\_\_\_\_ to read as follows:

**Section** \_\_\_\_\_. Section 7107 of Title 3 Guam Code Annotated is amended to read:

**"Section 7107. Presidential Elections.** The ballot for the general election in each year evenly divisible by four (4) beginning with 1980 shall contain the names of the nominees for President and Vice President of the United States of each national political party which has made such nominations. ~~[In addition, any team of candidates which wishes their name to be placed on the ballot as independent candidates may request such placement no later than September 1 of each election year. The Election Commission shall place on the ballot such candidates under the independent category.]~~ In addition, any team of candidates which has been placed on the ballot of any state of the United States may have their names placed on the ballot as independent candidates or as candidates of the party of which they are on the ballot in that state. If the candidates wish to be placed on the ballot, they may request such placement no later than September 1 of each election year. The Election Commission shall place on the ballot such candidates under either the independent category or the name of the party by which the candidates have been placed in the ballot in another state."

*(Below only for clerk of the Legislature's use and processing)*

Date 5/10, 2000

Floor Amendment No. 76 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_

Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

*ms* 

(82)  
5/11  
12:50 A

MINA BENTE SINGKO NA LIHESLATURAN GUÅHAN  
FLOOR AMENDMENTS/CHANGES  
Bill No. 227 (COR)

ACL

Senator Proposing Amendment

Add a new Section \_\_\_\_\_ to read as follows:

Section \_\_\_\_\_. Section 9153 of Title 3, Guam Code Annotated, is hereby amended to read:

"Section 9153. [~~Destruction~~] Disposal of Unused Ballots. On the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the commission shall openly, at the place designated by it for the tabulation of ballots, in the presence of as many voters as may there assemble to observe this act, proceed to [~~destroy every unused ballot which remains in its control, and forthwith~~] make and file its affidavit, in writing, as to the number of [ballots so destroyed] unused ballots which remains in its control for disposal. Thirty (30) days after the Commission has certified the election results, the commission is authorized to dispose of the unused ballots in a manner that is convenient.

(Below only for clerk of the Legislature's use and processing)

Date 5/10, 2000

Floor Amendment No. 77 of a total of \_\_\_\_\_ Changes on above bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

[Signature]  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]

(83)  
5/11  
12:55 A

MINA BENTE SINGKO NA LIHESLATURAN GUÅHAN  
FLOOR AMENDMENTS/CHANGES  
Bill No. 227 (COR)

ACL  
\_\_\_\_\_  
*Senator Proposing Amendment*

Add a new Section \_\_\_\_ to read as follows:

Section \_\_\_\_ Section 11133 of Title 3 Guam Code Annotated is amended to read:

**"Section 11133. Certificate of Election.** Immediately after declaring the results of any election, the Commission shall make or cause to be made 'certificates 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 [~~a copy of such~~] the original certificate which shall constitute evidence of that person's right to office. The Election Commission shall preserve [~~the original~~] a copy of such certificate for a period of ten (10) years."

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*(Below only for clerk of the Legislature's use and processing)*

Date 5/10, 2000

Floor Amendment No. 78 of a total of \_\_\_\_\_ Changes on above bill.


Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ✓

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

  
AUTHOR OF AMENDMENT

Concur (initial)

  
Clerk of Legislature

\_\_\_\_\_  
Speaker

Passed FA No. 85  
Date: 5/11 Time: 12:58A

**I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 227

SANCHEZ

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

Add new section to bill as follows:

"Section \_\_\_\_\_ Section 12112 of Title 3 GCA is amended  
as follows:

(See attachment)

*(Below only for Clerk of Legislature's use and processing))*

Date 5/10, 2000

Floor Amendment No. 4-80 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**                     

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

SAS

**AUTHOR OF AMENDMENT**

Concur (initial)

                      
Clerk of Legislature

                      
Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff

Attachment VIII  
5/10/00

Section 12112. Trial. The Superior Court shall meet at the time and place designated, to determine the contested election, and shall have all the powers necessary to the determination thereof. It may adjourn from day to day until the trial is ended, and may also continue the trial, before its commencement, for any time *not exceeding* twenty (20) days, for good cause shown by any party upon affidavit, unless the Court otherwise finds just cause to provide for additional time frames. Either party shall have the right to request for a jury trial of six (6) jurors either in the complaint or at their first appearance.

Passed FA No. 86  
Date: 5/11 Time: 1:15 A

I MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 227

SANCHEZ

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add a new section to bill as follows:

" §12119 of Title 3 GCA is amended as follows:

( see attachment ) "

(Below only for Clerk of Legislature's use and processing))

Date 5/10 2000

Floor Amendment No. 81/8/a of a total of      changes on above Bill.

Votes For Amendment:      Votes Against Amendment:     

AMENDMENT PASSED: ✓

Amendment Failed:     

Amendment Withdrawn:     

APPROVED AS TO FORM PASSED

SAS

AUTHOR OF AMENDMENT

Concur (initial)

ms  
Clerk of Legislature

      
Speaker

     Ass't. Amend. Clerk  
     Engrossment Staff

Attachment IX  
5/10/00



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FA 81a  
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Section 12119. Costs of Contest Proceedings.

If the

proceedings under this Chapter are dismissed for complete insufficiency of

1 evidence to support any of the basis for the claims, or for want of  
2 prosecution, or the election is by the Court confirmed without any claims  
3 proven, judgment ~~shall~~ may be rendered against the contestant, for costs, in  
4 favor of the defendant. If the election is annulled or set aside, judgment for  
5 costs ~~shall~~ may be rendered against the defendant, in favor of the contestant.  
6 In the event that the contestant proves part of the contestant's case, the Court  
7 may also award costs as it deems just and equitable.

Passed FA No. 87  
Date: 5/11 Time: 1:25 P

**I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 227

SANCHEZ

**Senator Proposing Amendment**

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add a new section as follows:

"§ 12121 as hereby of title 3 is amended as follows:

(See attachment)"

(Below only for Clerk of Legislature's use and processing))

Date 5/10, 2000

Floor Amendment No. 83 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: ☒

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

SAS

AUTHOR OF AMENDMENT

Concur (initial)

ms  
Clerk of Legislature

Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff

Attachment X  
5/10/00

2       **Section 12121. Appeal From Judgment.** Any party aggrieved by  
3 the judgment of the Superior Court may appeal therefrom to the Supreme  
4 Court of Guam, as in other cases of appeal thereto from the Superior Court,  
15 except on an expedited basis. During the pendency of proceedings on appeal,  
16 and until final determination thereof, the person declared elected by the  
17 Superior Court shall be entitled to the office in like manner as if no appeal had  
18 been taken. The Supreme Court of Guam shall provide an expedited appeal  
19 process for election contests.<sup>89</sup>

**AMENDMENTS TO  
SBill 227(COR)**

**5/11/00**

**(p.m.)**

<b><u>FA #</u></b>	<b><u>Sponsor</u></b>	<b><u>Amendment</u></b>	<b><u>Action</u></b>
<b>1.</b>	<b>S. A. Sanchez, II</b>	<b>Page 3, line 15, of engrossed bill, under Section 2101(a), to add new sentence. (Sec Attachment I.)</b>	<b>Adopted</b>
<b>1a.</b>	<b>S. A. Sanchez, II</b>	<b>Page 15, lines 21 &amp; 22, of engrossed bill, under Section 3115(d), delete "guilty of a misdemeanor" to read "guilty of a felony of the third degree."</b>	<b>Adopted</b>
<b>1b.</b>	<b>S. A. Sanchez, II</b>	<b>Page 16, lines 20 &amp; 21, of engrossed bill, under Section 3115(2)(h), delete "guilty of a misdemeanor" to read "guilty of a felony of the third degree."</b>	<b>Adopted</b>

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**Attachment:**

**5/11/00**

1. Attachment I – Floor Amendment No. 1, 1a, 1b.

**APPENDIX VIII**

89

## SESSION FLOOR AMENDMENT FORM

Bill No. 227 (COR)

Senator Proposing Amendment: **SENATOR SANCHEZ & MOYLAN**

### *Proposed Amendment:*

1. ADD TO SECTION 3 OF BILL, UNDER 3 GCA §2101(a), AS AMENDED ON THE FLOOR, TO INCLUDE AT END OF SUBSECTION THE SENTENCE: "No member may be an elected official of the government nor a candidate or nominee for an elected office within the government."
2. CHANGE SECTION 16 OF BILL, UNDER 3 GCA §3115(1)(d), AS AMENDED ON THE FLOOR, TO CHANGE "guilty of a misdemeanor." to "guilty of a felony of the third degree."
3. CHANGE SECTION 16 OF BILL, UNDER 3 GCA §3115(2)(h), AS AMENDED ON THE FLOOR, TO CHANGE "guilty of a misdemeanor." to "guilty of a felony of the third degree."

Date: 5/11/00, 2000; Floor Amendment No. 1 of a total of \_\_\_\_\_ Floor Amendments to Bill.

Votes For Amendment: \_\_\_\_\_

Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: \_\_\_\_\_

Amendment Failed: \_\_\_\_\_

APPROVED AS TO FORM PASSED:

  
AUTHOR OF AMENDMENT

  
CLERK OF THE LEGISLATURE

**MINA' BENTE SINKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

Bill No. \_\_\_\_\_

Introduced by:

**S.A. Sanchez II** *SAS II*  
**M. Forbes** *MF*

**AN ACT TO REVISE TITLE 3 OF THE GUAM CODE ANNOTATED, THE ELECTION CODE, TO PROVIDE STRICTER POLICIES PERTAINING TO THE REGISTRATION OF VOTERS, THE TABULATION OF ELECTION RESULTS, TO INCREASE THE PENALTIES APPLICABLE TO VIOLATIONS OF CERTAIN PROVISIONS OF THE ELECTION CODE AND TO REORGANIZE AND CLARIFY THE POWERS OF THE COMMISSION, ALL FOR THE PURPOSE OF ASSURING FREE, FAIR AND OPEN ELECTIONS DECIDED BY PERSONS WHO ARE CITIZENS OF THE UNITED STATES, RESIDENTS OF GUAM AND OTHERWISE ELIGIBLE TO PARTICIPATE IN SUCH ELECTIONS AND, TO APPOINT THE TERRITORIAL AUDITOR THE SEVENTH MEMBER OF THE ELECTION COMMISSION FOR PURPOSES OF THE RUNOFF GUBERNATORIAL ELECTION OF 1999.**

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

**Section 1. Title.** This Act shall be known as the "Election Reform Act of 1999."

**Section 2. Statement of legislative findings.** The Legislature finds that in order to assure free, fair and open elections it is necessary that the Guam Election Code be revised to absolutely restrict participation in the public elections of the island to persons who are citizens of the United States,

1 residents of Guam, of age, competent and not otherwise legally  
2 disenfranchised. This finding is based on the fact that in cases in both the  
3 District Court and the Superior Court creditable evidence has been presented  
4 and judges have concluded that in the general election of 1998 irregularities  
5 occurred. The conclusion of the Superior Court that the irregularities were  
6 not sufficient to affect the outcome of the gubernatorial election does not  
7 diminish the need for Guam's election law to be reformed. The fact that  
8 eighty-five per cent (85 %) of Guam's registered voters participated in the  
9 1998 general election is irrefutable evidence of the vital interest that the  
10 people of Guam have in the selection of the island's political leaders and any  
11 attempt to subvert their collective will shall not be tolerated. It is the specific  
12 intent of the Legislature that Guam's elections be fairly conducted and  
13 honestly determined and that any election law violations be prosecuted to the  
14 full extent of the law. The decision filed April 19, 1999 by the US Court of  
15 Appeals for the Ninth Circuit in the case of *Ada v Gutierrez*, 98-17306, also  
16 requires that the election law be clarified regarding what ballots are to be  
17 included in calculating a majority of votes for those office requiring election  
18 by a majority of the voters.

19 **Section 3.** Section 2101 of Title 3 of the Guam Code Annotated is  
20 repealed and reenacted to read:

21 **"Section 2101. Election Commission, composition and organization**  
22 **of; compensation of; removal of members; and quorum. (a)** There is  
23 within the government of Guam an Election Commission consisting of seven  
24 persons who are citizens of the United States, residents of Guam and  
25 registered voters. (i) The Governor shall appoint six (6) members based

1 upon the recommendation of the recognized political parties of the territory,  
2 such appointment to be made within thirty (30) days of the Governor's receipt  
3 of a party's recommendation. If a vacancy occurs among the appointed  
4 members, the vacancy shall be filled in the manner prescribed for the original  
5 appointment. No more than three persons may be appointed from any single  
6 political party and if the number of recognized political parties exceeds three  
7 (3) the Governor, so far as reasonably possible, shall apportion  
8 membership equally among all recognized political parties. If the Governor  
9 fails to make an appointment within the time allotted by this paragraph, an  
10 individual whose appointment is pending or the political party who  
11 recommended the individual may bring suit in the Superior Court to compel  
12 the appointment and the Court shall award a successful plaintiff costs and  
13 reasonable attorney's fees. The term of all members of the Commission shall  
14 expire on the last day of June in each odd-numbered year. Except as  
15 provided in subparagraph (ii), a person may be appointed to successive  
16 terms.

17 (ii) Within sixty (60) days after the Governor has appointed all six  
18 members recommended by political parties, the six appointed members shall  
19 elect by majority vote a seventh member. Should the six appointed members  
20 be unable to agree upon a seventh member within the sixty (60) days, the  
21 terms of the six shall expire immediately and no one of them may be  
22 reappointed to the Commission for two (2) years. Their places on the  
23 Commission shall then be taken by new members appointed by the Governor  
24 upon the recommendation of the recognized political parties. The duty of the  
25 six to select the seventh member within sixty (60) days of their appointment



1 and the consequence of removal and bar from reappointment if they fail in  
2 the duty shall be the same as with the originally appointed members. If at  
3 any time except ninety (90) days prior to an election a vacancy occurs in the  
4 seventh position, the appointed members shall fill the vacancy in the same  
5 manner and under the same conditions as they originally acted. If the  
6 vacancy occurs within ninety (90) days of an election, the appointed members  
7 shall not be removed from office and the Public Auditor, whose office is  
8 established pursuant to Chapter 19 of title 1 of the Guam Code Annotated  
9 shall be the seventh member ex officio. In such case the Public Auditor and  
10 the appointed members shall continue to serve until the last day of June in  
11 the next odd-numbered year.

12           **(b)** Each member of the Commission who is not in the service of  
13 the government of Guam shall be paid fifty dollars (\$50) for each meeting  
14 attended, not to exceed one hundred dollars (\$100) in any one month. Any  
15 member may be reimbursed reasonable expenses incurred in the discharge of  
16 authorized duties carried out in the performance of his or her office.

17           **(c)** Any appointed member may be removed for misconduct in  
18 office by a resolution duly adopted by a vote of two-thirds (2/3s) of the  
19 members elected and serving in the Legislature. The Public Auditor may be  
20 removed only as provided by Section 1910 of Title 1 of the Guam Code  
21 Annotated. Any vacancy resulting from the provisions of this paragraph shall  
22 be filled as provided in paragraph (a).

23           **(d)** A majority of the members of the Commission shall constitute  
24 a quorum and the vote of a majority of the Commission shall be required to  
25 authorize any action of the Commission.

(e) By majority vote, the Commission shall elect a Chairman from among its members. The term of the Chairman shall expire on the last day of June of each even-numbered year."

**Section 4.** Section 2102 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 2102. Executive Director, appointment of; ex officio secretary of the Commission; salary of.** (a) The Commission shall appoint an Executive [executive] Director. Said Executive [officer] Director shall administer the election law of Guam and shall perform and discharge all of the powers, duties, purposes, functions and jurisdiction hereunder or which hereafter by law may be vested in the Commission ~~under~~ in accordance with the rules of the Commission and subject to the right of appeal to the Commission.

(b) The Executive [officer] Director shall ~~serve as~~ be the ex officio secretary for the Commission, but shall not be a voting member thereof. He, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

(c) The Executive [officer] Director shall be a member of the unclassified service and shall receive an annual salary to be prescribed by the ~~Commission~~ Legislature. Said Executive [officer] Director shall serve at the pleasure of the Commission, provided, however, that he or she may not be removed unless his or her removal is concurred in by four (4) Commission members."

1           **Section 5.**           Section 2103 of Title 3 of the Guam Code Annotated is

2 amended to read:

3           **"Section 2103.       Election Commission, duties and**  
4 **responsibilities of; audit report; rule-making authority. (a)** The  
5 Commission shall have direct and immediate supervision over the municipal  
6 and district officials designated in accordance with the laws of ~~the territory of~~  
7 Guam to perform duties relative to the conduct of elections. The Commission  
8 shall suspend from the performance of said duties any of said officials who  
9 shall fail to comply with its instructions, orders, decisions or rulings, and  
10 appoint temporary substitutes and, upon its recommendation, the Governor  
11 may remove any such officials who shall be found guilty of nonfeasance~~[,~~ or  
12 misfeasance in connection with the performance of their duties relative to the  
13 conduct of elections.

14           **(b)** The Commission shall designate such subordinate officers and  
15 employees as may be necessary for the efficient performance of its functions  
16 and duties, each of whom, if not already employed by the government, shall  
17 receive a salary to be determined in accordance with the laws of ~~[the territory~~  
18 ~~of]~~ Guam.

19           **(c)** On or before June 30 in each odd-numbered year, the Commission  
20 shall submit to the Legislature a management and tabulation audit of all  
21 elections it has conducted.

22           **(d) The Commission may promulgate rules pursuant to**  
23 **Chapter 9 of Title 5 of the Guam Code Annotated necessary and**  
24 **convenient to carry out the provisions of this Title."**

1       **Section 6.** Section 3102 of Title 3 of the Guam Code Annotated is  
2 amended to read:

3               **"Section 3102. Affidavit of registration, necessity for and**  
4 **contents of.** No person shall be registered as a voter except by affidavit of  
5 registration made before ~~the registration clerk of the district or municipality~~  
6 ~~wherein such person resides, or before a registration clerk in the office of the~~  
7 Commission an authorized registration clerk or, in the case of an absent  
8 voter, pursuant to the provisions of Section 10104 of this Title. Before such  
9 affidavit shall be made, the person shall ~~[be asked]~~ state if he or she is  
10 currently registered to vote in any other jurisdiction(s). If he or she answers  
11 affirmatively, he or she shall identify said jurisdiction and complete and sign  
12 an attested statement on a form provided by the Commission which requests  
13 the cancellation of his or her registration and which shall be forthwith  
14 forwarded by the commission to that jurisdiction. If he or she answers  
15 negatively, he or she shall nonetheless identify the jurisdiction in which he or  
16 she last voted. No registration clerk shall register any person except upon  
17 presentation by the person applying for registration of written evidence that  
18 he or she is a citizen of the United States who will be at least eighteen (18)  
19 years of age upon the date of the next election to be conducted by the  
20 Commission and that he or she is a resident of Guam. A copy of the evidence  
21 of citizenship and residency submitted by the applicant shall be attached to  
22 the registration form or absentee ballot application. No person shall be  
23 registered except upon his or her declaration under penalty of perjury of the  
24 street name and number and municipality or lot number and municipality  
25 where he or she resides in Guam and that he or she will have been a

1 resident of Guam for not less than ninety (90) days prior to the date of the  
2 next election to be conducted by the Commission. If a registration clerk is  
3 unable to conclude that the evidence establishes the person's eligibility to be  
4 registered, the registration clerk shall refer the affidavit or absent ballot  
5 application to the Commission's executive director for a determination. Any  
6 person whose affidavit or application for an absent ballot is rejected may  
7 appeal the decision to the Commission and, if again rejected, to the Superior  
8 Court. No person shall be required to disclose his or her social security  
9 number as a condition of registration or voting. The Commission shall  
10 prepare forms for the collection of this data, and may require the submission  
11 of such additional information as will enable it to comply with this Section.  
12 The affidavit shall then be made in duplicate, and shall set forth all the facts  
13 required to be shown by this Title and the election manual."

14 **Section 7.** Section 3104 of Title 3 of the Guam Code Annotated is  
15 amended to read:

16 **"Section 3104. Times for registration.** [~~Ten (10)~~] Twenty-  
17 one (21) days prior to any general, primary or special election, the  
18 registration rolls shall be closed for that election[~~;~~] and no further affidavits of  
19 registration shall be accepted by the Commission."

20 **Section 8.** Section 3105 of Title 3 of the Guam Code Annotated is  
21 amended to read:

22 **"Section 3105. Place of registration.** The registration of  
23 electors shall be in progress at the main office of the Commission during such  
24 hours as the office is open for business at all times prior to the closing of the  
25 registration rolls. Electors [~~shall~~] may also be registered at such times and

1 places within [the Territory] Guam as the Commission shall deem advisable  
2 and convenient from the time registration is open until twenty-one (21) prior  
3 to an election. ~~[and the Commission shall deputize volunteers for such~~  
4 ~~purposes who are qualified as set out in Section 3110 of this Title. Between~~  
5 ~~the twenty first day prior to an election and the close of registration, electors~~  
6 ~~shall be registered at such times and places such as precincts or the main~~  
7 ~~office as the Election Commission shall determine.]”~~

8 **Section 9.** Section 3107 of Title 3 of the Guam Code Annotated is  
9 amended to read:

10 **“Section 3107. Application constitutes registration.** The  
11 application for an absent ballot shall constitute a sufficient registration of the  
12 voter in the municipality, municipal division or district in which the voter  
13 resides, provided that the application is received by the Commission prior to  
14 the closing of the registration rolls and provided that the provisions of Section  
15 3102 of this title pertaining to citizenship, age and residency in Guam are  
16 complied with to the same degree as by a person registering under Section  
17 3102. Such application constituting registration shall be preserved and used  
18 by the commission in the same manner as it preserves and uses affidavits of  
19 registration. ”

20 **Section 10.** Section 3109 of Title 3 of the Guam Code Annotated is  
21 amended to read:

22 **“Section 3109. Appointment of registration clerks.** The  
23 Commission shall appoint at least one registration clerk for each district.”

24 **Section 11.** Section 3111 of Title 3 of the Guam Code Annotated is  
25 repealed. {Section 3111 provides that a person appointed a registration clerk

1 shall be paid at the rate of \$6 per hour and that any person who is an  
2 employee of the government shall not be paid such sum if his or her work as  
3 a registration clerk is performed during "normal working hours."]

4 **Section 12.** Section 3115 of Title 3 of the Guam Code Annotated is  
5 amended to read:

6 **"Section 3115. Penalty for acts or omissions.** Any person  
7 having charge of affidavits of registration or absent ballot applications  
8 submitted in lieu of affidavits of registration is guilty of a [~~misdemeanor~~]  
9 felony of the third degree who intentionally:

10 (a) [~~Neglects or~~] Refuses to make all entries provided for in this  
11 Title;

12 (b) [~~Neglects or~~] Refuses, except for reasonable cause, to  
13 [~~take~~] administer the oath [~~of~~] to an elector applying to him or her for  
14 registration; or

15 (c) Fails, except for reasonable cause, [~~or neglects~~] to comply  
16 with any provision of this Title.

17 Each and every omission constitutes a separate [~~misdemeanor~~] offense."

18 **Section 13.** Section 3130 of Title 3 of the Guam Code Annotated is  
19 amended to read:

20 **"Section 3130. Index of registrations.** The Commission shall  
21 prepare an index of the registration of voters and provide sufficient copies  
22 thereof for use in the general election. Upon the effective date of this  
23 section, the Commission shall cease to collect the social security numbers of  
24 persons registering to vote and no later than June 30, 2000, the Commission  
25 shall purge all social security numbers from its index of registered voters. No

1 later than July 1 of each odd-numbered year, the Commission shall distribute  
2 a copy of the index for each municipality to the mayor thereof. No later than  
3 December 31 of each odd-numbered year, each mayor shall canvass his or  
4 her municipality to verify that the persons registered in his or her municipality  
5 are actual residents thereof. No later than January 31 of each even-  
6 numbered year, each mayor shall notify the Commission of the names of any  
7 persons registered in his or her municipality and who he or she believes to be  
8 not residents of such municipality. No later than February 28 of each even-  
9 numbered year, the Commission shall notify in writing any person whose  
10 name has been provided by a mayor as being a person believed to not be a  
11 resident of the municipality in which he or she is registered. A person so  
12 notified shall have until April 30 of each even-numbered year to refute such  
13 allegation. A person who fails to establish to the satisfaction of the  
14 Commission that he or she is in fact a resident of such municipality shall have  
15 his or her name stricken from the list of registered voters."

16 **Section 14.** Section 8103 of Title 3 of the Guam Code Annotated is  
17 repealed and reenacted to read:

18 **"Section 8103. Campaigning, Limitations on at polling**  
19 **places.** No campaigning for or against any candidate or nominee or  
20 referendum or initiative shall take place on any election day at any polling  
21 place. For purposes of this section, campaigning means in any way  
22 supporting or opposing the election of any candidate or nominee or the  
23 adoption or defeat of any initiative or referendum. For purposes of this  
24 section, a polling place is a place designated by the Election Commission for  
25 the casting of ballots pursuant to Section 4101 of this Title. A polling place



1 includes not only the room or rooms actually used for the casting of ballots,  
2 but also any government property upon which such room is or rooms are  
3 located. If the public property is enclosed by a fence, no person shall  
4 campaign within one hundred (100) feet of the entrance through which  
5 voters must pass in order to reach the room or rooms where they are to cast  
6 their ballots. A violation of this section shall be a misdemeanor."

7 **Section 15.** Section 9115 of Title 3 of the Guam Code Annotated is  
8 amended to read:

9 **"Section 9115. Persons permitted within barricade; and**  
10 **observers.** Only voters engaged in receiving, preparing or depositing their  
11 ballots, the precinct board and any other person permitted by law, shall be  
12 permitted to be within the barricade before the closing of the polls. At all  
13 times while the precinct officials are present in the precinct and during the  
14 time that the ballots are being transported to the election return center  
15 established pursuant to Section 11109 of this Title, each recognized political  
16 party and every independent candidate or nominee whose name appears on  
17 the ballot may have no more than two observers present to witness the  
18 conduct of the election and to challenge any voter. Such observers shall not  
19 interfere with the precinct officials in the conduct of the election nor be  
20 permitted within the precinct barricade."

21 **Section 16.** Section 9129 of Title 3 of the Guam Code Annotated is  
22 repealed. [Section 9129 makes it a felony for a person to vote fraudulently or  
23 more than once in a single election. The same conduct is prohibited and  
24 punished as a felony of the third degree by Section 14117 of Title 3.]

**Section 17.** Section 9146 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 9146. Accounting for ballots.** Every precinct board shall account for the ballots delivered to ~~him~~ it by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots charged. The Commission upon receiving returned ballots shall require such an accounting prior to tabulating the returns of the precinct."

**Section 18.** Paragraph (a) of Section 10104 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 10104. Absent voting, federal requirements. (a)** A voter who~~;~~ **(1)** is eligible for an absentee ballot, **(2)** wants to execute an affidavit or form for voter registration, and **(3)** is absent from ~~[the United States]~~ Guam or is a member of the Armed Forces of the United States, is not required to sign the affidavit or form in the presence of a person authorized to administer an oath,, and the affidavit or form need not be signed by such an oath administrator. The Commission shall inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties of perjury."

**Section 19.** Section 11108 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 11108. Delivery of ballots to election center.** The ballots~~s~~ with the roster and all endorsements and rejected ballots shall be placed in a box with the precinct clearly shown thereon and delivered to the

election center for tabulation. Not more than two (2) representatives of the political parties and any independent candidate or nominee whose name appears on the ballot are authorized to accompany the ballots from the precinct to the election center. The ballots, precinct records, precinct officials and the representatives shall be transported from the precinct to the election center by public conveyance accompanied by not less than two (2) police officers."

**Section 20.** Section 11114 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 11114. Ballot, invalid portions rejected; blank ballots and improperly marked ballots are 'votes cast' for calculating a majority.** If a voter indicates either:

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

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

(c) 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 his choice for any office, his ballot shall not be counted for that office, but the rest of his 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 elected or certified is to be included as a part of the base for determining what constitutes a majority in any election requiring a candidate to garner a majority of votes in order to be elected."

1       **Section 21.** Section 14108 of Title 3 of the Guam Code Annotated is  
2 amended to read:

3       **"Section 14108. Intimidation of voters.** Every person,  
4 association or corporation is guilty of a [~~misdemeanor~~] felony of the third  
5 degree[7] who directly or indirectly[7] makes use of or threatens to make use  
6 of[7] any force, violence or restraint[7] or inflicts or threatens the infliction,  
7 directly or [~~through any other person~~] indirectly, any injury, damage, harm or  
8 loss **or** in any manner practices intimidation upon or against any person[7] in  
9 order to induce or compel him or her to vote or refrain from voting at any  
10 election[7] or to vote or refrain from voting for any particular person at any  
11 election[7] or because any person voted or refrained from voting at any  
12 election."

13       **Section 22.** Section 14109 of Title 3 of the Guam Code Annotated is  
14 amended to read:

15       **"Section 14109. Wrongful interference with voting.** Every  
16 person, association or corporation is guilty of a [~~misdemeanor~~] felony of the  
17 third degree who[7] by abduction, duress or any forcible or fraudulent device  
18 or contrivance whatever[7] impedes, prevents or otherwise interferes with the  
19 free exercise of the elective franchise by any voter[7] or who compels,  
20 induces or prevails[7] through any forcible or fraudulent means[7] upon any  
21 voter either to give or refrain from giving his or her vote at any election[7] or  
22 to give or refrain from giving his or her vote for any particular person or  
23 initiative, referendum or legislative referral at any election."

24       **Section 23.** Section 14111 of Title 3 of the Guam Code Annotated is  
25 amended to read:

1           "Section 14111. **Unlawful influence by employer.** Every  
2 employer, whether a corporation, association or a natural person, is guilty of  
3 a ~~[misdemeanor]~~ felony of the third degree who~~[,]~~ within ninety (90) days  
4 of any election~~[,]~~ puts up or otherwise exhibits in ~~[his factory, workshop or~~  
5 ~~other establishment or place where his workmen or employees may be~~  
6 ~~working]~~ any workplace under his, her or its control or management any  
7 handbill or placard containing any threat, notice or information~~[,]~~ that in case  
8 any particular ticket of a political party or organization or candidate is elected,  
9 work in ~~[his]~~ the employer's place or establishment will be closed~~[,]~~ or the  
10 salaries or wages of ~~[his workmen or]~~ the employees will or may be  
11 reduced~~[,]~~ or makes or communicates other threats, express or implied,  
12 intended or calculated to influence the political opinions or actions of ~~[his~~  
13 ~~workmen or]~~ **the** employees."

14           **Section 24.** Section 14112 of Title 3 of the Guam Code Annotated is  
15 amended to read:

16           **"Section 14112. Giving, offering or receiving a bribe.**  
17 Every person is guilty of a felony of the third degree who:

18                   **(a)** Gives or offers a bribe to any officer or member of any  
19 legislative caucus, political convention, committee or political gathering of any  
20 kind~~[,]~~ held for the purpose of nominating candidates for offices of honor,  
21 trust or profit in ~~[this territory]~~ Guam~~[,]~~ with intent to influence the person to  
22 whom the bribe is given or offered~~[,]~~ to be more favorable to one candidate  
23 than another; or

24                   **(b)** Being a member of any of the bodies in this section  
25 mentioned, receive~~[d]~~s or offers to receive any such bribe."

1       **Section 25.** Section 14113 of Title 3 of the Guam Code Annotated is  
2 amended to read:

3       **"Section 14113. Deceiving illiterate voter.** Every person is  
4 guilty of a felony **of the third degree** who furnishes any **blind or illiterate**  
5 voter [~~wishing to vote, who cannot read,~~] with a ballot, informing or giving  
6 that voter to understand that it contains a name written or printed thereon[~~;~~] or  
7 that is different from the name which is written or printed thereon[~~;~~] or  
8 defrauds any voter at any election by deceiving and causing him or her to  
9 vote for a different person for any office than [~~he~~] the voter intended or  
10 desired to vote."

11       **Section 26.** Section 14114 of Title 3 of the Guam Code Annotated is  
12 amended to read:

13       **"Section 14114. Acting without authority.** Every person is  
14 guilty of a felony **of the third degree** who at any election:

15               **(a)** [~~Without first having~~] Knowing that he or she has not been  
16 appointed and qualified, acts as a member of a precinct board[~~;~~]; **or**

17               **(b)** Knowing that he or she is not [~~being~~] a member of a precinct  
18 board, performs or discharges any of the duties of a member of a precinct  
19 board in regard to the handling, counting or canvassing of any ballots."

20       **Section 27.** Section 14115 of Title 3 of the Guam Code Annotated is  
21 amended to read:

22       **"Section 14115. Service when illiterate; refusal to serve.**  
23 Every person is guilty of a [~~violation,~~] misdemeanor who:

24               **(a)** Is unable to read and write, and acts as a member of  
25 any precinct board; or

(b) Is eligible to serve upon and has been appointed to serve upon a precinct board, and having been properly notified, shall without good of sufficient cause shown to the precinct board or Election commission, refuse of fail to serve."

**Section 28.** Section 14116 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 14116. Aiding and abetting unlawful voting.** Every person is guilty of a ~~misdemeanor~~ felony of the third degree who procures, assists, counsels or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote."

**Section 29.** Section 14117 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 14117. Fraudulent voting.** Every person is guilty of a ~~misdemeanor~~ felony of the third degree who:

(a) Not being entitled to vote at an election, votes or fraudulently attempts to vote at that election; or

(b) Being entitled to vote, attempts to vote more than once at the same election; or

(c) Impersonates or attempts to impersonate a voter;

(d) Votes or attempts to vote while knowing that he or she is registered to vote in a jurisdiction other than Guam."

**Section 30.** Section 16602 of Title 3 of the Guam Code Annotated is amended to read:

**"Section 16602. Bribery.** Any person who offers any bribe or makes promise of gain, or with knowledge of the same, permits any person to offer any bribe or make any promise of gain for his benefit, to any voter to

1 induce him or her to sign an election paper, any person who accepts any  
2 bribe or promise of gain of any kind as consideration for signing the same,  
3 whether the bribe or promise of gain be offered or accepted before or after  
4 signing, shall be guilty of a [~~petty~~] misdemeanor."

5 **Section 31.** Section 19119 of Title 3 of the Guam Code Annotated is  
6 amended to read:

7 "Section 19119. **Penalties; relief.** (a) Any person willfully  
8 violating any provision of this Chapter shall, unless otherwise expressly  
9 stated, be punishable in the manner prescribed as follows:

10 (1) If a natural person, he or she shall be guilty of a  
11 misdemeanor and shall be subject to the penalties specified therefor; or

12 (2) If a corporation, organization or association, it shall be  
13 punishable by a fine not exceeding [~~One~~] Ten Thousand Dollars (\$10,000.00)  
14 per offense; and

15 (3) Whenever a corporation, organization, or association  
16 violates this Chapter, the violation shall be deemed to be also that of the  
17 individual directors, officers, or agents of the corporation, organization, or  
18 association[~~r~~] who have knowingly authorized, ordered, or done any of the  
19 acts constituting the violation.

20 (b) Any person may sue for injunctive relief to compel compliance  
21 with the Chapter."

22 **Section 32. Seventh Member.** In order to assure the orderly  
23 conduct of the election process in the gubernatorial runoff election of 1999,  
24 the Territorial Auditor shall be the seventh member of the Commission



1 effective the day this act takes effect and he shall continue as a member until  
2 30 days after the Commission certifies the results of the runoff election.

3 **Section 33. Transition provisions. (a)** With the exception of  
4 Sections 3 and 32, this Act shall take effect 30 days after it becomes public  
5 law. Section 3 of this Act shall take effect 30 days after the Commission  
6 certifies the results of the gubernatorial runoff election of 1999. Section 31  
7 shall have immediate effect.

8 **(b)** The term of any person who is a member of the Guam  
9 Election Commission on the date this law takes effect shall expire at midnight  
10 30 days after the Commission has certified the results of the gubernatorial  
11 runoff election of 1999. The recognized political parties of Guam shall submit  
12 to the Governor their recommendations for appointment of their members to  
13 the Commission no later than fifteen (15) days after the date on which the  
14 Commission certifies the results of the gubernatorial runoff election of 1999.

15 **Section 34.** Any provision of law inconsistent with this Act is repealed  
16 to the extent of such inconsistency.