

**TITLE 6  
ELECTIONS  
(Election Commission)**

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| Chapter | 1 | Conduct of Elections.  |
|         | 2 | Initiative, Referendum and<br>Legislative Submission. (Public Law<br>14-23). |
|         | 3 | Election Campaign Contributions<br>and Expenditures.                         |
|         | 4 | Public Official Financial Disclosure.  |

**CHAPTER 1  
CONDUCT OF ELECTIONS**

|         |   |                                  |
|---------|---|----------------------------------|
| Article | 1 | Precinct Board                   |
|         | 2 | Rules for Election Days, Ballots |
|         | 3 | Casting & Counting Ballots       |

**NOTE:** Rule-making authority cited for Election Commission, 3  
GCA §2104.

**Article 1  
Precinct Board**

|        |   |
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| §1100. | Precinct Board: Appointment.              |
| §1101. | Same: Members and Compensation.           |
| §1102. | Same: Members' Qualifications.            |
| §1103. | Same: Oath.                               |
| §1104. | Same: Notice of Appointment.              |
| §1105. | Same: Publication of Names.               |
| §1106. | Same: Excusing and Replacing Appointees.  |
| §1107. | Same: Failure to Appear.                  |
| §1108. | Same: Failure to Act: Penalty.            |
| §1109. | Same: Change of Designated Polling Place. |
| §1110. | Same: Incapacitation of Judge or Clerk.   |
| §1111. | Same: Incapacitation of Inspector.        |
| §1112. | Same: Oath of Members.                    |
| §1113. | Same: Administration to Substitute.       |
| §1114. | Same: No Loss of Wages, Etc.              |
| §1115. | Same: Refusal to Appear and Testify.      |

**§1100. Precinct Board: Appointment.** At least ninety (90) days before any regular election is held, the Commission will solicit the assistances of each of the political party chairman to submit names of their party followers to be appointed as precinct officials. This is done so that each of the political party in Guam would have representation in the precinct boards. The appointments would be on a master list concurred by members of the Commission and notification of appointment by individual

letters signed by the Election Commission Chairman will either be mailed or delivered to the Chairman of each of the political party if requested.

**SOURCE:** Filed as §2102; Law governing 3 GCA §4103.

**§1101. Same: Members and Compensation.** The Commission shall appoint a precinct board consisting of not more than five (5) members. These members are an inspector, two (2) judges and two (2) clerks. The two (2) clerks shall have no vote, however, the concurrence of any two (2) other members shall be necessary for any ruling of the precinct board. The Commission shall pay each member of the precinct board Fifty Dollars (\$50.00) for their services rendered for each election.

In order that the number of precinct board members in each precinct does not exceed five (5), the inspector must determine who are the five (5) members eligible to be paid by reporting the names of those at the election center when the ballots boxes are turned in. The Commission shall assign a staff member to take the names of those people from the Inspector of the precinct.

**SOURCE:** Filed as §2103; Law governing 3 GCA §4104.

**§1102. Same: Members' Qualifications.** The Commission shall determine the qualifications of all precinct officials by checking through the voting register of the precinct in which a member is to be appointed. An official who cannot read or write the English language shall declare himself ineligible. Any nominee for an elective office is automatically disqualified and the Commission shall appoint any person to take the place of the person being disqualified after Paragraphs (a) and (b) have been determined.

**SOURCE:** Filed as §2104; Law governing 3 GCA §4105.

**§1103. Same: Oath.** At the meeting of the precinct officials with the Commission to explain the rules and procedures for the election, the oath of office shall be administered by the official of the Commission duly authorized to do so. The Oath of Office (Form EC-11) shall be completed.

**SOURCE:** Filed as §2105; Law governing 3 GCA §4106.

**§1104. Same: Notice of Appointment.** The staff shall under the direction of the Commission prepare all notice of appointments and immediately mail or deliver them to the respective party chairman if requested. The penalty for failure to serve is covered under 6 GAR §1008.

**SOURCE:** Filed as §2106; Law governing 3 GCA §4107.

**§1105. Same: Publication of Names.** The staff under the direction of the Commission will prepare the list of all precinct board members names for publication in any newspaper of general circulation.

**SOURCE:** Filed as §2107; Law governing 3 GCA §4108.

**§1106. Same: Excusing and Replacing Appointees.** After appointment by the Commission of any official, the Commission may excuse or replace that official and appoint a substitute even if a notice of appointment has been received by them.

**SOURCE:** Filed as §2108; Law governing 3 GCA §4109.

**§1107. Same: Failure to Appear.** The Inspector is given the authority to appoint a substitute precinct official to replace any that does not appear at the opening of the polls. Any substitutions must be eligible under 3 GCA §3110. He shall immediately notify the Commission of the new appointee and the name of the member who failed to show.

The Commissioner or the Assistant Commissioner of the village shall immediately notify the Election Commission if the members of the precinct board fail to appear at the opening of the polls. The Election Commission shall appoint new precinct officials if necessary. At no time shall the number of officials in the precinct board exceed five (5).

**SOURCE:** Filed as §2109; Law governing 3 GCA §4110.

**§1108. Same: Failure to Act: Penalty.** Any precinct official who has taken the oath of office (Form EC-11) and who fails to report or act as such is guilty of a misdemeanor unless he has been excused by the Commission for lawful reasons. The Commission shall

report any such failure to act to the Attorney General for proper disposition.

**SOURCE:** Filed as §2110; Law governing 3 GCA §4111.

**§1109. Same: Change of Designated Polling Place.**

The Commission will assist the precinct board in the selection of a polling place if the polling place so designated is not available for any reason. The precinct board must notify the Commission whenever they have selected another place near the original place selected. The Commission will remind the precinct board to post a notice of the change.

**SOURCE:** Filed as §2111; Law governing 3 GCA §4112.

**§1110. Same: Incapacitation of Judge or Clerk.**

Any incapacitation of any member of the precinct board resulting in their leaving the polls must be reported by the Inspector to the Commission. The Inspector shall appoint substitute judges or clerks as the case may be and report his appointment which must be ratified by the Commission or in the event the Commission should reject the appointment it shall make another appointment.

**SOURCE:** Filed as §2112; Law governing 3 GCA §4113.

**§1111. Same: Incapacitation of Inspector.**

If the Inspector is incapacitated during the progress of the election, any of the two (2) judges or in their absence, the clerks shall at once notify the Commission who shall make another appointment immediately. Usually one judge will be appointed as the inspector and another judge will be appointed.

**SOURCE:** Filed as §2113; Law governing 3 GCA §4114.

**§1112. Same: Oath of Members.**

The following oath must be taken by all members of the precinct board before an officer qualified to administer oaths:

"I do solemnly swear that I am a voter of the district of \_\_\_\_\_ that I can read and write the English language, that I am not holding or am a nominee for an elective office, that I will support the Constitution of the United States and the Laws of the Territory of Guam, and that I will faithfully discharge the duties of the office of \_\_\_\_\_

on the Precinct Board for Precinct # \_\_\_\_\_ in the Municipality of \_\_\_\_\_ to the best of my ability."

If for any reason, any member fails or refuses to take the Oath of Office then the Commission shall appoint a substitute and require the new member to take the Oath of Office a copy of which must be filed with the Election Commission.

**SOURCE:** Filed as §2114; Law governing 3 GCA §4115.

**§1113. Same: Administration to Substitute.** The Inspector or in his absence, anyone of the two judges, shall administer the oath to any member of the precinct board which has been appointed to substitute for any member who did not appear, and promptly forward to the Commission the Oath of Office so administered.

**SOURCE:** Filed as §2115; Law governing 3 GCA §4116.

**§1114. Same: No Loss of Wages, Etc.** If any member of the precinct board is deprived of his wages or salary, any deduction is made because of his work as a precinct official, or he be suspended or discharged from his place of employment because he has been appointed as a member of the precinct board he shall immediately report this action to the Commission which shall take appropriate measures in accordance with Title 3, Guam Code Annotated.

**SOURCE:** Filed as §2117; Law governing 3 GCA §4118.

**§1115. Same: Refusal to Appear and Testify.** The precinct board shall report to the Commission any violation of 6 GAR §1014 [the above Section] so that appropriate action will be taken by the Commission.

**SOURCE:** Filed as §2118; Law governing 3 GCA §4119.

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Article 2  
Rules for Election Days & Ballots

- §1201. Postponement of Election.
- §1202. Election Day as Holiday.
- §1203. Ballots: Space for Marking.
- §1204. Same: Delivery of Ballots, Machines and Supplies.
- §1205. Same: Receipts For.
- §1206. Same: Loss or Destruction Of.
- §1207. Offenses: Cessation of Campaigning.
- §1208. Same: Bribery at Election.
- §1209. Polling Places.
- §1210. Destruction or Removal of Facilities.
- §1211. Posting Instruction Cards.
- §1212. Posting Registry Indices.
- §1213. Proclamation of Opening Polls.
- §1214. Time for Opening and Closing Polls.
- §1215. Times for Voting.
- §1216. Liquor Sales at Polling Place Prohibited.
- §1217. Solicitation of Votes at Polling Place Prohibited.
- §1218. Electioneering at Polling Place Prohibited.
- §1219. Use of Barricade Before Booths.
- §1220. Persons Permitted Within Barricade.
- §1221. Exhibiting Ballot Box.
- §1222. Roster and Tally List.
- §1223. Absence of Precinct Officers.
- §1224. Grounds for Challenge.
- §1225. Examination of Person Challenged.
- §1226. Refusal to be Sworn or to Answer.
- §1227. Record on Challenges.
- §1228. (Blank)
- §1229. Dual Voting Prohibited.
- §1230. Reporting of Name; Signing Roster.
- §1231. Woman Voter's Change of Name.
- §1232. One Ballot to Each Voter.
- §1233. Delivery of Ballot by Election Officer Only.
- §1234. Only One Person in Booth.
- §1235. Voting in Booth.
- §1236. Revealing Ballot Prohibited.
- §1237. Delivery of Ballot.
- §1238. Delivery of Other Than Received Ballot Prohibited.
- §1239. Assistance in Voting.
- §1240. Spoiled Ballot.
- §1241. Same: Cancellation.
- §1242. Cancellation of Ballot Received But Not Voted.
- §1243. Accounting for Ballots.
- §1244. Prohibited Acts by Officers.
- §1245. Asking Voter's Intention at Polls Prohibited.
- §1246. Removal of Ballots Before Polls Closed Prohibited.
- §1247. Closing Polls.
- §1248. Same: Late Arrivals Rejected.
- §1249. Same: Defacement of Unused and Spoiled Ballots.

**§1201. Postponement of Election.** Reasons cited for any postponement of an election are:

- (1) Natural phenomenon;
- (2) Act of God;
- (3) Public Enemy.

The Election Commission shall recommend that the Governor postpone any election because of any one reason cited above, and the Governor may issue a postponement but in no event shall such postponement exceed thirty (30) days from the date the election was originally set.

**SOURCE:** Filed as §2152; Law governing 3 GCA §5103.

#### **§1202. Election Day as Holiday. [Repealed]**

**SOURCE:** Filed as §2153; §2153, was repealed by P.L. 15-104. 1 GCA §1000(14) declares it a holiday when an islandwide election is held, except for elections to the Youth Congress and when the election is on a Saturday. Law governing 1 GCA §1000(14). 1 GCA §1000(14), declaring the day of the general electio to be a holiday was repealed by P.L. 26-157:5.

**1§1203. Ballots: Space for Marking.** This mark should be made adjacent to the chosen candidate by the voter as instructed on the official ballot in order to be counted by the computer. A check mark ( ) or a cross (X) mark cannot be counted by the computer and will have to be manually tabulated. Precinct officials should make it a point to clearly instruct each voter to make the mark dark and completely filled in as stated on the instruction area of the ballot and the instructions placed within each booth.

**SOURCE:** Filed as §2256; Law governing 3 GCA §7108.

**§1204. Same: Delivery of Ballots, Machines and Supplies.** The Commission shall prepare a receipt form (EC-12) showing the inventory of materials delivered to each precinct. The Inspector is designated, or in his absence any of the two judges, to receive the materials sent by the Commission, and shall sign the receipt for those materials received. If for any reason the numbers in the receipt differ from the inventory, the official at the precinct board shall show in the receipt (EC-12) the actual figure received. The receipt form (EC-12) shall be returned to the supply clearance officer at the tabulation center.

**SOURCE:** Filed as §2259; Law governing 3 GCA §7111. **§ 1 2 0 5 .**  
**Same: Receipts For.** Form EC-12 must accompany the ballot boxes to each of the precincts. The Inspector, or in his absence any of the two judges, shall immediately take an inventory of the ballots and compare the form with the actual number received. If for any reason the numbers do not agree, then the official shall show the actual count on the receipt. The receipt (Form EC-12) must be returned to the Commission's voter/ballot clearance officer at the tabulation center.

**SOURCE:** Filed as §2260; Law governing 3 GCA §7112.

**§1206. Same: Loss or Destruction Of.** A sample affidavit form may be prepared by the Commission in order that the precinct officials would have an example (except for the facts) of what to include in the text of the affidavit. This would only happen if the ballots are not able to reach their destination due to an accident or other unforeseen acts on the way from the Commission to the precinct.

**SOURCE:** Filed as §2261; Law governing 3 GCA §7113

**§1207. Offenses: Cessation of Campaigning.** The precinct officials as well as the officer of the law assigned to the precinct shall observe that no person violates this provision. A complaint should be filed with the Commission immediately if a violation is observed, however, if a complaint is filed in writing after an election the Commission shall be required to conduct an investigation of the matter.

**SOURCE:** Filed as §2305; Law governing 3 GCA §8103.

**§1208. Same: Bribery at Election.** All persons who have sufficient knowledge that there is a violation of 3 GCA §8121 shall immediately report it to the Election Commission who shall investigate and report to the Attorney General if the violation proves to be valid.

**SOURCE:** Filed as §2325; Law governing 3 GCA §8121.

**§1209. Polling Places.** The preparation of the polling place shall be completed prior to the opening of the polls. The Commission has the responsibility of making a layout for each of the polling places in accordance with 3 GCA

§9103. At no time shall any person not so authorized be allowed inside the barricade area, except voters who are going to the booths to vote. Under no circumstances should the poll watchers ever be positioned closer to the voting booths than the precinct board.

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

**SOURCE:** Filed as §2352; Law governing 3 GCA §9103.

**§1210. Destruction or Removal of Facilities.** The precinct officials are charged with this responsibility and shall immediately notify the Officer of the law assigned to the precinct if any person is violating this Section. In addition, report of this incident shall be made immediately to the Commission, who will investigate the matter.

**SOURCE:** Filed as §2353; §2354; Law governing 3 GCA §§9104 and 9105.

**§1211. Posting Instruction Cards.** The Commission shall prepare the instruction cards and include them in the check-list furnished to each precinct. The instructions are printed in English and Chamorro as follows:

#### VOTING INSTRUCTIONS IN ENGLISH

Vote for only one (1) Governor and Lt. Governor, not more than twenty-one (21) candidates for the Legislature, and only one (1) Non-Voting Delegate to the House of Representatives. Make this mark in the box provided to the left of the candidate's name. Be sure that you mark only the small box inside the big box. Again, do not vote for more than twenty-one (21) candidates for the Legislature. You may vote from the lists of the two (2) parties or insert the name of the candidate of your choice under the "Independent" column if his name is not listed in either of the parties shown. If you do insert the name of a write-in candidate, be sure you make this mark in the box adjacent to the name you write in.

INSTRUCCION PARA MAN BOTA GI FINO  
CHAMORRO

Bota uno-ha para Gobietno, yan Segundo Gobietno, yan munga mana-mas de bente-uno (21) na candidato para y Congreso, yan uno-ha na representanten Guam gi Congreson America. Matka taiguine y kahon gi akaiguen y naan y candidato. Na seguro na un-matka y dikiki na kahon, gi halom y dangkulo na kahon. Adahe na un-bota mas de bente uno (21) para Congresista. Sina hao manbota gi todo y dos pattidos lao yangin guaha otro yamo ni tima lista, sina un-nahalom naan-na gi papa y "Independent". Yangin guaha una halom naan-na, na seguro na un-matka taguine y kahon gi fion y naan ni untugi. Por fabor munga madobbla y baloto.

**SOURCE:** Filed as §2355; Law governing 3 GCA §9106.

**§1212. Posting Registry Indices.** Three (3) copies of the book of Affidavits of registration shall be prepared by the Commission and made available to the precinct board. The precinct board shall post these indices at or near the polling place where the voters may be able to examine them. These indices are not for the use of party poll watchers; they must be thumbtacked or placed where voters approaching the precinct may verify their registration.

**SOURCE:** Filed as §2356; Law governing 3 GCA §9107.

**§1213. Proclamation of Opening Polls.** The Inspector, or anyone of the two judges, shall announce at exactly 8:00 a.m. at the place of election that the polls are open for voting. Thereupon the precinct officials shall be ready for business and all of the assigned members must take up their post. The precinct board may allow not more than one poll watcher from each of the political parties or groups authorized watchers by the Commission. The watchers must be stationed outside of the barricaded area but may be near to the polling place to watch the voting procedures.

**SOURCE:** Filed as §2357; Law governing 3 GCA §9108.

**§1214. Time for Opening and Closing Polls.** It is the responsibility of the Inspector to see that all precinct board members are present and ready to conduct business when the polls open at 8:00 a.m. and that they remain until the closing at 8:00 p.m. on election day.

The Commission recommends that the Inspector be at the polling place before 6:00 a.m. to receive the ballot boxes and that all other precinct officials be present at least one hour prior to the polls being opened.

**SOURCE:** Filed as §2358; Law governing 3 GCA §9109.

**§1215. Times for Voting.** It is the policy of the Commission to continuously open the polls throughout the day until closing time. The precinct officials may make their own arrangements as to lunch and dinner hours as long as majority of the Board is always present.

**SOURCE:** Filed as §2359; Law governing 3 GCA §9110.

**§1216. Liquor Sales at Polling Place Prohibited.** The precinct board is charged with the responsibility of enforcing 3 GCA §9111. Assistance from the law enforcement agency may be requested when needed. Any person violating this provision should be reported immediately to the Commission.

**SOURCE:** Filed as §2360; Law governing 3 GCA §9111.

**§1217. Solicitation of Votes at Polling Place Prohibited.** Title 3 GCA §9112 shall be enforced by precinct officials or by an officer of the law assigned to the precinct. Anyone who has actual knowledge of any person soliciting votes on behalf of any candidate or speaking against any candidate should report the violation to a member of the precinct board. "Polling place" means the entire area at which voting is taking place, such as the entire school grounds, not merely the rooms in which actual voting is going on.

**SOURCE:** Filed as §2361; Law governing 3 GCA §9112.

**§1218. Electioneering at Polling Place Prohibited.** 6 GAR §1017 [§2361]. Any campaign sign which is visible anywhere within one hundred (100) feet of the polling place is in violation of this Section.

**SOURCE:** Filed as §2362; Law governing 3 GCA §9113

**§1219. Use of Barricade Before Booths.** The Commission shall cause the erection of barricades to preclude unauthorized persons from entering the barricade area reserved for precinct officials and voters. No person shall be allowed within six (6) feet of the ballot boxes, booths, tables or other facilities used for voting.

**SOURCE:** Filed as §2363; Law governing 3 GCA §9114.

**§1220. Persons Permitted Within Barricade.** As expressly instructed, the precinct officials and voters who are receiving their ballots to vote or depositing their ballots after voting, shall be the only persons permitted within the barricade area.

**SOURCE:** Filed as §2364; Law governing 3 GCA §9115.

**§1221. Exhibiting Ballot Box.** The precinct officials shall adhere to 3 GCA §9116. They must open, exhibit and close the ballot box which shall then remain unopened until the polls are closed.

**SOURCE:** Filed as §2365; Law governing 3 GCA §9116.

**§1222. Roster and Tally List.** The roster used by each precinct board is a listing of all registered voters in that precinct with his/her identifying information (Social Security or I.D. number and birthdate) adjacent to each name. The information is compiled from voter affidavits of registration in the office of the Election Commission but may be referred to a private firm for the actual list printout.

As each voter appears to cast a ballot, after verification by birthdate and I.D. number, the name and adjacent information should be marked off by a clerk of the precinct board and the voter must sign in the blank provided thereon and print his mailing address directly under his printed name.

The tally sheet is used only for counting rejected ballots from the computer count at the tabulation center. This portion of the Election Code was apparently not amended with the switch to the counting of ballots by

computer. The form (EC-41) is titled "Reject Tally Sheet for Machine Entry" and is in three (3) parts.

**SOURCE:** Filed as §2366; Law governing 3 GCA §9117; third sentence of rule deleted as it refers to §2510 GC which was repealed by P.L. 15-115:3.

**§1223. Absence of Precinct Officers.** It is the duty of the Inspector to schedule members of the precinct board in order that the polls will be open at all times. If for any reason, some of the members have legitimate reason to be absent for any period, there shall be not more than two (2) members absent at one time.

**SOURCE:** Filed as §2367; Law governing 3 GCA §9118.

**§1224. Grounds for Challenge.** The precinct board shall entertain any challenge by a voter for any of the reasons cited in 3 GCA §9119. The challenge must be duly documented by the precinct board and reported under Form EC-14 to the Election Commission. EC-14 forms shall be provided among issued supplies to each precinct board for the purpose of documenting any challenge.

**SOURCE:** Filed as 2368; Law governing 3 GCA §9119.

**§1225. Examination of Person Challenged.** The precinct board shall immediately examine on Oath the challenged and his Witnesses, if any, together with the voter who challenged and his witnesses if any. The Board must give each side an opportunity to present their case during the course of election day so that a decision by the Board may be reached prior to closing of the polls. The decision of the precinct board may be appealed to the Election Commission who shall examine the case and reach a decision prior to the closing of the polls. Further appeal may be made to the Superior Court of Guam.

**SOURCE:** Filed as §2369; Law governing 3 GCA §9120.

**§1226. Refusal to be Sworn or to Answer.** Any person who has been challenged and refuses to take the Oath or to be sworn to answer questions relating to the reasons of the challenge, shall not be allowed to vote by the precinct officials. The Oath shall be in the following form:

I, \_\_\_\_\_, do solemnly swear before these witnesses that the comments I make with regard to this challenge are the truth, the whole truth, and nothing but the truth so help me God.

**SOURCE:** Filed as 2370; Law governing 3 GCA §9121.

**§1227. Record on Challenges.** See 6 GAR §1127. The precinct board must fill in all of the information required from (a) to (d) on form EC-14.

**SOURCE:** Filed as §2371; Law governing 3 GCA §9122.

**§1228. (Blank)**

**§1229. Dual Voting Prohibited.** [Law governing 3 GCA §9125.]

**§1230. Reporting of Name; Signing Roster.** When a voter desires to vote the following must be strictly observed:

(1) Voter must announce his name and address to the clerk of the precinct board.

(2) One of the clerks shall check with the roster and announce the name and address of the voter.

(3) For further identification the Social Security number or Identification number must be given by the voter.

(4) Receive any challenge that may be interposed.

(5) If there is no challenge received, or if a challenge is filed and the precinct board rules that the voter is qualified to vote, the voter shall sign the register and enter his mailing address if it does not appear.

(6) If the voter is unable to read or write, the precinct official in charge of the roster, shall enter the name and address of the voter and initial his name next to it.

(7) The precinct official assigned to issue ballots shall give the voter one of each ballot only.

**SOURCE:** Filed as §2381; Law governing 3 GCA §9128.

**§1231. Woman Voter's Change of Name.** Any woman voter who has a change of name since her last registration by reason of marriage or divorce, shall report her name before marriage or divorce and her name at the time she votes. The precinct board shall enter the necessary adjustment in the roster indicating the reason why the name was changed.

**SOURCE:** Filed as §2383; Law governing 3 GCA §9130.

**§1232. One Ballot to Each Voter.** The precinct official charged with the responsibility of delivering the ballot to the voter, shall give only one ballot or one set of ballots to each voter.

**SOURCE:** Filed as §2384; Law governing 3 GCA §9131.

**§1233. Delivery of Ballot by Election Officer Only.** The precinct officials are the only persons authorized to deliver a ballot to any voter. If somebody other than the precinct officials delivers any ballot to a voter, this may be cause for challenge of distributing an illegal ballot. No person other than a voter, precinct board member or authorized Election Commission official should ever handle a ballot, either marked or unmarked, on election day.

**SOURCE:** Filed as §2385; Law governing 3 GCA §9132.

**§1234. Only One Person in Booth.** The precinct officials shall enforce 3 GCA §9113 and shall see that the voter does not necessarily occupy the voting booth for more than five (5) minutes. One exception is a voter who needs assistance as under 6 GAR §1139 [§2396].

**SOURCE:** Filed as §2386; Law governing 3 GCA §9133.

**§1235. Voting in Booth.** Once the voter has been duly certified to vote and given a ballot, he shall not leave the enclosed space and shall wait until his turn to enter the booth comes.

**SOURCE:** Filed as §2387; Law governing 3 GCA §9134.

**§1236. Revealing Ballot Prohibited.** The precinct board shall enforce this provision so that no voter shall exhibit a marked ballot to any person nearby.

**SOURCE:** Filed as §2392; Law governing 3 GCA §9138.

**§1237. Delivery of Ballot.** The precinct official shall enforce 3 GCA §9139 by asking the voter to announce to the inspector or other members of the precinct board, his name, and in a loud tone any member of the precinct board shall repeat the voters name. The precinct board member who has charge of the affidavits of registration shall also repeat the name of the voter and shall write in the ruled space opposite the name, in figures the line number designating the position of the name on the roster for each voter. (At the time of this printing affidavits of each voter are not available therefore this step must be omitted until such time as they are obtained.) After this is all done, then the voter shall deposit the ballot in the ballot box while the precinct officials in charge of that box watches the action.

**SOURCE:** Filed as §2393; Law governing 3 GCA §9139.

**§1238. Delivery of Other Than Received Ballot Prohibited.** [Law governing 3 GCA §9140.]

**§1239. Assistance in Voting.** At least two (2) members of the precinct board shall be available to assist any voter who cannot read or write or if physically unable to mark the ballot. The ballot must be marked only at the explicit direction of the voter. Such marking is to take place in the voting booth, and the assisting officials shall not reveal the person's vote at any time to any other person.

**SOURCE:** Filed as §2396; Law governing 3 GCA §9142.

**§1240. Spoiled Ballot.** If any voter spoils a ballot, he may return it to the precinct officials and get one in its place. No more than three (3) ballots will be made available if the voter continuously spoils it.

**SOURCE:** Filed as §2397; Law governing 3 GCA §9143.

**§1241. Same: Cancellation.** Every ballot must be accounted for including all spoiled ones. The precinct

board shall draw a cross upon the face of the ballot in ink or indelible pencil to be more than three (3) inches square. All spoiled ballots should be immediately placed in the brown envelope marked for that purpose that is provided among the supplies.

**SOURCE:** Filed as §2398; Law governing 3 GCA §9144.

**§1242. Cancellation of Ballot Received But Not Voted.** The precinct board shall treat a ballot which is returned and not voted on as a spoiled ballot. It must be cancelled by drawing a large "X" at least three (3) inches across the face of the ballot and the official should write the words "returned unmarked by voter". The ballot must then be placed in the ballot box. (This action is necessary to have accurate ballot/ voter count.)

**SOURCE:** Filed as §2399; Law governing 3 GCA §9145.

**§1243. Accounting for Ballots.** Every ballot received from the Commission must be accounted for by the precinct officials. An accurate accounting of ballots must be entered on Form EC-40 which shall be attached to the cover of the roster of each precinct.

**SOURCE:** Filed as §2400; Law governing 3 GCA §9146.

**§1244. Prohibited Acts by Officers.** It is the duty of every citizen to report any violation of 3 GCA §9147 by any precinct official to the Election Commission who will take appropriate action by investigating and reporting the infraction to the Attorney General.

**SOURCE:** Filed as §2401; Law governing 3 GCA §9147.

**§1245. Asking Voter's Intention at Polls Prohibited.** The precinct officials are charged with the responsibility to enforce 3 GCA §9148. Any violation shall be immediately reported to an officer of the law or to the Election Commission.

**SOURCE:** Filed as §2402; Law governing 3 GCA §9148.

**§1246. Removal of Ballots Before Polls Closed Prohibited.** All precinct officials must see that no ballots are removed before the closing of the polls. A tight control

of ballots should be established by the precinct officials to prevent problems in this respect.

**SOURCE:** Filed as §2403; Law governing 3 GCA §9149.

**§1247. Closing Polls.** At 8:00 p.m. on election day, the polls shall be closed and the precinct board shall proclaim the fact at the place of the election. In the event, that the hour has come for closing and there are voters in line at the door prior to the time of closing, the precinct board shall allow sufficient time for those persons to vote.

**SOURCE:** Filed as §2404; Law governing 3 GCA §9150.

**§1248. Same: Late Arrivals Rejected.** Any person who is eligible to vote arriving after 8:00 p.m. shall be denied his vote even though the polls are still open to accommodate those people who are in line prior to closing time.

**SOURCE:** Filed as §2405; Law governing 3 GCA §9151.

**§1249. Same: Defacement of Unused and Spoiled Ballots.** As soon as the polls are closed, the precinct officials shall in the presence of all authorized persons proceed to deface every unused or spoiled ballot by drawing across its face in ink or indelible pencil two (2) lines which shall cross each other, the cross to be more than three (3) inches in diameter. The precinct board shall take an inventory prior to putting the unused or spoiled ballots in a sealed envelope and record the figures on Form EC-13 attached to the roster cover. A majority of the precinct members shall sign their names across the sealed portion of the envelope.

**SOURCE:** Filed as §2406; Law governing 3 GCA §9152.

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Article 3  
Casting & Counting Ballots

- §1301. Absent Voting: Disposition of Ballot by Commission.
- §1302. Same: Manner of Preserving Ballot and Application.
- §1303. Same: Casting Ballots.
- §1304. Same: Causes for Rejecting Ballots.
- §1305. Same: Rejected Ballots.
- §1306. Same: Return of Envelopes With Rejected Ballot.
- §1307. Same: Challenges.
- §1308. Same: Ballot of Deceased Voter.
- §1309. Canvass, Declaration of Results: Officers Present at Close of Polls.
- §1310. Same: Opening Boxes and Counting Ballots.
- §1311. Same: Ballots Exceeding Number on Roster.
- §1312. Same: Signing Roster.
- §1313. Same: Delivery of Ballots to Election Center.
- §1314. Same: Manual Tabulations.
- §1315. Same: Defective Ballots.
- §1316. Same: Ballot Not Rejected for Technical Error.
- §1317. Same: Write-in Votes.
- §1318. Same: Incomplete or Ambiguous Precinct Forms.
- §1319. Same: Same: Correction or Completion.

**§1301. Absent Voting: Disposition of Ballot by Commission.** All absentee ballots and affidavits in the possession of the Commission contained in a sealed envelope shall be delivered to the precinct on election day by the Commission. The precinct board shall immediately execute a receipt form (EC-15) which shall be returned to the Commission and filed immediately.

**SOURCE:** Filed as §2464; Law governing 3 GCA §10116.

**§1302. Same: Manner of Preserving Ballot and Application.** Since all absentee ballots will be delivered to the precinct on election day and cast immediately in the ballot box, this Section would not be of concern to precinct officials.

**§1303. Same: Casting Ballots.** This Section deals primarily with absent or disabled voters. The precinct officials shall follow the procedures as outlined below:

At any time between the opening and closing of the polls on election day, the precinct board shall open the outer or carrier envelope and the return envelope and:

- (a) Announce the name of the absent or disable voter.
- (b) Compare the signature on the application with that of the signature on the affidavit.

(c) If the signatures compare favorably and the affidavit completely executed and it has been ascertained that the voter did not vote in person in that precinct, then the Board shall deposit the ballot in the ballot box.

In the event any discrepancies are found and the ballot is not cast an EC-14 challenge form should be completed and placed in a safe place to be returned to the supply clearance officer at the tabulation center on election night.

**SOURCE:** Filed as §2467; Law governing 3 GCA §10119.

**§1304. Same: Causes for Rejecting Ballots.** The precinct board shall reject a ballot if:

(1) Affidavit is insufficient.

(2) Signature on affidavit and the application do not correspond.

(3) Electors is not qualified to vote in that precinct.

(4) The ballot envelope or return envelope is opened or has been opened and resealed.

(5) The return envelope contains more than one (1) ballot envelope with ballots enclosed.

(6) Said voter has voted in person in which case such ballot shall not be accepted.

**SOURCE:** Filed as §2468; Law governing 3 GCA §10120.

**§1305. Same: Rejected Ballots.** The precinct board shall insert the reason for rejecting a ballot by endorsing the back of the ballot envelope with these words "Rejected because \_\_\_\_\_" (reason to be inserted).

Such rejected ballots shall be enclosed in an envelope, and labeled "Defective Ballots". This envelope must be sealed immediately after the closing of the polls before the ballot box is opened. The precinct board should indicate on the envelope the name and number of the precinct and the date of the election. Each of the officials shall then sign the envelope which must then be returned to the clerk in charge of receiving ballots at the tabulation center.

**SOURCE:** Filed as §2469; Law governing 3 GCA §10121.

**§1306. Same: Return of Envelopes With Rejected Ballot.** The precinct board shall return all rejected absentee ballots with its ballot envelopes together with the affidavit of the voter in the envelope endorsed "DEFECTIVE BALLOTS" at the closing of the polls to the Election

Commission. (See further explanation under 6 GAR §1205 [§2469].)

**SOURCE:** Filed as §2470; Law governing 3 GCA §10122.

**§1307. Same: Challenges.** Any person may challenge the vote of any absentee voter for cause, and the precinct board shall decide in accordance with the provisions of the Election Code, whether the challenge is valid or invalid. In the event a challenge is made an EC-14 form should be completed and filed with the Supply Clearance clerk at the tabulation center.

**SOURCE:** Filed as §2474; Law governing 3 GCA §10124.

**§1308. Same: Ballot of Deceased Voter.** If adequate proof is given to the precinct board and they have determined that a voter has died before his ballot is deposited in the ballot box, then the precinct board shall return the ballot enclosed in the unopened envelope to the Election Commission and it shall be endorsed by the precinct board with the words "Rejected Because Voter is Dead". The casting of a ballot by a deceased person shall not invalidate an election.

**SOURCE:** Filed as §2475; Law governing 3 GCA §10125.

**§1309. Canvass, Declaration of Results:** Officers Present at Close of Polls. The Inspector of each precinct shall see that all precinct officials are present at the closing of the polls. Any absentee shall be reported to the Election Commission for appropriate action.

**SOURCE:** Filed as §2501; Law governing 3 GCA §11102.

**§1310. Same: Opening Boxes and Counting Ballots.** The precinct board shall immediately commence the inventory count of the ballots when the polls are finally closed and all unused and spoiled ballots are sealed:

(1) Take out of the ballot box the ballots.

(2) Arrange the ballots in order so that all are faced up and all top edges are placed at the top of the stack. Any precinct having ballot not arranged in this manner will have to be placed at the end of the line as to order of arrival at the tabulation center.

(3) Count the ballots and check whether total ballots cast correspond with the same number of voters signing the roster.

(4) The inventory of cast, spoiled and unused ballots should be noted on the EC-13 form stapled to the cover of the roster.

(5) The count shall be public and shall be continued without adjournment until completed.

**SOURCE:** Filed as §2502; Law governing 3 GCA §11103.

**§1311. Same: Ballots Exceeding Number on Roster.** If it is necessary for ballots to be extracted from the cast ballots and destroyed, an account of this act including the number destroyed and the precinct officials giving authorization should be written into the roster on the last page and also on the EC-13 form attached to the cover of the roster.

**SOURCE:** Filed as §2504; Law governing 3 GCA §11105.

**§1312. Same: Signing Roster.** After the closing of the polls the precinct board should indicate on the last page of the roster:

(1) The number of voters.

(2) The following wording:

"We the undersigned precinct officials hereby certify that \_\_\_\_\_ (Number) voters appeared before us this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and each did cast a ballot as is their right."

(3) The above statement should be followed by the signatures of the five (5) precinct officials on duty.

**SOURCE:** Filed as §2505; Law governing 3 GCA §11106.

**§1313. Same: Delivery of Ballots to Election Center.** The Election Commission shall furnish adequate transportation for the ballots and precinct officials in all precincts to be delivered to the tabulation center. The precinct board shall deliver the ballots, however, representatives of political parties or Commission-accepted groups are also authorized to accompany the ballots from the precincts to the tabulation center.

**SOURCE:** Filed as §2507; Law governing 3 GCA §11108.

**§1314. Same: Manual Tabulations.** Ballots will be sorted into two (2) stacks by the IBM scanner. One for counted ballots and one for those the scanner was unable to record. Each stack will be placed in separate brown envelopes immediately after completion of the scanning process. The rejected stack is forwarded, in the sealed envelope to the hand count area and tabulated in the above manner. One watcher per party or Commission-accepted group will be authorized to observe each counting team.

**SOURCE:** Filed as §2510; Law governing 3 GCA §11110.

**§1315. Same: Defective Ballots.** In the event a ballot is torn, bent, mutilated or otherwise defective so that it cannot be fed through the scanner, the computer operator will feed a blank sheet of paper through the scanner to record the serial number and it will be rejected. That blank sheet shall be attached to the damaged ballot and forwarded with the other rejected ballots to be manually counted.

SOURCE: Filed as §2512; Law governing 3 GCA §11112.

**§1316. Same: Ballot Not Rejected for Technical Error.** Prior to the election, the Election Commission anticipates ways in which voters might mark a ballot and so marks sample ballots. These are marked as to their validity. If a question as to validity arises in regard to a ballot, the tally crew shall refer to the file of these samples.

SOURCE: Filed as §2513; Law governing 3 GCA §11113.

**§1317. Same: Write-in Votes.** The persons authorized by the Election Commission to count rejected ballots manually shall count a write-in vote as valid only when the voting square adjacent to the candidate's name is marked. Failure for the square to be marked would render the vote invalid.

SOURCE: Filed as §2515; Law governing 3 GCA §11115.

**§1318. Same: Incomplete or Ambiguous Precinct Forms.** Under present procedures, the precinct board shall not be allowed to leave the clearance section of the tabulation center until all forms and inventories are in order. However, should a problem arise after the precinct officials have absented themselves from the tabulation center, they may be subpoenaed and required to appear before the Commission.

SOURCE: Filed as §2530; Law governing 3 GCA §11130.

**§1319. Same: Same: Correction or Completion.** Under present procedures the precinct board shall not be allowed to leave the clearance section of the tabulation center until all forms and inventories are in order.

SOURCE: Filed as §2531; Law governing 3 GCA §11131.

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