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**CHAPTER 3
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§ 3101. Persons Entitled to Vote: Compliance With Registration Provisions.

Every person not confined to a mental institution, nor judicially declared insane, nor committed under a sentence of imprisonment, who is a citizen of the United States over eighteen (18) years of age, or who shall have reached his eighteenth birthday by the day set for election, who is a resident of Guam and who complies with the provisions of this Title governing the registration of electors is entitled to vote at any general election held within the territory of Guam; provided that in the election of municipal or municipal division or district officers only those otherwise qualified electors who reside within the municipality, division or district concerned shall have the right to vote for such municipal or district officer.

SOURCE: GC § 2056, reenacted by P.L. 12-117; amended by P.L. 13-187:39.

§ 3102. Affidavit of Registration, Necessity for and Contents of.

(a) No person shall be registered as a voter, except by affidavit of registration made before an authorized registration clerk or, in the case of an absentee voter, pursuant to the provisions of § 10104 of this Title. Before such affidavit shall be made, the person shall state if that person is currently registered to vote in any other jurisdiction(s). If that person answers affirmatively, that person shall identify said jurisdiction and complete and sign an attested statement on a form provided by the Commission which requests the cancellation of that person's registration, and which shall be forthwith forwarded by the Commission to that jurisdiction. If that person answers negatively, that person shall nonetheless identify the jurisdiction in which that person last voted. No registration clerk shall register any person except upon presentation by the person applying for registration of written evidence that the person is a citizen of the United States who will be at least eighteen (18) years of age upon the date of the next election to be conducted by the Commission, and that the person is a resident of Guam.

A copy of the evidence of citizenship and residency submitted by the applicant shall be attached to the registration form or absentee ballot application. No person shall be registered except upon that person's declaration under penalty of perjury of the street name and number, and municipality or lot number, and municipality where that person resides on Guam, and that the person has been a resident of Guam for not less than

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thirty (30) days immediately preceding the date on which the next election will be held.

The Commission's Executive Director shall determine whether the evidence provided by an applicant establishes the person's eligibility to be registered. The Commission's Executive Director shall give written notice of any denial of registration within five (5) working days upon the receipt of the application. Any person whose affidavit or application for an absentee ballot is rejected may appeal the decision to the Commission and, if again rejected, to the Superior Court of Guam. No person shall be required to disclose that person's social security number as a condition of registration or voting. The Commission shall prepare forms for the collection of this data, and may require the submission of such additional information as will enable it to comply with this Section. The affidavit shall then be made in triplicate, and shall set forth all the facts required to be shown by this Title and the election manual.

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

- (1) U.S. Passport;
- (2) Certificate of U. S. Citizenship; Certificate of Naturalization;
- (3) a combination of one (1) document from list (i) and one (1) 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, commonwealth district or outlying possession of the United States bearing an official seal;

(C) Native American Tribal document;

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

(E) government 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 or information such as name, date of birth, sex, height, eye color and address;

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(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; U.S. Military card or draft record; military dependent's ID card; and

(E) U.S. Coast Guard Merchant Mariner Card.

SOURCE: GC § 2057, reenacted by P.L. 12-149. Amended by P.L. 25-146:9.

§ 3103. Political Party.

Affidavits of registration shall be provided with space wherein the registrant may indicate the party to which he belongs or desires to belong. However, at the option of the voter this space may be left blank.

SOURCE: GC § 2058.

§ 3104. Times for Registration.

Ten (10) days prior to any general, primary or special election, the registration rolls shall be closed for that election and no further affidavits of registration shall be accepted by the Commission.

(a) Exception. For the purposes of registering eligible persons to vote on the plebiscite relative to Guam's political status, the Commission, in consultation with the Commission on Decolonization for the Implementation and Exercise of *Chamorro* Self Determination, shall develop a methodology that will allow a registration process at each of the island's voting precincts and Mayors' offices.

SOURCE: GC § 2059, reenacted by P.L. 12-149. Amended by P.L. 18-40:31.; P.L. 25-146:10. Subsection (a) added by P.L. 31-092:1 (Sept. 30, 2011).

§ 3105. Place of Registration.

The registration of electors shall be in progress at the main office of the Commission during such hours as the office is open for business at all times prior to the closing of the registration rolls. Electors may also be registered at such times and places within Guam as the Commission shall deem advisable and convenient from the time registration is open until twenty-one (21) days prior to an election.

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(a) Exception. For the purposes of registering eligible persons to vote on the plebiscite relative to Guam's political status, the Commission, in consultation with the Guam Commission on Decolonization for the Implementation and Exercise of *Chamorro* Self Determination, shall develop a methodology that will allow a registration process at each of the island's voting precincts and Mayors' offices.

SOURCE: GC § 2059.1, reenacted by P.L. 12-149; amended by P.L. 17-25:III:9; amended by P.L. 17-63:14 and further amended by P.L. 18-26:1. Further amended by P.L. 18-40:32; P.L. 25-146:11. Subsection (a) added by P.L. 31-092:1 (Sept. 30, 2011).

§ 3105.1. High Schools, The Guam Community College and Colleges of the University of Guam Designated as Places of Registration.

All public high schools, the Guam Community College and Colleges of the University of Guam are designated as places for registration of electors. Registration shall take place during the normal business hours of each school or college. Each principal of a public high school shall designate at least one (1) permanent twelve-month employee to act as a registration clerk on behalf of the high school. The President of the Guam Community College shall designate at least one (1) permanent twelve-month employee to act as a registration clerk on behalf of the Guam Community College. Each Dean of a college of the University of Guam shall designate at least one (1) permanent twelve-month employee to act as a registration clerk on behalf of the College. Private high schools may, at their option, be designated as places of registration. All employees designated to act as registration clerks shall meet all the qualifications of this Chapter and shall comply with all laws, rules, regulations and procedures governing the conduct of registration clerks. The Commission shall develop rules, regulations and procedures for the appointment and training of registration clerks.

SOURCE: Added by P.L. 25-10:01.

§ 3106. Transfer of Registration.

(a) The transfer of registration from one precinct to another precinct shall be in progress only at those times and at those places that the registration of electors is taking place; however, the application for transfer must be made at either the Commission office or in the precinct to which the elector transfers.

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(b) No registered voter may be transferred from one village or district to another village or district for voting purposes during the registration period between any primary and general election held in the same calendar year, but shall be allowed to vote in the precinct where registered with the transfer effective after the general election. This subsection does not apply to unregistered voters who were not registered in the primary election but who seek to register for the general

SOURCE: GC § 2059.2, added by P.L. 12-149. Subsection (b) added by P.L. 21-100.

§ 3107. Application Constitutes Registration.

The application for an absentee ballot shall constitute a sufficient registration of the voter in the municipality, municipal division or district in which the voter resides; provided, that the application is received by the Commission prior to the closing of the registration rolls, and provided that the provisions of § 3102 of this Title pertaining to citizenship, age and residency on Guam are complied with to the same degree as by a person registering under § 3102. Such application constituting registration shall be preserved and used by the Commission in the same manner as it preserves and uses affidavits of registration

SOURCE: GC § 2059.3, added by P.L. 12-149. Amended by P.L. 25-146:12.

§ 3108. Unlawful Registration as Crime.

Every person who willfully causes, procures or allows himself or any person to be registered as a voter, knowing himself or that other person not to be entitled to registration, is guilty of a felony of the third degree.

SOURCE: GC § 2060, added by P.L. 12-149; amended P.L. 13-187:40. Repealed/reenacted by P.L. 22-109:2 (04/01/94) to increase degree of punishment from a misdemeanor.

§ 3109. Appointment of Registration Clerks.

The Commission shall appoint at least one (1) registration clerk for each district.

SOURCE: GC § 2061 Amended by P.L. 25-146:13..

§ 3110. Qualifications for Registration Clerks.

(a) The Commission may appoint any qualified elector as a district or volunteer registration clerk. The Commission shall establish by regulation the minimum qualifications for appointment as a registration clerk. The Commission, pursuant to the Administrative Adjudication Law, shall set

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forth a training program for registration clerks, which shall include passage of a standardized examination of the applicant's knowledge of the election laws necessary to perform the registration clerk's duties. No person holding an elective office or who is a candidate, or nominee for elective office, shall be appointed or serve as a registration clerk.

(b) Term of Appointment. Any elector appointed as a registration clerk shall serve a limited term, which shall last from the date of appointment until midnight on the day that is twenty-one (21) days before the next regularly scheduled general election. The Commission shall promulgate policies and procedures to carry out the intent of this Section. The Commission may also establish other terms of appointment, consistent with the intent of this Section, for special elections, plebiscites, initiatives and any other non-general elections as they deem necessary to allow for voter registration to be conducted by duly appointed registration clerks.

(c) Grandfather Clause. Any elector appointed as a registration clerk after January 1, 2001, and prior to the enactment of this Act, shall be automatically appointed as a registration clerk for a term consistent with the provisions of this Act, as if previously appointed registration clerk was duly appointed for a term under the provisions of this Act.

SOURCE: GC § 2062 as amended by P.L. 18-26:2. Amended by P.L. 20-183:15; P.L. 25-146:14.. Amended by P.L. 26-90:1.

§ 3111. Compensation of Registration Clerks.

Any person who is appointed a district registration clerk shall receive compensation at a rate set by the Commission not more than one and one-half (1 ½) times the prevailing minimum wage rate. Any employee of the government of Guam who is appointed to be a district registration clerk, and who performs such duties as a part of that person's government employment shall not be entitled to receive the compensation authorized by this Section. Volunteer registration clerks shall not be paid by the Commission.

SOURCE: GC § 2063, added by P.L. 7-164; amended by P.L. 12-128; R/R by P.L. 21-100; P.L. 25-146:15..

§ 3112. Registration Clerks Empowered to Take Affidavits.

All Registration Clerks are empowered to take affidavits of registration, and it shall be the duty of Registration Clerks to take affidavits

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of registration, and to register the same in an appropriate book of registration furnished by the Commission.

SOURCE: GC § 2064.

§ 3113. Registration Clerks Not to Charge Fees.

No fees may be charged for registration or for the taking of affidavits of registration.

SOURCE: GC § 2065.

§ 3114. Return of Documents by Registration Clerks.

When the registration for any election is closed, all Registration Clerks, shall, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled or unused affidavit blanks to the Commission which shall as soon thereafter as practicable, file the original and copy of each affidavit separately in securely locked cabinets according to precincts. The original affidavit of registration shall be kept, at all times, in the office of the Commission. The duplicates shall be bound in suitable book form for each precinct so they may be utilized in conformity with § 3131.

SOURCE: GC § 2066.

§ 3115. Penalties for Acts or Omissions.

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

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

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

(3) 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

(4) destroys, mutilates, conceals, changes or alters any registration record in connection therewith, except as authorized by voter

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

(b) Any person who:

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

(2) knowingly makes or attests to a false declaration as to that person's qualifications as a voter;

(3) knowingly causes or permits oneself to be registered using the name of another person;

(4) knowingly causes oneself to be registered under two (2) or more different names;

(5) knowingly causes oneself to be registered in two (2) or more precincts;

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

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

(8) knowingly causes any person to be registered or causes any registration to be transferred or canceled, exceptas authorized under this Title,

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

SOURCE: GC § 2067. Amended by P.L. 25-146:16.

§ 3116. Reports to Attorney General.

Within five (5) days after the close of registration, the Commission shall report to the Attorney General of Guam, under oath, the names of the Registration Clerk or Clerks who have not complied with the provisions of this Title.

SOURCE: GC § 2068, as amended.

COMMENT: The original § 2068 refers to the *Island Attorney* and has not been amended by the Legislature. However, the Island Attorney has been merged with the Attorney General's office and has ceased to have any separate existence. Public Law

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10-1, in adding § 7005 to the Government Code, directs that “every reference in law, rule or regulation to the Island Attorney, as to criminal matters, shall read and mean the Deputy Attorney General in charge of the Criminal Division. Every reference in law, rule or regulation to the Island Attorney as to civil matters, shall be read and mean the Deputy Attorney General in charge of the Civil Division.” Title 8, relative to the Department of Law, was repealed and reenacted by P.L. 13-117 in which no mention of the Island Attorney was made and no specific mention made as to how references to the Island Attorney in old laws should be read. In P.L. 13-117, the Attorney General assumed responsibility for all legal matters of the government of Guam, unless specifically otherwise stated by the Legislature. Therefore, this Section refers to the Attorney General pursuant to the above-mentioned public laws. *See* 5 GCA Chapter 30.

§ 3117. Action to Compel Registration.

If a Registration Clerk refuses to register any qualified elector in the territory of Guam, the elector may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the Registration Clerk, such qualified elector may proceed by action in the Superior Court to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

SOURCE: GC § 2069, as amended.

COMMENT: Again, reference to the *Island Court* has been changed to the *Superior Court*. See comment to § 2106. Pursuant to the Court Reorganization Act, the Island Court has ceased to exist and has been replaced by the Superior Court of Guam.

§ 3118. Costs.

Costs shall not be recovered against the Registration Clerk in any action under this Chapter, unless it is alleged in the complaint, and established on the trial, that the Registration Clerk knowingly and willfully violated his duty.

SOURCE: GC § 2070.

§ 3119. Certified Copy of Registration as Evidence.

Upon the personal or written application of any person, the Election Commission shall give him a certified copy of the entries upon the register relating to the applicant.

SOURCE: GC § 2071 GC, amended by P.L. 12-117.

§ 3120. Cancellation and Transfer of Registration.

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Cancellation is made by writing or stamping on the affidavit of registration the word "cancelled", the reason therefor, the signature of the cancelling official and the date of cancellation.

Whenever a voter transfers his registration from one precinct to another precinct as shown by the new affidavit of registration, the Commission shall immediately cancel both the original and the duplicate affidavit of registration from the precinct in which he was first registered, and remove the original from the precinct book or files.

All cancelled original affidavits of registration shall be preserved by the Commission until the first day of January of the next odd-numbered year.

The Commission in distributing to each precinct the indices of registration, as required by this Chapter, shall cross out of those indices the names of all voters whose affidavits of registration from the precinct have been cancelled.

SOURCE: GC § 2072.

§ 3121. Permanence of Records.

The registration of a voter is permanent for all purposes during that person's life, unless and until the affidavit of registration is cancelled by the Commission for any of the causes specified in this Chapter.

SOURCE: GC § 2073. Amended by P.L. 25-146:17.

§ 3122. Grounds for Cancellation of Registration.

The Commission shall cancel the registration of an elector in the following cases:

- (a) at the request of the person registered;
- (b) when the insanity or mental incompetence of a person registered is legally established;
- (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;
- (d) upon the death of the person registered;
- (e) upon the production of a certified copy of a judgment directing the cancellation to be made;

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(f) if the person registered has not voted in two (2) consecutive general elections, unless such person mailed in an absentee ballot that was postmarked on or before the last general election day, but was received after the close of the polls; provided, however that in the case of a runoff election, those registered to vote for the general election shall remain eligible to vote in the runoff election, regardless of whether they voted at the immediately preceding general election; and

(g) upon receipt from any other election agency, domestic or foreign, that the person has registered to vote in that jurisdiction.

SOURCE: GC § 2074. Subsection (f) repealed/reenacted by P.L. 22-109:4 (04/01/94). Amended by P.L. 25-146:18.

§ 3123. Report of Deaths.

Not later than the fifteenth (15th) day of each month the Director of Public Health and Social Services shall furnish the Commission an abstract of the register of deaths showing, for all decedents eighteen (18) years of age or over, the

- (a) Name
- (b) Sex
- (c) Age
- (d) Nativity
- (e) Place of residence
- (f) Month, day and year of death
- (g) C.I. No.

SOURCE: GC § 2075.

COMMENT: The “cedula” or “certificate of identification” was required of all residents during the period of the Naval Security Clearance, which ended in 1962. Since then “cedulas” have not been required, but residents could obtain an Identification Card from the Guam Police if they needed one; for instance, if they lacked a driver’s license.

§ 3124. Cancellation of Non-Voting Registrants.

Within ninety (90) days of the certification of the returns of any regular general election or a runoff election subsequent thereto, the Commission shall cancel the registration of any person who failed to vote in the general

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election pursuant to § 3122(f). The registration of a person who mailed an absentee ballot that was postmarked on or before the general election, but whose ballot was not received by the Commission prior to the closing of the polls at the general election, or a person who votes in a general election, but who fails to vote in any runoff election held subsequent thereto or a person who failed to vote in the general election, but did vote in a runoff election held subsequent to such general election, shall not be considered a person who failed to vote. The affidavit of a person whose registration is cancelled shall be purged from the records of the Commission.

The Commission shall notify by mail each person whose registration is cancelled of that fact and that the person is no longer eligible to vote until that person again has registered as provided in this Title. The Commission shall establish by rule a procedure for a person who believes that that person's registration has been cancelled erroneously to challenge such cancellation.

SOURCE: GC § 2076. R/R by P.L. 25-146:19.

§ 3125. Mailing Notices to Non-Voting Registrants.

[Repealed.]

SOURCE: GC § 2077. Repealed by P.L. 25-146:20.

§ 3126. Reports of Adjudged Incompetents.

Every judge before whom proceedings are had which result in any person being declared incapable of managing or taking care of either himself or property or both, and for whom a guardian of his person or estate or both is accordingly appointed, or which results in his being committed to an insane asylum as an insane person, shall file with the Commission a certificate of that fact and thereupon the Commission shall cancel the name of that person upon the register.

SOURCE: GC § 2078.

§ 3127. Action to Compel Cancellation.

Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally, or which should be cancelled by reason of facts that have occurred subsequent to the registration. If the voter whose registration is sought to be cancelled is not a party to the action, the Court may order him to be made a party defendant.

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The Commission, and as many persons as there are causes of action against, may be joined as defendants.

SOURCE: GC § 2079, as amended.

COMMENT: Amendment changes *Island Court* to *Superior Court* in conformance with the Court Reorganization Act of 1974.

§ 3128. Preservation of Registration Affidavits.

The Commission shall preserve all uncanceled affidavits of registration, and the cancelled duplicates, made for the purpose of procuring registration. The affidavits of registration shall constitute the register of voters required to be kept by the provisions of this Title.

SOURCE: GC § 2080

§ 3129. Compilation of Registration Affidavits.

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

SOURCE: GC § 2081.

§ 3130. Index of Registrations.

The Commission shall prepare an index of the registration of voters and provide sufficient copies thereof for use in any regular election. Upon the effective date of this Section, the Commission shall cease to collect the social security numbers of persons registering to vote, and no later than June 30, 2001, the Commission shall purge all social security numbers from its index of registered voters. No later than July 1 of each odd-numbered year, the Commission shall distribute a copy of the index for each municipality to the mayor and vice-mayors thereof. To the extent of their ability, the mayors and vice-mayors shall notify the Commission of any discrepancies they may discover in the index

SOURCE: GC § 2082. Amended by P.L. 25-146:21.

§ 3131. Copies of Index to Candidates.

Upon written demand of any candidate in any forthcoming election or upon written demand of his campaign committee, the Commission shall furnish to him one (1) copy of the index of the registration of voters for such election, at a charge as may be prescribed in the Election Manual. All

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moneys so collected shall be covered into the Treasury of the government of Guam.

SOURCE: GC § 2083.

§ 3132. Delivery of Books to Precinct Commissions.

Before the day of election, with the other election supplies, the Commission shall deliver to the precinct Commission in each precinct the book of duplicate affidavits of registration for that precinct together with three (3) copies of the index thereto. The book shall constitute the register to be used at that election.

SOURCE: GC § 2084.

§ 3133. Original Roster of Electors.

On the day of any election, the Commission shall maintain in its office, or at the Election Return Center in an easily accessible and organized form, the original affidavits of registration with supporting documentation to assist it in disposing of any challenges or questions that may occur during the election.

SOURCE: Added by P.L. 25-146:22.
