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CHAPTER 4
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§ 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 publish 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 in the election precipitating the need for a runoff, *unless* determined otherwise by the Commission.

SOURCE: GC § 2100. Amended by P.L. 25-146-23.

§ 4102. Number of Voters per Polling Place.

The Commission shall fix and designate polling places within each precinct in such manner that the total number of voters estimated at each polling place will not substantially exceed seven hundred (700).

SOURCE: GC § 2101; amended by P.L. 21-100:2 (Mar. 31, 1992).

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§ 4103. Appointment of Precinct Boards.

The Commission shall, not less than sixty (60) days prior to any election, appoint the members of the several precinct boards. In the case of a runoff election, the precinct boards shall be the same as in the election precipitating the need for a runoff, unless determined otherwise by the Commission..

SOURCE: GC § 2102. Amended by P.L. 25-146-24.

§ 4104. Members and Compensation of Precinct.

To each and every precinct designated, the Commission shall appoint a precinct board consisting of an inspector, two (2) judges and two (2) clerks. The concurrence of two (2) members shall be necessary for any ruling of the precinct board. The two (2) clerks shall have no vote.

Each member of a precinct board shall be paid One Hundred Seventy Dollars (\$170.00) for services rendered for each election. For pay purposes, a runoff election is a separate election from the election that precipitates the runoff.

In the case of a special election, the Commission may conduct the election with only the inspector and two (2) judges.

SOURCE: GC § 2103, as amended by P.L. 10-128 with reference to compensation; further amended by P.L. 16-111. Repealed and reenacted by P.L. 24-273:3. Amended by P.L. 25-146:25.

§ 4105. Qualifications of Precinct Board Members.

(a) Except as provided in Subdivision (b), each member of a precinct board shall be a registered voter of the district in which they are appointed. The member shall serve only in the precinct for which they are appointed. The Commission, pursuant to the Administrative Adjudication Act, shall set 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.

(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 (2) students per precinct. A student may be appointed notwithstanding lack of eligibility to vote, subject to the approval of their parents, that the student possesses the following qualifications:

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(1) is at least sixteen (16) years of age at the time of the election to which the person 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 the person is serving as a member of a precinct board;

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

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

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.

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.

SOURCE: GC § 2104. Amended by P.L. 25-146:26.

§ 4106. Oath of Precinct Board Members.

No person shall act as a member of a precinct board until he has taken the oath prescribed in the Election Manual.

SOURCE: GC § 2105.

§ 4107. Notice of Appointment of Precinct Board Members.

The Commission immediately after appointing the members of the precinct boards, shall file in his office a list of the names and addresses of those appointed, and shall mail or deliver to each appointee a notice of such appointment, stating the position and precinct board to which he has been appointed and the penalty for failure to serve, and such other proper matters as the Commission may determine.

SOURCE: GC § 2106.

§ 4108. Publication of Names of Precinct Board Members.

The Commission shall publish the names of the members of the precinct board in a daily newspaper of general circulation published on Guam for at least three (3) issues, the last publication to be not less than one (1) day before the day of election. The Commission shall also distribute the

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names of the members of the precinct boards to each mayor and vice-mayor.

SOURCE: GC § 2107. Repealed/reenacted by P.L. 22-109:5 (04/01/94). Amended by P.L. 25-146:27.

§ 4109. Excusing and Replacing Appointees.

In constituting precinct boards, the Commission may in its discretion excuse or replace persons appointed and appoint substitutes.

SOURCE: GC § 2108.

§ 4110. Failure to Appear.

If any of the members appointed on a precinct board do not appear at the opening of the polls, the inspector, if present, shall appoint a substitute to fill the vacancy. The inspector shall immediately notify the Commission which shall either ratify the appointment or make another appointment. If the inspector fails to appear, the members present shall immediately notify the Commission. If none of the members appointed appear, the Commissioner or Assistant Commissioner of the district shall immediately notify the Commission.

SOURCE: GC § 2109.

§ 4111. Failure to Act.

Any voter who has been appointed as a member of a precinct board, and having taken the oath of office shall, without lawful excuse, fail to act as such, is guilty of misdemeanor.

SOURCE: GC § 2110.

§ 4112. Change of Designated Polling Place.

If, for any valid reason, the polling place designated for any precinct cannot be used, the precinct board shall designate another polling place as near thereto as possible, post notice of the change at or near the place first designated, immediately inform the Commission, and conduct the election at the place substituted.

SOURCE: GC § 2111.

§ 4113. Incapacitation of Judge or Clerk.

The inspector shall appoint substitute judges and clerks if, during the progress of an election, any judge or clerk ceases to act or becomes incapacitated, and shall at once inform the Commission which shall ratify the appointment or make another appointment.

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SOURCE: GC § 2112.

§ 4114. Incapacitation of Inspector.

If, during the progress of an election, the inspector ceases to act or becomes incapacitated, other members of the precinct board shall at once notify the Commission.

SOURCE: GC § 2113.

§ 4115. Oath of Members.

[Repealed.]

SOURCE: GC § 2114. Repealed by P.L. 25-146:27.

§ 4116. Administration of Oath to Substitute.

If at any time on election day a substitute is appointed for any member of any precinct board, any member of the precinct board concerned may administer and certify oaths required to be administered during the progress of an election, which oath shall be promptly forwarded to the Commission.

SOURCE: GC § 2115.

§ 4117. No Fee for Oath.

There shall be no fee or charge for administering an oath to a member of the precinct board.

SOURCE: GC § 2116.

§ 4118. No Loss of Wages for Precinct Board Member.

Any member of a precinct board may on the day of an election in which he is serving, absent himself from any service or employment in which he is then engaged or employed. He shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made from his usual salary or wages, nor shall he be suspended or discharged from his service or employment.

SOURCE: GC § 2117.

§ 4119. Refusal to Appear and Testify.

Every person summoned to appear and testify before any precinct board, who willfully disobeys the summons is guilty of a misdemeanor.

SOURCE: GC § 2118.
