

**3 GCA ELECTIONS
CH. 7 BALLOTS**

**CHAPTER 7
BALLOTS**

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§ 7101. Election Expenses.

All expenses authorized and necessarily incurred in the preparation or the conducting of elections as provided in this Title, shall be paid from appropriations by the Guam Legislature. All payments shall be made in the same manner as are other public expenditures.

SOURCE: GC § 2250.

§ 7102. Imitation or Use of Ballots Forbidden.

No person shall make, use, keep or furnish to others any paper in imitation of official ballots.

SOURCE: GC § 2251.

§ 7103. Method of Tabulating Ballots.

(a) The Commission shall determine the appropriate method of casting ballots, method of tabulating ballots, the appropriate vote tabulating device if such a device is to be used and the form of ballot to be used in an election on Guam. The Commission may authorize manual tabulation for all or part of

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ballots cast in any election.

(b) The name of every candidate whose name has been certified shall be printed on or adjacent to the appropriate ballot.

SOURCE: GC § 2252, as amended by P.L. 15-115:1.

COMMENT: The purpose of this amendment is to give the Commission authority to determine the nature of ballots used, whether they be paper, punch cards or other electronic or electro-mechanical types of ballots.

§ 7103.1. Electronic Voting Machines.

Electronic voting machines *shall not* be used for casting ballots until the Commission certifies in accordance with §2103 (e) of this Title that:

(a) The electronic voting machines have been tested and determined to be accurate and tamper-proof by a reputable organization;

(b) Polling place personnel have been properly trained in the operation of the electronic voting machines;

(c) Security procedures protecting the electronic voting machines and the sanctity of the vote are in place; and

(d) Some form of parallel system for tallying electronic votes is in place and provides a paper printout from which a voter may verify his ballot's accuracy, and which the Commission can utilize in auditing and recounting votes.

SOURCE: Added by P.L. 29-033:2 (Oct. 25, 2007).

§ 7104. Sample Ballots.

At least twenty (20) days before a regular general election, the Commission shall certify to the printer the sample ballot with the names of the nominees thereon in the same order and manner as they will appear on the official ballot, and immediately thereafter cause a true copy of the same to be published at least once in a daily paper of general circulation. The ballot, as published, shall be identical to that used for voting except for the substitution of "Sample" where the word *Official* shall appear upon the election ballot, and may be reproduced for voter instruction in colors contrasting with official ballots.

SOURCE: GC § 2253.

COMMENT: Obviously, where the form of ballot is to be some form of electronic voting machine, the sample ballots will not be exactly as used in the election, but will

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be, presumably, a reproduction of how the names will appear on the voting machine, as allowed by amended § 7103, above.

§ 7105. Order of Names on Ballot - Legislature.

The Commission shall prepare the ballot in such a manner that a nominee's name shall appear under the name of the political party, if any, sponsoring such nominee.

In all elections, the names of all nominees or candidates for a specific office shall be listed in a random manner. Each contestant for any office under a party or independent designation shall be listed according to lot drawn by the Election Commission. All drawings for ballot position shall be done publicly and persons appearing on the ballot shall be specifically invited to attend. The drawings for ballot placement shall be accomplished as soon as is reasonably possible after the identity of the persons to appear on the ballot is known to the Election Commission.

The names of the nominees shall appear in columns vertically in such order as is determined by lot.

Columns for recognized political parties shall be listed on the basis of the number of nominees elected to the Legislature at the last preceding regular general election in descending order from left to right; last shall appear the names of those nominees not sponsored by any political party, which shall appear under the designation "Independent". The names of all nominees holding the office for which they are seeking election shall have the word **INCUMBENT** printed immediately after them.

SOURCE: GC § 2254, as amended by P.L. 13-176.

COMMENT: Clearly this Section is modified, by implication, by the amendment to § 7103, above. However, the general placement on the *ballot* must be the same as provided in this Section.

§ 7106. Order of Names for Other Offices.

The Commission shall prepare the ballots for all general, and local elections, whether regular or special. All such ballots shall contain the names of nominees in a similar manner as for the Guam Legislature.

SOURCE: GC § 2255.

§ 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

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made such nominations. 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

SOURCE: GC § 2255.1 added by P.L. 15-49; amended by P.L. 15-132:17. Amended by P.L. 25-146:67.

§ 7108. Space for Marking Ballot; Space for Write-in Candidates.

(a) Immediately adjacent to the name of each nominee or adjacent to the word incumbent, as the case may be, shall be placed ovals or other spaces of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or other space adjacent to the name of any nominee or candidate shall be counted as a vote for that nominee or candidate.

(b) For each office on a ballot, the Commission shall provide a line, or lines, with an oval or other space to mark to permit votes to be cast for write-in candidates. *If* the name filled in by a voter adequately identifies the write-in candidate, the vote shall be valid for that candidate; *provided*, that the voter has filled in or darkened the adjacent oval or other space that is to be marked.

SOURCE: GC § 2256; amended by P.L. 12-149. Amended by P.L. 25-146:31.

COMMENT: See § 7103, above.

NOTE: Pursuant to P.L. 28-150:V:35 and 38 (Sept. 30, 2006) subsection (b) will be amended on the election date of 2008 as follows:

“(b) For each office, on a ballot, except the Education Policy Board, the Commission shall provide a line, or lines, with an oval or other space to mark to permit votes to be cast for write-in candidates. If the name filled in by a voter adequately identifies the write-in candidate, the vote shall be valid for that candidate; provided, that the voter has filled in or darkened the adjacent oval or other space that is to be marked.”

§ 7109. Ballots Furnished to Precincts.

For each election the Commission shall provide each election precinct with ten (10) ballots for every nine (9), or fraction of nine (9) voters registered in the election precinct.

SOURCE: GC § 2257, amended by P.L. 12-149. P.L. 25-146:32.

§ 7110. Correction of Error or Omission.

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Whenever it appears by affidavit of a voter or nominee that an error or omission has occurred in the publication of the name or description of any nominee or in the printing of the ballot, the Superior Court of Guam, or a judge thereof, shall, upon application of the affiant, by order, require the Commission to correct the error, or to show cause why the error should not be corrected.

SOURCE: GC § 2258, amended by P.L. 12-149.

§ 7111. Delivery of Ballots, Machines and Supplies.

The Commission shall, before the opening of the polls at any election, cause to be delivered to the precinct board of each precinct where an election is to be held, the proper number of ballots, voting machines and supplies to be used in that precinct. The ballots shall be delivered in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed.

SOURCE: GC § 2259, amended by P.L. 12-149.

§ 7112. Receipts for Ballots.

The Commission shall cause to be prepared a receipt for each polling place, enumerating the packages and stating the time, day and date when they were delivered to the precinct board inspector. The inspector shall sign the receipt upon receipt of the packages, which shall forthwith be returned and filed. The Commission may employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the precinct board inspectors and fix a reasonable compensation for their services, to be paid as other election expenses are paid.

SOURCE: GC § 2260.

§ 7113. Loss or Destruction of Ballots.

In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the inspector or other member of the board for that precinct, shall make an affidavit setting forth the fact, and transmitted to the Governor. Upon receipt of the affidavit, the Governor may, and upon the application of any nominee for any office to be voted for by the electors of that precinct, shall order a new election in that precinct.

SOURCE: GC § 2261.

§ 7114. Instructions to Voters.

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At the top of the ballot, there shall be printed an instruction to the voters, as to the number of nominees to vote for, the marks to be used, including a sample of the marks and such other instructions as the Commission deems necessary and proper.

SOURCE: GC § 2262.

§ 7115. Nicknames, Residence, etc.

Any person who is a candidate for any office may at the time of filing his nominating petition or thereafter as the Commission by uniform regulations may prescribe, file with the Commission a request that his name be further identified on the ballot by the addition of an identifying word or phrase not derogatory or obscene and not exceeding twenty (20) letters, in which event it shall be the duty of the Commission to so comply. The Commission shall have the authority on its own motion and in its discretion to so identify names on the ballot in accordance with regulations set forth in the Election Manual. This Section become effective September 7, 1986.

SOURCE: GC § 2263, amended by P.L. 18-42:12.

§ 7116. Rules for Security of Ballots.

The Commission may promulgate and shall publish in the election manual rules and regulations pursuant to the Administrative Adjudication Law to assure the security of the ballots, and to ensure the integrity of the election process.

SOURCE: Added by P.L. 25-146:33.

§ 7117. Physical Security of Ballots.

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 Commission 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.

SOURCE: Added by P.L. 25-146:45.

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