

**3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION**

**CHAPTER 13
SPECIAL ELECTIONS**

NOTE: Unless otherwise noted, all sections within this chapter were included in the original Government Code of Guam enacted by P.L. 1-088 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964). During the Fifteenth Guam Legislature, the Compiler announced that Title 3 - Elections had been added to the new, permanent Guam Code Annotated. *See* 4 Guam Sess. L. Introduction (Mar. 1981).

- § 13101. Conduct and Voters.
- § 13102. Calling Special Elections.
- § 13103. Election to Fill Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature).
- § 13104. Runoff Election.
- § 13105. Declaration of Runoff Election.
- § 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice-Mayor.
- § 13107. Special Election to Fill a Vacancy or Vacancies in the Municipal Offices of Mayors and Vice Mayors.
- § 13108. Persons Eligible to Vote in Runoff.
- § 13109. Absentee Voting for Runoff Elections.

§ 13101. Conduct and Voters.

Every person entitled to vote at a regular election shall be entitled to vote in any special election. All special elections shall be conducted in the same manner and form as a regular election, except as otherwise provided.

SOURCE: GC § 2650. Codified as 3 GCA § 13101. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 13102. Calling Special Elections.

Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature) shall be recognized by the Guam Election Commission, if not in conflict with any resolution by *I Liheslaturan Guåhan* (the Guam Legislature).

SOURCE: GC § 2652. Codified as 3 GCA § 13103. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2651, entitled “*Time of Special Election.*” Repealed by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam Legislature).

The Guam Election Commission shall call for and conduct a special election on a Saturday on or about sixty (60) days of any vacancy whenever one (1) or more vacancies occur therein prior to eight (8) months before the date of the next general election of Members of *I Liheslaturan Guåhan* (the Guam Legislature). Candidates shall file their candidacies no later than forty (40) days prior to the special election date. There shall be no primary election. The highest vote getter or vote getters, if there is more than one (1) vacancy, shall be certified by the Guam Election Commission as elected, and shall be administered the oath of office immediately to fill the unexpired vacancy.

SOURCE: GC § 2653. Codified as 3 GCA § 13104. Repealed and reenacted by P.L. 18-048:14 (Jan. 2, 1987). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2652, entitled “*Calling special elections.*” Reenacted as 3 GCA § 13102 by P.L. 31-255:2 (Dec. 11, 2012).

§ 13104. Runoff Election.

A runoff election is a continuation of the election that precipitated the need for the runoff and is not a separate election. Unless otherwise provided in law, the procedures for a general election shall apply to a runoff election.

SOURCE: 3 GCA § 13105 as reenacted by P.L. 25-146:49 (May 27, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2653, entitled “*Election to fill vacancies in Guam Legislature,*” which was reenacted as 3 GCA § 13102 by P.L. 31-255:2 (Dec. 11, 2012).

§ 13105. Declaration of Runoff Election.

Upon the Commission determining that a runoff election is required, the Commission shall order and conduct a runoff election to be held on the fourteenth (14th) day following the date of the election which precipitated the need for the runoff. The Commission shall publish notice of the runoff election in a newspaper of general circulation on Guam at least four (4) times, with the last notice being issued on the runoff date.

SOURCE: Added by P.L. 25-146:50 (May 27, 2000) as 3 GCA § 13108. Codified as 3 GCA § 13109. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

2012 NOTE: This section was originally codified from GC § 2654, entitled “*Election for filling vacancies in municipalities.*” Repealed and reenacted by P.L. 25-146:49 (May 27, 2000), entitled “*Runoff Election.*” which was reenacted as 3 GCA § 13104 by P.L. 31-255:2 (Dec. 11, 2012).

§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice Mayor.

The municipal offices of Mayor and Vice Mayor become vacant on the happening of any of the following events:

- (a) death of the incumbent;
- (b) declaration of mental incompetence by a final judgment or final order of a court of competent jurisdiction;
- (c) resignation from office;
- (d) refusal or failure to assume office;
- (e) the decision of a competent tribunal declaring void his or her election;
- (f) conviction of a felony, or of a crime involving moral turpitude;
- (g) his or her change of residence from the municipality in which he or she was elected;
- (h) when an incumbent is incapacitated because of illness and unable to continue for the remainder of the term to which he or she was elected; or
- (i) when an incumbent has sought and won election to another office and assumed the new office, constituting *voluntary relinquishment* of the original office.

The occurrence of any event under (a) through (i), with respect to a person or persons elected to office, after the election but before the term of office is to commence, constitutes a vacancy on the date the term commences, *unless* the person or persons so elected is the incumbent, in which case, the vacancy occurs on the date of such event.

SOURCE: GC § 2655. Codified as 3 GCA § 13106. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012), amended by P.L. 32-129:1 (Feb. 10, 2014).

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

2012 NOTE: P.L. 25-146:50 (May 27, 2000) purported to add 3 GCA § 13106, entitled “*Persons Eligible to Vote at Runoff*,” which was renumbered by the Compiler as 3 GCA § 13107.

§ 13107. Special Election to Fill a Vacancy or Vacancies in the Municipal Offices of Mayors and Vice Mayors.

The Guam Election Commission *shall* call for a special election on a Saturday on or about sixty (60) days after a vacancy occurs in an office of Mayor or Vice Mayor, whenever one (1) or more vacancies occur therein two hundred forty (240) days or more *prior* to the date of the next general election for Mayors and Vice Mayors. There shall be no primary election. Candidates must file their candidacies *no later than* thirty (30) days prior to the special election date. The highest vote-getter (or vote-getters if there is more than one (1) vacancy) *shall* be certified by the Guam Election Commission as elected and *shall* be administered the oath of office immediately to fill the unexpired vacancy. If both Mayor and Vice Mayor offices are vacant, resulting in a special election for two (2) vacancies, the highest vote-getter *shall* become the Mayor-Elect, and the second highest *shall* become the Vice Mayor-Elect.

SOURCE: Added by P.L. 32-129:2 (Feb. 10, 2014).

§ 13108. Persons Eligible to Vote in Runoff.

Persons eligible to vote in a runoff election shall be the same voters who were eligible to vote at the election that precipitated the need for the runoff. When a runoff election is required, the Commission shall not purge the names of any voters for non-participation after a general election until after the runoff election has been held and its results certified.

SOURCE: Added by P.L. 25-146:50 (May 27, 2000) as 3 GCA § 13106. Codified by Compiler as § 13107. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012). Renumbered as § 13108 by P.L. 32-129:2 (Feb. 10, 2014).

§ 13109. Absentee Voting for Runoff Elections.

In the event that a runoff election is required pursuant to § 1422 or § 1712 of Title 48 of the United States Code, the Commission shall mail to each person who participated by absentee ballot in the election precipitating the need for a runoff election an absentee ballot for the runoff election. Notwithstanding any other provision of law, an absentee ballot cast in the runoff election and postmarked before the closing of the polls on the date of the runoff election shall be accepted by the Commission; provided, that it is

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

received by the Commission no later than ten (10) days after the date of the runoff election. A runoff absentee ballot received by the Commission prior to the closing of the polls on the date of the runoff election shall be processed as prescribed in Chapter 10 of this Title. A runoff absentee ballot received by the Commission after the closing of the polls on the date of the runoff election, but before 5:00 p.m. Chamorro Standard Time on the tenth (10th) day after the date of the runoff election, shall be processed by the Commission, and such vote shall be added to the votes of the precinct in which the voter is registered.

After the closing of the polls on the date of a runoff election, the Commission may conditionally certify the results of the runoff election on the basis of the results tabulated immediately after the runoff election, but it shall not finally certify the runoff election results until after 5:00 p.m. Chamorro Standard Time on the tenth (10th) day after the runoff election was conducted. Any absentee ballot received by the Commission after the tenth (10th) day after the runoff election shall not be opened, but the envelope appearing to contain such ballot shall be retained in the same manner as other invalid ballots received by the Commission.

SOURCE: Added as 3 GCA § 13107 by P.L. 25-146:50 (May 27, 2000), and repealed and reenacted by P.L. 25-148:3 (July 5, 2000). Codified by Compiler as 3 GCA § 13108. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012). Renumbered as § 13109 by P.L. 32-129:2 (Feb. 10, 2014).

2012 NOTE: This section was added by P.L. 25-146:49 (May 27, 2000), entitled "*Declaration of Runoff Election*," which was reenacted as 3 GCA § 13105 by P.L. 31-255:2 (Dec. 11, 2012).
