

GUAM CODE ANNOTATED

TITLE 3

ELECTIONS

**UPDATED THROUGH P.L.31-123
(SEPTEMBER 30, 2011)**

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CH. 1 GENERAL PROVISIONS**

**CHAPTER 1
GENERAL PROVISIONS**

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§ 1101. Title.

This Title shall be known and may be cited as the Elections Law.

SOURCE: GC § 2000, Government Code (GC), added by P.L. 7-164. All references to sources in this Title will be to P.L. 7-164, a comprehensive re-enactment of the Elections Law, unless otherwise noted.

§ 1102. Definitions and Rules of Construction.

Unless the provisions or the context otherwise require, these general provisions, rules of construction, and definitions shall govern the construction of this Title.

SOURCE: GC § 2001.

§ 1103. Commission.

Commission means the Election Commission.

SOURCE: GC § 2002.

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§ 1104. Elector.

Elector means any person who is entitled to register under § 3101 of this Title.

SOURCE: GC § 2003.

§ 1105. Voters.

Voter means any elector who is registered under the provisions of this Title.

SOURCE: GC § 2004.

§ 1106. Regular General Election.

Regular General Election is the election held throughout the Territory on the Tuesday next after the first Monday in November in each even numbered year.

SOURCE: GC § 2005.

§ 1107. General Election.

General Election is an election held throughout the Territory.

SOURCE: GC § 2006.

§ 1108. Local Election.

Local Election is a municipal, division or district election.

SOURCE: GC § 2007.

§ 1109. Regular Election.

Regular Election is an election, the specific time for the holding of which is prescribed in this Title or in any other law.

SOURCE: GC § 2008.

§ 1110. Special Election.

Special Election is an election, the specific time for the holding of which is not prescribed in this Title nor in any other law.

SOURCE: GC § 2009.

§ 1110.1. Runoff Election.

Runoff election is an election held subsequent to a general election pursuant to the provisions of §§ 1422 and 1712 of Title 48 of the United States Code.

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SOURCE: Added by P.L. 25-146:2. Renumbered by Compiler to conform to usage of this Code and cross-references to existing sections elsewhere in this Title.

§ 1111. Recognized Political Party.

Recognized Political Party is any political party, group or organization:

(a) Having duly constituted leaders or officials, including a secretary; and

(b) Which shall have filed with the Election Commission under such uniform regulations as he may reasonably prescribe, such evidence of its lawful creation and election of its Chairman, Secretary and Treasurer, including their addresses; and

(c) Which shall have polled, at the last general election, in the event it had a candidate for each of the offices to be filled, not less than ten percent (10%) of the total votes cast therein; or in the event it had a lesser number of candidates than there were offices to be filled, each such candidate received not less than ten percent (10%) of the total votes cast for the office to which he sought election; provided, that in the case of election to the Legislature of delegates at large, the ten percent (10%) shall be computed as follows: the total votes cast shall be divided by the total number of seats to be filled and the quotient multiplied by the party's total number of candidates for such seats, which product shall not exceed ten (10) times the aggregate vote of the party's candidates for such seats.

SOURCE: GC § 2010.

§ 1112. Same: Rights.

In addition to any other rights accorded in this Title to a political party, a recognized political party shall have the right to place on the ballot in any election and to have the names of its candidates identified thereon with the party's name, symbol or other official designations. Any recognized political party which shall fail to poll in any general election, the percentage of total votes cast as required by § 1112(c) shall lose its recognition as a recognized political party, and shall be denied a place upon the ballot unless it complies with the provisions of § 1113.

SOURCE: GC § 2011.

§ 1113. Formation of New Political Parties.

Any number of voters may organize to form a political party, which may have a place on the ballot and have the names of its candidates identified

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thereon with the party's name, symbol or other official designation, by complying with § 1111(a) and (b); provided, however, the voting square shall not be placed after the party name as directed in § 7108 until the party has qualified as a recognized political party by polling, in a general election, the number of votes required by § 1111(c).

SOURCE: GC § 2012.

§ 1114. Definition: Candidates.

A candidate is one who either seeks a nomination or is proposed for a nomination by sponsors in accordance with the provisions of this Title.

SOURCE: GC § 2013.

NOTE: Section 2014, GC, was repealed by P.L. 10-151, effective June 24, 1970.

§ 1115. Same: Nominee.

A *nominee* is a candidate who has become entitled under the provisions of this Title to a place on the ballot.

SOURCE: GC § 2015.

§ 1116. Same: Precinct.

Each district in the territory of Guam, as defined in 1 GCA § 403, shall constitute a *precinct*.

SOURCE: GC § 2016.

§ 1117. Same: Vote Tabulating Device.

A *vote tabulating device* is a mechanical, electronic or electromechanical machine approved by the Commission to count ballots in an election on Guam.

SOURCE: GC § 2017 added by P.L. 11-209.

NOTE: GC § 2018, enacted by P.L. 11-209 was repealed by P.L. 12-149.

§ 1118. Same: Marking of Ballot.

A mark or marking as used in this Title with respect to indicating the voter's choice on a ballot shall include the punching or slotting or otherwise marking of a ballot.

SOURCE: GC § 2019 added by P.L. 11-209.

§ 1119. Recall of Elected Officials.

(a) The people of Guam shall have the right of initiative, referendum, and recall to be exercised under conditions and procedures specified in the laws of Guam

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(b) Notwithstanding the provisions of Article 3, Chapter 17, Title 3 GCA, Mayors, Vice Mayors, Consolidated Commission on Utilities members, Guam Education Policy Board Members, and the Public Auditor may be removed from office by a recall election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of a recall and in which those so voting constitute a majority of all those participating in the recall election.

(c) The Recall election shall be initiated by *I Liheslaturan Guahan* by the following:

(1) a two-thirds vote of the members of *I Liheslaturan Guahan* in favor of a recall; or

(2) a petition for such a recall to *I Liheslaturan Guahan* by registered voters equal in number to at least 50 per centum of the entire number of votes cast at the general election at which such official was elected preceding the filing of the petition.

SOURCE: Added by P.L. 28-068:IV:106 (Sept. 30, 2005) as 3 GCA § 2301. Renumbered by Compiler to § 1119 and placed more appropriately within Chapter 1 “General Provisions.”

§ 1120. Definitions: Voter Verified Paper Ballot (VVPB).

A voter verified paper ballot is a ballot printed on paper by a voting process in which a voter enters their voting choices into a computer and the voter’s ballot is printed in a format which is readable by the human eye. The voter *shall* verify that the vote printed is as intended, and the verified vote *shall* be placed in a ballot box. The WPB is intended to reduce problems in the voting process, and to provide a means to audit election results.

SOURCE: Added by P.L. 31-068:3 (May 24, 2011).
