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**§ 9101. Procedures in Election Manual.**

The Election Manual shall prescribe in detail the procedures to be followed in the conduct of elections.

**SOURCE:** GC § 2350.

**§ 9102. Copies of Manual Furnished.**

The Commission shall furnish each precinct board with a copy of the Election Manual.

**SOURCE:** GC § 2351.

**§ 9103. Polling Places.**

The polling places shall be arranged so that neither the ballot boxes nor tables shall be hidden from the view of voters outside the guard-rail, rope or other barricade.

**SOURCE:** GC § 2352.

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**§ 9104. Destruction or Removal of Facilities.**

No person shall during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or on the tables for the purpose of enabling the voter to prepare his ballot.

**SOURCE:** GC § 2353.

**§ 9105. Removal or Injury of Instruction Cards.**

No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters.

**SOURCE:** GC § 2354.

**§ 9106. Posting Instruction Cards.**

On the day of election the precinct board shall post at least one (1) instruction card in each booth or table provided for the preparation of the ballots, and not less than three (3) instruction cards at other places in and about the polling place within easy access to the voters. Such instructions shall be printed in both the English and Chamorro languages.

**SOURCE:** GC § 2355.

**§ 9107. Posting Registry Indices.**

Before opening the polls, the Precinct Board shall post in separate, convenient places, at or near the precinct, and of easy access to the voters, not less than two (2) copies of the index of registration furnished for that precinct. Effective July 1, 2001 the indices made available to the voters shall not display the social security number of any individual.

**SOURCE:** GC § 2356. Amended by P.L. 25-146:35.

**§ 9108. Proclamation of Opening Polls.**

Before the precinct board receives any ballots it shall proclaim aloud at the place of election that the polls are open.

**SOURCE:** GC § 2357.

**§ 9109. Time for Opening and Closing Polls.**

The polls shall be opened at 8 o'clock a.m., of the day of an election and shall be kept open until 8 o'clock p.m., of the same day, after which time the polls shall be closed except as provided in § 9150.

**SOURCE:** GC § 2358. Amended by P.L. 24-273:4.

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**§ 9110. Times for Voting.**

Voting may commence as soon as the polls are opened and may be continued during all the time the polls remain open.

**SOURCE:** GC § 2359.

**§ 9111. Liquor Sales at Polling Place Prohibited.**

A polling place shall not be any place where any alcoholic beverage is sold or dispensed. A polling place shall not be connected by a door or window or other opening with any place where any alcoholic beverage is sold or dispensed.

**SOURCE:** GC § 2360.

**§ 9112. Solicitation of Votes at Polling Place Prohibited.**

Within one hundred feet of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his ballot or on behalf of or against any candidate.

**SOURCE:** GC § 2361.

**§ 9113. Electioneering at Polling Place Prohibited.**

No person shall do any electioneering on election day within one hundred feet (100') of any entrance and/or exit of any polling place. In the case of a school, the entrance is defined as the entrance gate, if the school is fenced. The Commission may, on a case-by-case basis, limited to the election then forthcoming, create an exception to this Section through resolution in order to safely conduct the election, so long as notices identifying the newly set perimeter are also clearly posted at the polling place(s) affected.

**SOURCE:** GC § 2362; amended by P.L. 21-100:9 (3/31/92). Amended by P.L. 24-273:2.

**§ 9114. Use of Barricade Before Booths.**

A guard-rail, rope or other barricade, shall be constructed and placed so that only those persons who are inside the barricade can approach within six (6) feet of the ballot boxes, booths, tables or other facilities for voting.

**SOURCE:** GC § 2363.

**§ 9115. Persons Permitted Within Barricade.**

Only voters engaged in receiving, preparing or depositing their ballots, the precinct board and any other person permitted by law, shall be permitted to be within the barricade before the closing of the polls. At all times while the precinct officials are present in the precinct and during the time that the ballots are being transported to the election return center established pursuant to § 11109 of this Title, each recognized political party and each gubernatorial candidate whose name appears on the ballot may have no more than one (1) observer present to witness the conduct of the election and to challenge any voter. Such observers shall not interfere with the precinct officials in the conduct of the election, nor be permitted within the precinct barricade.

**SOURCE:** GC § 2364. Amended by P.L. 25-146:36.

**§ 9116. Exhibiting Ballot Box.**

Before receiving any ballots, the precinct board shall, in the presence of any voters assembled at the polling place, display the locked ballot box. Thereafter, the ballot box shall not be removed from the polling place or presence of the voters until the polls are closed.

**SOURCE:** GC § 2365. Amended by P.L. 25-148:8.

**§ 9117. Roster and Tally List.**

The roster and tally list to be kept by each precinct board shall in the form provided in the Election Manual.

**SOURCE:** GC § 2366.

**§ 9118. Absence of Precinct Officers.**

Not more than one (1) member of any precinct board shall be absent from the polling place at any one (1) time.

**SOURCE:** GC § 2367. Amended by P.L. 25-146:37.

**§ 9119. Grounds for Challenge.**

A person offering to vote may be orally challenged by any voter of the precinct upon one or all of the following grounds:

- (a) That he is not the person whose name appears on the register.
- (b) That he is not a resident of Guam.
- (c) That he is not a citizen of the United States.

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(d) That he is not a resident of the precinct at which he is voting.

(e) That he has voted that day.

**SOURCE:** GC § 2368; as amended by P.L. 12-149.

**§ 9120. Examination of Person Challenged.**

The board shall immediately examine on oath the challenged and his witnesses, if any, together with the voter who offered the challenge and his witnesses, if any. The board may give the voter challenged and the voter who offered the challenge time to present witnesses wherever possible, but in no event shall such time be granted so as to prevent the board from giving a decision prior to the time for closing the polls.

Either the voter or the challenger may appeal the decision of the precinct board to the Commission. The Commission shall as soon as possible hear the appeal and shall examine the oaths of the voter and the challenger and hear the witnesses, if any. The Commission shall make its decision prior to the time for the closing of the polls.

Either the voter or the challenger may appeal the decision of the Commission to the Superior Court.

**SOURCE:** GC § 2369.

**COMMENT:** The term *Island Court* changed to *Superior Court* in conformance with P.L. 12-85.

**§ 9121. Refusal to be Sworn or to Answer.**

If the voter challenged refuses to take the oath tendered, or refuses to be sworn and to answer questions touching on the matter of the challenge, he shall not be allowed to vote.

**SOURCE:** GC § 2370.

**§ 9122. Record on Challenges.**

The precinct board shall cause one of the clerks to keep a list, showing:

- (a) The names of all persons challenged.
- (b) The names of all challengers.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge.

**SOURCE:** GC § 2371.

**NOTE:** GC § 2372, *Term of Residence*, was repealed by P.L. 12-117.

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**§ 9123. Place of Residence.**

The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in this Chapter, as far as they are applicable.

**SOURCE:** GC § 2373.

**§ 9124. Rules for Determining Residency.**

Each person's residency shall be determined individually; that is, no person's residency shall conclusively determine the residency of that person's spouse or child. The Commission shall not register any applicant who fails to provide sufficient information for it to determine residency. The following rules shall determine the residency of voters, candidates and nominees.

(a) The residency of a person is that place where that person lives for a period of at least thirty (30) days, maintains that person's home and to which, whenever that person is absent, that person has the bona fide intention to return. For voting purposes, a person may have only one (1) residence. Indicia of residence on Guam shall include, but not be limited to, payment of Guam personal income taxes, maintaining a home or other living accommodation on Guam, having temporarily departed Guam with the intention of returning, and not being registered to vote in any other jurisdiction since departing Guam.

(b) A person does not gain residency on Guam or any voting district into which that person comes without the present intent of establishing that person's permanent dwelling place within Guam or such voting district.

(c) If a person resides with one's family in one (1) place, and does business or maintains real property in another place, the former is that person's place of residence; but any person having a family, who establishes one's own dwelling place other than with one's family, with the intention of remaining there, shall be considered a resident where that person established such dwelling place.

(d) The mere intention to acquire a new residence without physical presence at such place does not establish residence.

(e) A person does not obtain or lose residency solely by reason of that person's presence or absence while employed in the services of the United States, or of the government of Guam, or while a student at an

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institution of learning, or while kept in an institution, a hospital, or asylum or while confined in prison.

(f) A person loses one's residency in Guam if that person registers to vote or votes in an election held in a place other than Guam.

(g) No person who is registered to vote in another jurisdiction may vote on Guam until that person's name is removed from such registration. The Commission shall provide affidavit forms for the removal of names of voters from the election rolls of other jurisdictions. For purposes of establishing residency in a village or municipality, a person must be domiciled in that village or district for at least thirty (30) days immediately prior to the election. For voting purposes, a person may have only one (1) place of domicile.

**SOURCE:** GC § 2374. Reenacted by P.L. 12-117; reenacted again by P.L. 21-100:4 (3/31/92). Amended by P.L. 25-146:38.

**NOTE:** GC § 2375 was repealed by P.L. 12-117, as was § 2376, GC, and § 2377, GC.

**§ 9125. Overseas Citizens.**

(a) Notwithstanding the provisions of § 9124 respecting residency, any citizen of the United States living outside of the United States shall be considered a resident of Guam and shall have the right to register according to the terms of this Chapter, provided, that:

(1) Immediately before abandoning the Guam domicile, he could have met all qualifications except for the qualifications relating to minimum voting age;

(2) He has complied with all registration requirements; and

(3) He does not maintain a domicile, is not registered to vote, and is not voting in any other place.

(b) It is necessary that the overseas registrant maintain the intent to return to Guam.

(c) A person loses his residency in the territory if he applies to register to vote or votes in an election held in another jurisdiction by absentee ballot or in person.

(d) No person who is registered to vote in another jurisdiction may vote in Guam until his name is removed or requested to be removed from such registration. The Commission shall provide affidavit forms for the removal of names of voters from the election rolls of other jurisdictions.

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(e) Any person who violates any of the above prohibitions shall be guilty of a misdemeanor. These prohibitions shall be clearly displayed on every application for a ballot and at every registration and voting site on Guam.

**SOURCE:** Subsection (a) - GC § 2378, amended by P.L. 13-187:44. Subsection (b) - § 2378(b), reenacted by P.L. 12-117. Entire section repealed and reenacted by P.L. 21-100:5 (3/31/92).

**§ 9126. Intent to Change.**

**[Repealed.]**

**SOURCE:** GC § 2379. Repealed by P.L. 21-100:6 (3/31/92).

**§ 9127. Leave of Absence From Employment to Vote.**

Every voter shall, on the day of every election at which he is entitled to vote, be entitled to absent himself from any service or employment in which he is then engaged for two (2) consecutive hours between the time of opening and the time of closing the polls. The voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his usual salary or wages.

**SOURCE:** GC § 2380.

**§ 9128. Reporting of Name and Signing Roster.**

A person desiring to vote shall state that person's name in full and address to the precinct officials at the polling place. After verifying the person's identity and determining that the person's name appears as a registered voter on the precinct roster, the precinct officials shall clearly and loudly announce the person's name. If no person challenges the person's right to vote, or if, after a challenge, the precinct board determines that the challenged person is entitled to vote, the person shall be required to sign the roster and then be permitted to vote. In the case of a person who is unable to sign the roster, the precinct officials shall so note that fact on the roster and two (2) of them shall initial the entry and the person shall then be permitted to vote. Any person whose right to vote is denied by the precinct board may immediately appeal the decision to the Commission and, if unsuccessful, to the Superior Court of Guam.

**SOURCE:** GC § 2381. Repealed/reenacted by P.L. 25-146:39.

**§ 9129. Fraudulent Voting a Felony.**

**[Repealed.]**

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**SOURCE:** GC § 2382. Repealed by P.L. 25-146:40.

**§ 9130. Voter's Change of Name.**

In case the surname of any person offering to vote has been legally changed since that person registered, that person shall report the name as it was before the change, and also that person's name as it is at the time of the election; provided, that the person presents to the precinct officials satisfactory written proof of the change. The precinct board shall thereupon make the necessary adjustment in the register, indicating the reason for the change therein and thereafter permit the person to vote.

**SOURCE:** GC § 2383. Amended by P.L. 25-146:41.

**§ 9131. One Ballot to Each Voter.**

Only one (1) ballot or one set of ballots shall be given each voter.

**SOURCE:** GC § 2384.

**§ 9132. Delivery of Ballot by Election Officer Only.**

No person, other than a member of the precinct board, shall give or deliver any ballot to any voter.

**SOURCE:** GC § 2385.

**§ 9133. Only One (1) Person in Booth.**

Booths shall not be occupied by more than one (1) person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed five (5) minutes.

**SOURCE:** GC § 2386.

**§ 9134. Voting in Booth.**

On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booth or tables, provided to prepare his ballot.

**SOURCE:** GC § 2387.

**§ 9135. Indicating Vote.**

In voting, the voter shall place the appropriate mark in the voting square adjacent to the name of any nominee for whom he intends to vote or shall vote for a candidate or person whose name is not printed on the ballot by writing a name for that office in the blank space left therefor, and by placing a mark in the adjacent voting square.

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**SOURCE:** GC § 2388, as amended by P.L. 12-149.

**§ 9136. Two (2) or More Candidates or Nominees.**

Where two (2) or more persons are to be nominated for or elected to the same office, and the voter desires to vote for that office, the voter shall mark or darken the oval or other space to mark adjacent to the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the number of persons who are to be nominated or elected.

**SOURCE:** GC § 2389, as amended by P.L. 12-149. Amended by by .L. 25-146:42.

**§ 9137. Identifying Marks Prohibited.**

A voter shall not place any mark upon his ballot by which it may be afterwards identified as the one voted by him.

**SOURCE:** GC § 2390.

**NOTE:** GC § 2391 was repealed by P.L. 12-149.

**§ 9138. Revealing Ballot Prohibited.**

After his ballot is marked a voter shall not show it to any person in such a way as to reveal its contents.

**SOURCE:** GC § 2392.

**§ 9139. Delivery of Ballot.**

Having completed marking his ballot the voter shall announce his name to the inspector or other members of the precinct board having charge of the ballot box, who shall in turn announce in an audible tone of voice the name of the voter. The member of the precinct board having charge of the copy of the index to the affidavits of registration shall, in like manner, repeat the name and shall write in the ruled space opposite the name, in figures, the line number designating the position of the name on the roster for each voter who appeared to vote. The voter shall then deposit the ballot in the ballot box under the cognizance of the inspector or other member of the precinct board having charge of the ballot box.

**SOURCE:** GC § 2393 amended by P.L. 12-149.

**COMMENT:** It has been the experience of this drafter that the announcement of the voter and the checking of his name as the roster occurs before he is given the ballot, not afterwards.

**§ 9140. Delivery of Other Than Received Ballot Prohibited.**

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A voter shall not deliver to the precinct board, or to any of its members, or deposit in the ballot box any ballot other than the one he has received from the member authorized by law to furnish him with the ballot. Violation of this Section shall be a felony.

**SOURCE:** GC § 2394.

**§ 9141. Two (2) or More Ballots Deposited: A Felony.**

Every person who knowingly deposits or attempts to deposit in any ballot box two (2) or more of the same ballots, is guilty of a felony.

**SOURCE:** GC § 2395, as amended by P.L. 11-209.

**§ 9142. Assistance to Voter.**

(a) A voter may request assistance in voting to the precinct board, and assistance shall be granted thereby only if a voter is blind, physically disabled or unable to read or write.

(b) If the voter is granted the opportunity to have assistance, the voter shall be accompanied into the voting booth by two (2) precinct officials. If a voter with a physical disability finds it unduly burdensome to enter the polling place, the ballot may be completed within one hundred feet (100') of the polling place. The ballot shall be read to the voter who shall indicate that voter's choices. Such choices shall be properly marked by one (1) of the accompanying precinct officials while under the observation of the other. Any registered voter who enters the public grounds containing the polling place, but for some reasons is unable to enter the polling place itself, and who is capable of reading and marking that voter's ballot without assistance, shall be given the opportunity to vote. The Commission shall make the appropriate rules and regulations necessary to insure the privacy and integrity of any ballot case in such manner.

(c) No member of a precinct board rendering assistance to a voter shall reveal any of the votes cast by such voter.

**SOURCE:** GC § 2396. Repealed/reenacted by P.L. 25-146:66.

**§ 9143. Spoiled Ballot.**

Any voter who spoils a ballot may return it to a member of the precinct board and receive another in its place, one at a time, not to exceed three (3) in all.

SOURCE: GC § 2397.

**§ 9144. Cancellation.**

The precinct board shall immediately cancel all the spoiled ballots returned by drawing a cross upon the face in ink or indelible pencil, the cross to be more than three (3) inches square. The spoiled ballots shall be returned along with the register, lists, ballots and undistributed ballots.

SOURCE: GC § 2398.

**§ 9145. Cancellation of Ballot Received but Not Voted.**

Every voter who does not vote the ballot delivered to him shall, before leaving the polling place, return it to the member of the precinct board having charge of the ballots who shall immediately cancel and return it in the same manner as spoiled ballots.

SOURCE: GC § 2399.

**§ 9146. Accounting for Ballots.**

Every precinct board shall account for the ballots delivered to it by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots charged. The Commission, upon receiving returned ballots, shall require such an accounting prior to tabulating the returns of the precinct.

SOURCE: GC § 2400. Amended by P.L. 25-146:43.

**§ 9147. Prohibited Acts by Officers.**

Every inspector, judge or clerk of a precinct board is guilty of a misdemeanor who:

- (a) Attempts to find out any name on the ballot;
- (b) Except as otherwise authorized by this Title, examines, exhibits or discloses the ballot of any voter;
- (c) Makes or places any mark or device on any ballot with a view of ascertaining the name of any person for whom the voter has voted;

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(d) Opens or permits to be opened the ballot box during the time of voting.

**SOURCE:** GC § 2401, as amended by P.L. 12-149.

**§ 9148. Asking Voter's Intention at Polls Prohibited.**

No person shall ask another at a polling place for whom he intends to vote.

**SOURCE:** GC § 2402.

**§ 9149. Removal of Ballots Before Polls Closed Prohibited.**

Unless otherwise provided by law no person shall remove any ballot from any polling place before the closing of the polls.

**SOURCE:** GC § 2403.

**§ 9150. Closing Polls.**

When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation, no ballot shall be received. However, if at the hour of closing, there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote.

**SOURCE:** GC § 2404.

**§ 9151. Late Arrivals Rejected.**

Any one who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when he arrives.

**SOURCE:** GC § 2405.

**§ 9152. Defacement of Unused and Spoiled Ballots.**

Immediately upon the closing of the polls, the members of the precinct board shall, in the presence of all authorized persons in the polling place who may desire to observe them, proceed to deface every unused or spoiled ballot, by drawing across its face, in ink or indelible pencil, two (2) lines which shall cross each other, the cross to be more than three (3) inches square. The members of the precinct board shall thereupon immediately place all defaced ballots within an envelope and seal the envelope. A majority of the members of the precinct board shall immediately write their names across the sealed portion of the envelope.

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**SOURCE:** GC § 2406. Amended by P.L. 25-148:10.

**§ 9153. Destruction of Unused Ballots.**

On the day of an election, immediately upon the arrival of the hour when the polls are required by law to be closed, the Commission shall openly, at the place designated by it for the tabulation of ballots, in the presence of as many voters as may there assemble to observe this act, proceed to make and file its affidavit, in writing, as to the number of unused ballots which remains in its control for disposal. Thirty (30) days after the Commission has certified the election results, the Commission is authorized to dispose of the unused ballots in a manner that is convenient.

**SOURCE:** GC § 2407, as amended by P.L. 12-149. Amended by P.L. 25-146:68.

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