

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

**CHAPTER 13
SPECIAL ELECTIONS**

- § 13101. Conduct and Voters.
- § 13102. Time of Special Election.
- § 13103. Calling Special Elections.
- § 13104. Election to Fill Vacancies in Guam Legislature.
- § 13105. Runoff Elections.
- § 13106. Events Causing Vacancy in the Municipal Offices of Commissioner and Assistant Commissioner.
- § 13107. Persons Eligible to Vote at Runoff.
- § 13108. Mailed Absentee Ballots Not Allowed in Runoff.
- § 13109. Declaration of Runoff Election.

§ 13101. Conduct and Voters.

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

SOURCE: GC § 2650.

§ 13102. Time of Special Election.

Special elections shall be held at a time set by the Governor of Guam which shall be no less than thirty (30) days nor more than sixty (60) days from the date of the proclamation provided for in § 13103. The Governor shall also set the time limit within which polling places may be designated, precinct boards may be appointed, declarations of candidacy may be filed and nominating papers may be filed.

SOURCE: GC § 2651.

§ 13103. Calling Special Elections.

All special elections shall be called by proclamation of the Governor of Guam. The Commission shall cause a copy of the proclamation to be published in a newspaper of general circulation in the Territory and to be posted in each district where such election will take place.

SOURCE: GC § 2652.

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

§ 13104. Election to Fill Vacancy in the Guam Legislature.

The Guam Election Commission shall call for a special election on a Saturday on or about sixty (60) days of the vacancy to fill vacancies in the Guam Legislature whenever one (1) or more vacancies occur therein prior to eight (8) months before the date of the next general election of members of the Guam Legislature. Candidates must file their candidacies no later than thirty (30) 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SOURCE: GC § 2653 repealed and reenacted by P.L. 18-48:14.

§ 13105. Runoff Elections.

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

SOURCE: GC § 2654. Repealed/reenacted by P.L. 25-146:49.

§ 13106. Events Causing Vacancy in the Municipal Offices of Commissioner and Assistant Commissioner.

The municipal offices of Commissioner and Assistant Commissioner become vacant on the happening of any of the following events:

- (a) The death of the incumbent.
- (b) His insanity, when determined by a final judgment or final order of a court of competent jurisdiction.
- (c) His resignation.
- (d) His refusal or failure to assume his office.
- (e) The decision of a competent tribunal declaring void his election.
- (f) His conviction of a felony, or of a crime involving moral turpitude.
- (g) His change of residence from the municipality in which he was elected.
- (h) Where he is incapacitated because of illness, and could not continue to assume his office for the remainder of the term for which he is elected.

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

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

SOURCE: GC § 2655.

§ 13107. Persons Eligible to Vote at Runoff.

The persons eligible to vote at a runoff election shall be the voters who were eligible to vote at the election that precipitated the need for the runoff and those who may register prior to the runoff election. The Commission may register new voters up to three (3) days prior to a runoff election. If a runoff election is required, the Commission shall not purge the names of any voters for nonparticipation after a general election until after the runoff election has been held and its results certified.

SOURCE: I13107-13109 added by P.L. 25-146:50. These sections have been renumbered by Compiler from §§ 13106-13108 because § 13106 was already in use and not repealed.

§ 13108. 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 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 by 3 GCA Chapter 10. A runoff absentee ballot received by the Commission after the closing of the polls on the date of the runoff election, but before 5 p.m. Guam Standard Time on the tenth (10th) day after the date of the Commission shall be processed by the staff of the Commission and such vote 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

3 GCA ELECTIONS
CH. 13 SPECIAL ELECTION

shall not finally certify the runoff election results until after 5 p.m. Guam 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: Repealed/reenacted (to permit absent voting) by P.L. 25-148:3.

§ 13109. Declaration of Runoff Election.

Upon the Commission determining that a runoff election is required, the Commission shall order 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.
