Jul 05 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 443 (COR), "AN ACT TO REPEAL AND REENACT §§13107, 3122(0), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES", which was enacted into law without signature of the Governor. This legislation is now designated as Public Law No. 25-148.

This legislation amends Public Law No. 25-146 and is supposed to provide that the Political Status Plebiscite does not take place on July 1, 2000. Previously passed Public Law No. 25-146 did not accomplish the purpose of delaying the plebiscite, as it does not take effect until after July 1, 2000. This legislation does not provide for changing the legal date of the Political Status Plebiscite by July 1, either, as the Legislature did not transmit the legislation to the Executive Branch in time to allow the required 10 days, excluding Sundays, for the Chief Executive to consider the legislation. This legislation is effective July 3, 2000, midnight, two days after the plebiscite was to take effect last Saturday.

This legislation provides other amendments to Public Law No. 25-146, besides attempting to delay the July 1 plebiscite. A provision that absentee ballots would not be allowed in a runoff election, which was inserted into the code by Public Law No. 25-146, was removed. Instead, a provision is made for absentee ballots to be sent out in a runoff, and for absentee ballots which are received by 10 days after the runoff election to be counted.

This legislation also removes left-over language that continued to remain in the Elections Code, which referred to the handling of ballots at the precinct level after the close of the polls. The provisions of Public Law No. 25-146 had removed the handling of ballots at the precinct level after the close of the polls, but neglected to remove inconsistent language in other Elections Code sections.

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Finally, this legislation allows those in the service of the government who are Guam Election Commission members to be paid their normal board and commission stipend, as well as those members who are not in government service.

This is the second bill passed in a matter of weeks, changing the method of conducting elections, making the procedure more complicated than before. Additionally, identification of voters at the polls is more difficult due to the banning of the use of social security numbers for identification purposes. Instead of making the social security numbers private information, not releasible, the Legislature banned their use entirely, thereby making it harder to differentiate voters who have the same names, even middle names, as is common on Guam. Hopefully, this is not a deliberate attempt by the Legislature to insert identification difficulties into the election process.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
           original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
    Speaker
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA’LAHEN GUAHAN

This is to certify that Bill No. 443 (COR) “AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES,” was on the 21st day of June 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga’lahen Guahan this 21st day of JUNE, 2000, at 6:32 o’clock p.m.

CARL T. C. GUTIERREZ
I Maga’lahen Guahan

Date: July 5, 2000

Public Law No. 25-148

Became law without the signature of
I Maga’lahen Guahan, the Governor
of Guam.
AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. This Act shall be referred to as the "Election Reform Technical Corrections Act of 2000."

Section 2. Statement of Legislative Findings. I Lihesluran Guåhan finds that the Acting Maga’lahen Guåhan’s message of May 26, 2000, accompanying her veto of Bill Number 227, was conciliatory in nature and included valid recommendations relative to several aspects of the election reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.

In reciprocation to the spirit of cooperation exhibited by the Acting Maga’lahen Guåhan, I Lihesluran Guåhan finds that several of her concerns warrant this Body making technical corrections in the original Election Reform Act so that it will best serve the needs of the people in the choosing of their elected leaders. I Lihesluran Guåhan concurs, for instance, that the cumbersome and time-consuming process entailed in the adoption of regulations pursuant to the Administrative Adjudication Law, necessitate the Guam Election Commission being empowered to promulgate emergency regulations for the 2000 elections. I Lihesluran Guåhan, noting that the Congress has made clear in the Uniformed and Overseas Citizens Absentee Voting Act that the ability of absent voters to participate in the runoff elections should be protected, I Lihesluran Guåhan agrees that the Election Reform Act should be modified to attain this objective. Further, that the Commissioners should continue to receive stipends for their valuable service to the People of Guam and not be precluded based upon being in the service of the government of Guam.
Finally, Bill Number 227 was transmitted to I Maga'lahen Guåhan on May 15, 2000. That legislation was designed to take effect thirty (30) days after enactment, which would also have effectively rescheduled the July 1, 2000 plebiscite had it been signed into law. However, since it was vetoed, I Liheslaturaun Guåhan overrode the veto on June 12, 2000, making Bill Number 227’s effective date on July 12, 2000, after the July 1, 2000 plebiscite. Based upon unanimous recommendations from Executive Branch agencies, I Liheslaturaun Guåhan continues to intend that the decolonization plebiscite be rescheduled as originally intended in §65 of Bill Number 227, now Public Law Number 25-146, and contains within this legislation corrective language.

Section 3. Section 13107 of Title 3 of the Guam Code Annotated, as added by Public Law Number 25-146, is hereby repealed and reenacted to read as follows:

"Section 13107. 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 Chapter 10 of Title 3 of the Guam Code Annotated. 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 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."


(a) The provisions of Article 3 of Chapter 9 of Title 5 of the Guam Code Annotated shall not apply to any emergency regulation adopted or existing regulation repealed by the Guam Election Commission ("Commission") for the purpose of implementing the

(b) If the Commission finds that the adoption of a regulation or the repeal of a regulation is necessary to comply with the Election Reform Act of 2000 and this Act, the Commission, by a vote of not less than four (4) of its members, may declare that an emergency exists and adopt or repeal such regulations as it deems necessary. Any finding of an emergency shall include a description of the specific facts showing the need for immediate action. The regulation or repeal shall not be effective until a copy of it is filed with the Legislative Secretary, and shall be subject to legislative repeal or change.

(c) No emergency regulation or repeal shall remain in effect more than one hundred eighty (180) days, nor affect any election except the election conducted in the Year 2000, and that fact shall be stated as a part of the emergency regulation or repeal adopted.

(d) During the one hundred eighty (180) days that an emergency regulation is in effect, or at any time thereafter, the Commission may propose to adopt the same regulation or repeal as a regular action pursuant to the Administrative Adjudication Law.”

Section 5. Section 2101(b) of Title 3 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-146, is hereby *repealed and reenacted* to read as follows:
"(b) Every member of the Commission shall be paid in accordance with §43104 of Title 5 of the Guam Code Annotated, Uniform Compensation for Boards and Commissions."

Section 6. Section 65 of Public Law Number 25-146 is hereby repealed.

Section 7. Date of the Plebiscite, Renaming the “Free Association” Status Option. Section 21110 of Chapter 21 of Title 1 of the Guam Code Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11 of Public Law Number 25-106 and repealed and reenacted by §65 of Public Law Number 25-146, is hereby repealed and reenacted to read as follows:

"Section 21110. Plebiscite Date and Voting Ballot. The Guam Election Commission shall conduct a 'Political Status Plebiscite' at which the following question, which shall be printed in both English and Chamorro, shall be asked of the eligible voters:

'In recognition of your right to self-determination, which of the following political status option do you favor? (Mark ONLY ONE):

1. Independence
2. Free Association with the United States of America
3. Statehood'

Persons eligible to vote shall include those persons designated as Native Inhabitants of Guam, defined within Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in
this Act, who are eighteen (18) years of age or older on the date of
the Political Status Plebiscite, and are registered voters on Guam.

The ‘Political Status Plebiscite’ mandated in Subsection (a) of
this Section shall be held on November 7, 2000, unless the Guam
Election Commission determines that it won’t be adequately
prepared to hold the Plebiscite on that date, in which case the
Guam Election Commission may determine by majority vote of
Commission members to hold the Plebiscite on a later date.”

Section 8. Section 9116 of Title 3 of the Guam Code Annotated is
hereby amended to read as follows:

"Section 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."

Section 9. Section 11103 of Title 3 of the Guam Code Annotated is
hereby repealed.

Section 10. Section 9152 of Title 3 of the Guam Code Annotated is
hereby amended to read as follows:

"Section 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."

Section 11. Section 11105 of Title 3 of the Guam Code Annotated is hereby amended to read as follows:

"Section 11105. Ballots Exceeding Number on Roster. If the ballots in the box exceed in number the names on the roster, one (1) of the members of the precinct board shall, while being observed by the other precinct board members and without looking into the box, draw out singly and destroy a number of the ballots equal to such excess. The precinct board shall make a record upon the roster of the number of ballots so drawn and destroyed."

Section 12. Section 11108 of Title 3 of the Guam Code Annotated is hereby amended to read as follows:

"Section 11108. Delivery of Ballots to Election Center. The locked ballot box, accompanied by the roster and all endorsements and rejected ballots shall be brought to the election center for tabulation. Representatives of the political parties are authorized to accompany the locked ballot box and other materials from the precinct to the election center."
Section 13. Severability. If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.
I, Antonio R. Unpingco, Speaker of Mina'Bente Singko Na Liheslaturan Guåhan, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, Public Hearings Mandatory, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR) “AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES,” which was introduced on June 19, 2000, and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR).

Dated: June 21, 2000

ANTONIO R. UNPINGCO
Speaker
June 21, 2000

The Honorable Carl T.C. Gutierrez  
I Maga'lahen Guåhan  
Ufisinan I Maga'lahi  
Hagåtña, Guam 96910

Dear Maga'lahi Gutierrez:

Transmitted herewith is Bill No. 443(COR) which was passed by I Mina'Bente Singko Na Liheslaturan Guåhan on June 21, 2000.

Sincerely,

[Signature]

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure
TRANSMISSION CHECKLIST TO I MAGA’LAHEN GUAMAN
( Included in File w/ All Bills Transmitted)

BILL NO. 443 (pal)

☐ EXHIBITS ATTACHED None
☐ CONFIRM NUMBER OF PAGES 9
☐ CAPTION ON CERTIFICATION MATCHES BILL CAPTION
☐ ENGROSSED SIGN"*" REMOVED FROM BILL
☐ 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
☐ CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
☐ EMERGENCY DECLARATION, if any

Confirmed By: ________________________________ Dated: ________________

FINAL REVIEW: ________________________________ Dated: ________________

☐ HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)

☐ ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK’S DESK. (Same copy given to Susan)

☐ FILED by: Danny, Robert or others
MINA'BENTE SINGKO NA LIHESLATURAN GUHAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA’LAHEN GUHAHAN

This is to certify that Bill No. 443 (COR) “AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b), TO AMEND §§9916, 9152, 11105 AND 11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES,” was on the 21st day of June 2000, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga’lahen Guahan this 21st day of June, 2000, at 6:32 o’clock a.m.

CARL T. C. GUTIERREZ
I Maga’lahen Guahan

Date: ________________________

Public Law No. ____________________
MINA'BENTE SINGKO NA LIHESLATURAN GUÁHAN
2000 (SECOND) Regular Session

Bill No. 443 (COR)
As amended on the Floor.

Introduced by:

S. A. Sanchez, II
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §§13107, 3122(f),
AND 2101(b), TO AMEND §§916, 9152, 11105 AND
11108, AND TO REPEAL §11103, ALL OF TITLE 3, AND
TO REPEAL AND REENACT §21110 OF CHAPTER 21
OF TITLE 1, ALL OF THE GUAM CODE
ANNOTATED, RELATIVE TO ENSURING
ABSENTEE VOTERS VOTING DURING RUNOFF
ELECTIONS, TO EMPOWER THE GUAM ELECTION
COMMISSION TO ADOPT EMERGENCY
REGULATIONS FOR THE 2000 ELECTIONS AND
FOR OTHER PURPOSES.
BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. This Act shall be referred to as the "Election Reform Technical Corrections Act of 2000."

Section 2. Statement of Legislative Findings. I Lihesluran Guåhan finds that the Acting Maga'lahen Guåhan's message of May 26, 2000, accompanying her veto of Bill Number 227, was conciliatory in nature and included valid recommendations relative to several aspects of the election reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.

In reciprocation to the spirit of cooperation exhibited by the Acting Maga'lahen Guåhan, I Lihesluran Guåhan finds that several of her concerns warrant this Body making technical corrections in the original Election Reform Act so that it will best serve the needs of the people in the choosing of their elected leaders. I Lihesluran Guåhan concurs, for instance, that the cumbersome and time-consuming process entailed in the adoption of regulations pursuant to the Administrative Adjudication Law, necessitate the Guam Election Commission being empowered to promulgate emergency regulations for the 2000 elections. I Lihesluran Guåhan, noting that the Congress has made clear in the Uniformed and Overseas Citizens Absentee Voting Act that the ability of absent voters to participate in the runoff elections should be protected, I Lihesluran Guåhan agrees that the Election Reform Act should be modified to attain this objective. Further, that the Commissioners should continue to receive stipends for their valuable service to the People of Guam and not be precluded based upon being in the service of the government of Guam.
of the runoff election shall be processed as prescribed by Chapter 10 of Title 3 of the Guam Code Annotated. 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 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."


(a) The provisions of Article 3 of Chapter 9 of Title 5 of the Guam Code Annotated shall not apply to any emergency regulation adopted or existing regulation repealed by the Guam Election Commission ("Commission") for the purpose of implementing the

(b) If the Commission finds that the adoption of a regulation or the repeal of a regulation is necessary to comply with the Election Reform Act of 2000 and this Act, the Commission, by a vote of not less than four (4) of its members, may declare that an emergency exists and adopt or repeal such regulations as it deems necessary. Any finding of an emergency shall include a description of the specific facts showing the need for immediate action. The regulation or repeal shall not be effective until a copy of it is filed with the Legislative Secretary, and shall be subject to legislative repeal or change.

(c) No emergency regulation or repeal shall remain in effect more than one hundred eighty (180) days, nor affect any election except the election conducted in the Year 2000, and that fact shall be stated as a part of the emergency regulation or repeal adopted.

(d) During the one hundred eighty (180) days that an emergency regulation is in effect, or at any time thereafter, the Commission may propose to adopt the same regulation or repeal as a regular action pursuant to the Administrative Adjudication Law."

Section 5. Section 2101(b) of Title 3 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-146, is hereby repealed and reenacted to read as follows:
"(b) Every member of the Commission shall be paid in accordance with §43104 of Title 5 of the Guam Code Annotated, Uniform Compensation for Boards and Commissions."

Section 6. Section 65 of Public Law Number 25-146 is hereby repealed.

Section 7. Date of the Plebiscite, Renaming the "Free Association" Status Option. Section 21110 of Chapter 21 of Title 1 of the Guam Code Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11 of Public Law Number 25-106 and repealed and reenacted by §65 of Public Law Number 25-146, is hereby repealed and reenacted to read as follows:

"Section 21110. Plebiscite Date and Voting Ballot. The Guam Election Commission shall conduct a 'Political Status Plebiscite' at which the following question, which shall be printed in both English and Chamorro, shall be asked of the eligible voters:

'In recognition of your right to self-determination, which of the following political status option do you favor?

(Mark ONLY ONE):

1. Independence ( )

2. Free Association with the United States of America ( )

3. Statehood ( )'

Persons eligible to vote shall include those persons designated as Native Inhabitants of Guam, defined within Chapter 21 of Title 3 of the Guam Code Annotated, as enacted in
this Act, who are eighteen (18) years of age or older on the date of
the Political Status Plebiscite, and are registered voters on Guam.

The 'Political Status Plebiscite' mandated in Subsection (a) of
this Section shall be held on November 7, 2000, unless the Guam
Election Commission determines that it won't be adequately
prepared to hold the Plebiscite on that date, in which case the
Guam Election Commission may determine by majority vote of
Commission members to hold the Plebiscite on a later date."

Section 8. Section 9116 of Title 3 of the Guam Code Annotated is
hereby amended to read as follows:

"Section 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."

Section 9. Section 11103 of Title 3 of the Guam Code Annotated is
hereby repealed.

Section 10. Section 9152 of Title 3 of the Guam Code Annotated is
hereby amended to read as follows:

"Section 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."

Section 11. Section 11105 of Title 3 of the Guam Code Annotated is hereby amended to read as follows:

"Section 11105. Ballots Exceeding Number on Roster. If the ballots in the box exceed in number the names on the roster, one (1) of the members of the precinct board shall, while being observed by the other precinct board members and without looking into the box, draw out singly and destroy a number of the ballots equal to such excess. The precinct board shall make a record upon the roster of the number of ballots so drawn and destroyed."

Section 12. Section 11108 of Title 3 of the Guam Code Annotated is hereby amended to read as follows:

"Section 11108. Delivery of Ballots to Election Center. The locked ballot box, accompanied by the roster and all endorsements and rejected ballots shall be brought to the election center for tabulation. Representatives of the political parties are authorized to accompany the locked ballot box and other materials from the precinct to the election center."
MINA' BENTE SINGKO NA LIHESLATURAN GUÁHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2000 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of I Mina'Bente Singko Na Liheslaturan Guåhan, hereby certify, in conformance with Title 2 Guam Code Annotated §2103, Public Hearings Mandatory, as amended, that an emergency condition exists involving danger to the public health, safety and welfare of the people and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR) "AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.," which was introduced on June 19, 2000, and therefore waive the statutory requirements for a public hearing on Bill Number 443 (COR).

Dated: June 21, 2000

ANTONIO R. UNPINGCO
Speaker
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<td>MOYLAN, Kaleo Scott</td>
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<td>PANGELINAN, Vicente C.</td>
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<td>SALAS, John C.</td>
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<td>SANCHEZ, Simon A., II</td>
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<td>UNPINGCO, Antonio R.</td>
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**TOTAL**

14 1 0 0 0

CERTIFIED TRUE AND CORRECT:

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*3 Passes = No vote

EA = Excused Absence

Clerk of the Legislature
AN ACT TO REPEAL AND REENACT §§13107, 3122(f), AND 2101(b) OF TITLE 3, AND TO REPEAL AND REENACT §21110 OF CHAPTER 21 OF TITLE 1, ALL OF THE GUAM CODE ANNOTATED, AS CHANGED BY P.L. NO. 25-146, RELATIVE TO ENSURING ABSENTEE VOTERS VOTING DURING RUNOFF ELECTIONS, TO EMPOWER THE GUAM ELECTION COMMISSION TO ADOPT EMERGENCY REGULATIONS FOR THE 2000 ELECTIONS AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. This Act shall be referred to as the “Election Reform Technical Corrections Act of 2000.”

Section 2. Statement of Legislative Findings. I Liheslaturan Guahan finds that the Acting Governor’s message of May 26, 2000, accompanying her veto of Bill Number 227, was conciliatory in nature and included valid recommendations relative to several aspects of the election reforms embodied in Public Law Number 25-146 as enacted on May 16, 2000.
In reciprocation to the spirit of cooperation exhibited by the acting Ma'lahen Guåhan, I Liheslaturan Guåhan finds that several of her concerns warrant this Body making technical corrections in the original Election Reform Act so that it will best serve the needs of the people in the choosing of their elected leaders. I Liheslaturan Guåhan concurs, for instance, that the cumbersome and time-consuming process entailed in the adoption of regulations pursuant to the Administrative Adjudication Law, necessitate the Guam Election Commission being empowered to promulgate emergency regulations for the 2000 elections. I Liheslaturan Guåhan, noting that the Congress has made clear in the Uniformed and Overseas Citizens Absentee Voting Act that the ability of absent voters to participate in the runoff elections should be protected, I Liheslaturan Guåhan agrees that the Election Reform Act should be modified to attain this objective. Further, that the Commissioners should continue to receive stipends for their valuable service to the People of Guam and not be precluded based upon being in the service of the government of Guam.

Finally, Bill Number 227 was transmitted to I Ma'lahen Guåhan on May 15, 2000. That legislation was designed to take effect thirty (30) days after enactment, which would also have effectively rescheduled the July 1, 2000 plebiscite had it been signed into law. However, since it was vetoed, I Liheslaturan Guåhan overrode the veto on June 12, 2000, making Bill Number 227's effective date on July 12, 2000, after the July 1, 2000 plebiscite. Based upon unanimous recommendations from Executive Branch agencies, I Liheslaturan Guåhan continues to intend that the decolonization plebiscite be
rescheduled as originally intended in §65 of Bill Number 227, now Public Law Number 25-146, and contains within this legislation corrective language.

Section 3. Section 13107 of Title 3 of the Guam Code Annotated, as added by Public Law Number 25-146, is hereby *repealed and reenacted* to read as follows:

"Section 13107. 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 Chapter 10 of Title 3 of the Guam Code Annotated. 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 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 shall not finally certify the runoff election results until after 5 p.m. Guam Standard Time on the tenth day after the runoff election was conducted. Any absentee ballot received by the Commission after the tenth 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."


(b) If the Commission finds that the adoption of a regulation or the repeal of a regulation is necessary to comply with the Election Reform Act of 2000 and this Act, the Commission, by a vote of not less than four (4) of its members, may declare that an emergency exists and adopt or repeal such regulations as it deems necessary. Any finding of an emergency shall include a description of the specific facts showing
the need for immediate action. The regulation or repeal shall not be effective until a copy of it is filed with the Legislative Secretary, and shall be subject to legislative repeal or change.

(c) No emergency regulation or repeal shall remain in effect more than one hundred eighty (180) days, nor affect any election except the election conducted in the Year 2000, and that fact shall be stated as a part of the emergency regulation or repeal adopted.

(d) During the one hundred eighty (180) days that an emergency regulation is in effect, or at any time thereafter, the Commission may propose to adopt the same regulation or repeal as a regular action pursuant to the Administrative Adjudication Law.”

Section 5. Section 2101(b) of Title 3 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-146, is hereby repealed and reenacted to read as follows:

“(b) Every member of the Commission shall be paid in accordance with §43104 of Title 5 of the Guam Code Annotated, Uniform Compensation for Boards and Commissions.”

Section 6. Section 65 of Public Law Number 25-146 is hereby repealed.

Section 7. Date of the Plebiscite, Renaming the “Free Association” Status Option. Section 21110 of Chapter 21 of Title 1 of the Guam Code Annotated, as enacted by §10 of Public Law Number 23-147, amended by §11 of Public Law Number 25-106 and repealed and reenacted by §65 of Public Law Number 25-146, is hereby repealed and reenacted to read as follows: