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CHAPTER 9
CONDUCT OF 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within this chapter were included in the original Government Code of Guam enacted by P.L. 1-088 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964).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).

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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. Codified as 3 GCA § 9101. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9102. Copies of Manual Furnished.

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

SOURCE: GC § 2351. Codified as 3 GCA § 9102. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9103. Polling Places.

The precincts shall be arranged so that neither the ballot boxes nor tables on which they are placed shall be hidden from the view of voters outside the guard-rail, rope or other barricade.

SOURCE: GC § 2352. Codified as 3 GCA § 9103. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

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§ 9104. Destruction of Facilities or Removal of Materials and Supplies.

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 or her ballot.

SOURCE: GC § 2353. Codified as 3 GCA § 9104. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9105. Destruction or Removal of Instruction Cards.

No person shall, during an election, remove, tear down or deface any card printed outlining instructions for the voters.

SOURCE: GC § 2354. Codified as 3 GCA § 9105. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9106. Posting Instruction Cards.

On the day of any election, the precinct board shall post instruction cards in each booth or table provided for voter preparation of the ballots, and at other places in and around the polling site within easy access to the voters. Such instructions shall be printed in both the English and Chamorro languages.

SOURCE: GC § 2355. Codified as 3 GCA § 9106. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2356. Codified as 3 GCA § 9107. Amended by P.L. 25-146:35 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9108. Proclamation of Opening Polls.

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

SOURCE: GC § 2357. Codified as 3 GCA § 9108. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

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§ 9109. Time for Opening and Closing Polls.

The polls shall be opened at seven (7) o'clock a.m. of the day of an election, and shall remain open until eight (8) o'clock p.m. of the same day, at which time the precinct leader shall declare aloud that the polls are closed, except as provided in § 9143.

SOURCE: GC § 2358. Codified as 3 GCA § 9109. Amended by P.L. 24-273:4 (Oct. 16, 1998). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 9110. 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. Codified as 3 GCA § 9111. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2359, entitled "*Times for Voting.*" Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 9111. Solicitation of Votes at Polling Place Prohibited.

Within one hundred (100) feet of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his or her ballot or on behalf of, or against, any candidate.

SOURCE: GC § 2361. Codified as 3 GCA § 9112. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2360, entitled "*Liquor sales at polling place prohibited.*" Reenacted as 3 GCA § 9110 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9112. Electioneering at Polling Place Prohibited.

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

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SOURCE: GC § 2362. Codified as 3 GCA § 9113. Amended by P.L. 21-100:9 (Mar. 31, 1992) and P.L. 24-273:2 (Oct. 16, 1998). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2361, entitled "*Solicitation of votes at polling place prohibited.*" Reenacted as 3 GCA § 9111 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9113. Use of Barricade Before Booths.

A guard-rail, rope or other form of barricade shall be assembled, constructed or arranged 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 set up for voting.

SOURCE: GC § 2363. Codified as 3 GCA § 9114. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2362, entitled "*Electioneering at polling places prohibited.*" Reenacted as 3 GCA § 9112 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9114. Persons Permitted Within Barricade.

(a) Only voters engaged in receiving, preparing or depositing their ballots, the precinct board, and any other person specifically permitted by law, shall be authorized to be within the barricade before the closing of the polls.

(b) At all times while the precinct board is present in the precinct and during the time that the ballots are being transported to the Election Return Center established pursuant to § 11108 of this Title, each recognized political party and a representative of an independent candidate whose name appears on the ballot, if any, may have no more than one (1) observer present to witness the conduct of the election and to challenge any voter. Such observers are hereby prohibited from interfering with the precinct board at any time during the conduct of the election, and shall not be permitted within the precinct barricade.

SOURCE: GC § 2364. Codified as 3 GCA § 9115. Amended by P.L. 25-146:36 (June 12, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2016 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

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2012 NOTE: This section was originally codified from GC § 2363, entitled “*Use of barricade before booths.*” Reenacted as 3 GCA § 9113 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9115. Exhibiting Ballot Box.

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

SOURCE: GC § 2365. Codified as 3 GCA § 9116. Amended by P.L. 25-148:8 (July 5, 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 § 2364, entitled “*Persons permitted within barricade.*” Reenacted as 3 GCA § 9114 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9116. Roster and Tally List.

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

SOURCE: GC § 2366. Codified as 3 GCA § 9117. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2365, entitled “*Exhibiting ballot box.*” Reenacted as 3 GCA § 9115 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9117. Absence of Precinct Officials.

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

SOURCE: GC § 2367. Codified as 3 GCA § 9118. Amended by P.L. 25-146:37 (June 12, 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 § 2366, entitled “*Roster and tally list.*” Reenacted as 3 GCA § 9116 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9118. Grounds for Challenge.

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

(a) that he or she is not the person whose name appears on the register;

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- (b) that he or she is not a resident of Guam;
- (c) that he or she is not a citizen of the United States;
- (d) that he or she is not a resident of the precinct at which he or she is voting;
- (e) that he or she has voted that day;
- (f) that he or she voted in another precinct; and
- (g) that he or she voted in another U.S. jurisdiction.

SOURCE: GC § 2368. Amended by P.L. 12-149:12 (June 19, 1974). Codified as 3 GCA § 9119. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2367, entitled “*Absence of precinct officers.*” Reenacted 3 GCA § 9117 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9119. Examination of Person Challenged.

(a) The precinct board shall immediately examine on oath the challenged individual and his or her witnesses, if any, together with the voter who called the challenge and his or her witnesses, if any. The precinct 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 precinct board from rendering a decision prior to the time for closing the polls.

(b) 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.

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

SOURCE: GC § 2369. Codified as 3 GCA § 9120. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2016 NOTE: Subsection designations were added to adhere to the Compiler’s codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

2012 NOTE: This section was originally codified from GC § 2368, entitled “*Grounds for challenge.*” Reenacted as 3 GCA § 9118 by P.L. 31-255:2 (Dec. 11, 2012).

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§ 9120. 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 regarding the matter of the challenge, he or she shall not be allowed to vote.

SOURCE: GC § 2370. Codified as 3 GCA § 9121. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2369, entitled “*Examination of person challenged.*” Reenacted as 3 GCA § 9119 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9121. Record on Challenges.

At any time when a challenge is made, the precinct board shall immediately notify the Commission telephonically and in writing, and shall maintain and keep a record showing:

- (a) the names of all persons challenged;
- (b) the names of all challengers;
- (c) the grounds of each challenge; and

(d) the determination of the precinct board regarding each challenge. The precinct board shall deliver the record of any challenges to the Commission upon arrival at the Election Return Center after the polls close.

SOURCE: GC § 2371. Codified as 3 GCA § 9122. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2370, entitled “*Refusal to be sworn or to answer.*” Reenacted as 3 GCA § 9120 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9122. 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. Codified as 3 GCA § 9123. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2371, entitled “*Record on challenges.*” Reenacted as 3 GCA § 9121 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9123. Rules for Determining Residency.

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(a) 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.

(b) The following rules shall determine the residency of voters, candidates and nominees:

(1) 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 U.S. jurisdiction since departing Guam.

(2) A person does not gain residency on Guam, or any voting district, from which that person comes unless that person intends to establish a permanent dwelling place within Guam, or such voting district.

(3) 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.

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

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

(6) 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.

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

SOURCE: GC § 2374, entitled "*Same.*" Repealed and reenacted by P.L. 12-117:5 (Mar. 28, 1974), entitled "*Residence.*" Codified as 3 GCA § 9124. Repealed and reenacted by P.L. 21-100:4 (Mar. 31, 1992), entitled "*Rules for determining residency.*" Amended by P.L. 25-146:38 (June 12, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2016 NOTE: Subsection/subitem designations were added/alterd to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

2012 NOTE: This section was originally codified from GC § 2373, entitled "*Place of residence.*" Reenacted as 3 GCA § 9122 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9124. Overseas Citizens.

(a) Notwithstanding the provisions of § 9123 of this Chapter 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 or she would have met all qualifications, except for the qualification relating to minimum voting age;

(2) he or she has complied with all registration requirements;

(3) he or she does not maintain a domicile, is not registered to vote, and is not voting in any other U.S. jurisdiction; and

(4) the overseas registrant maintains the intent to return to Guam.

(b) A person loses his residency on Guam if he or she applies to register to vote or votes in an election held in another U.S. jurisdiction by absentee ballot or in person.

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(c) No person who is registered to vote in another U.S. jurisdiction may vote in Guam until his or her name has been requested by the Commission to be removed from that jurisdiction's election rolls. The Commission shall provide affidavit forms for the removal of names of voters from election rolls of other U.S. jurisdictions.

(d) The rules herein shall be clearly displayed on every application for an absentee ballot, and at every registration and voting site on Guam.

SOURCE: GC § 2378, entitled "*Removal from territory to reside.*" Repealed and reenacted by P.L. 12-117:9 (Mar. 28, 1974), entitled "*Dual voting prohibited.*" Subsection (a) amended by P.L. 13-187:44. Codified as 3 GCA § 9125, entitled "*Overseas citizens.*" Amended by P.L. 21-100:5 (Mar. 31, 1992). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2374, entitled "*Same.*" Reenacted as 3 GCA § 9123 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9125. Leave of Absence From Employment to Vote.

(a) Every voter shall be entitled, on the day of every election at which he or she is entitled to vote, to absent himself or herself from any service or employment in which he or she is then engaged or employed for two (2) consecutive hours between the time of opening and the time of closing of the polls. The voter shall not be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall the voter be suspended or discharged from his or her service or employment. Any violation of this provision shall be reported to the Guam Department of Labor for enforcement, and may subject an employer to pay a fine.

(b) A voter who unilaterally absents himself or herself from employment for the purpose of voting shall provide to his or her employer evidence from GEC that he or she had voted during the hours of his or her absence.

SOURCE: GC § 2380. Codified as 3 GCA § 9127. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2016 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

2012 NOTE: This section was originally codified from GC § 2378, entitled "*Removal from territory to reside.*" Reenacted as 3 GCA § 91124 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9126. Reporting of Name and Signing Roster.

(a) A person desiring to vote shall state his or her full name and address to the precinct officials at the polling place and shall present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school or government of Guam entity to the precinct official or other authorized election official.

(b) 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, a precinct official shall so note that fact on the roster, and two (2) other precinct board members shall initial the entry. 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. Codified as 3 GCA § 9128. Repealed and reenacted by P.L. 25-146:39 (June 12, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012), amended by P.L. 33-148:3 (Apr. 15, 2016).

2016 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

2012 NOTE: This section was originally codified from GC § 2379, entitled "*Intent to Change.*" Repealed by P.L. 21-100:6 (Mar. 31, 1992).

§ 9127. Voter's Change of Name.

If the full name or surname of any person desiring to vote has been legally changed since that person registered, that person shall report both his or her name as it was before the change, and his or her name as it is at the time of the election; provided, that the person presents to the precinct officials a legal document or other satisfactory written proof of the name 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.

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SOURCE: GC § 2383, entitled "*Woman voter's change of name.*" Codified as 3 GCA § 9130. Amended by P.L. 25-146:41 (June 12, 2000), entitled "*Voter's Change of Name.*" Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2380, entitled "*Leave of absence from employment to vote.*" Reenacted to 3 GCA § 9125 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9128. One (1) Ballot to Each Voter.

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

SOURCE: GC § 2384. Codified as 3 GCA § 9131. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2361, entitled "*Reporting of name: signing roster.*" Reenacted as 3 GCA § 9126 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9129. Delivery of Ballot by Election Official Only.

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

SOURCE: GC § 2385. Codified as 3 GCA § 9132. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2382, entitled "*Fraudulent voting a felony.*" Repealed by P.L. 25-146:40 (June 12, 2000).

§ 9130. Only One (1) Person in Booth.

Booths shall not be occupied by more than one (1) person at a time, except as provided by § 9136. Voters shall not remain in or occupy a booth longer than is necessary to mark their ballots.

SOURCE: GC § 2386. Codified as 3 GCA § 9133. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2383, entitled "*Woman voter's change of name.*" Reenacted as 3 GCA § 9127 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9131. Voting in Booth.

Upon receiving a ballot or set of ballots, the voter shall forthwith, and without leaving the enclosed area, proceed alone to one (1) of the designated places, booths or tables provided to prepare his or her ballot.

SOURCE: GC § 2387. Codified as 3 GCA § 9134. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

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2012 NOTE: This section was originally codified from GC § 2384, entitled “*One ballot to each voter.*” Reenacted as 3 GCA § 9128 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9132. Indicating Vote.

In voting, the voter shall place the appropriate mark in the voting oval or other defined space provided adjacent to the name of any nominee for whom he or she intends to vote, or shall vote for a candidate or person whose name is not printed on the ballot by writing in a name for that office in the blank line-space provided, and clearly marking the adjacent voting oval or other space provided.

SOURCE: GC § 2388. Amended by P.L. 12-149:14 (June 19, 1974). Codified as 3 GCA § 9135. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2385, entitled “*Delivery of ballot by election officer only.*” Reenacted as 3 GCA § 9129 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9133. 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 clearly mark or darken the oval or other space provided adjacent to the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the maximum number of persons who are to be nominated or elected.

SOURCE: GC § 2389. Amended by P.L. 12-149 (June 19, 1974). Codified as 3 GCA § 9136. Amended by P.L. 25-146:42 (June 12, 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 § 2386, entitled “*Only one person in booth.*” Reenacted as 3 GCA § 9130 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9134. Identifying Marks Prohibited.

A voter shall not place any random mark upon a ballot by which it may be later identified as the one voted on by him or her.

SOURCE: GC § 2390. Codified as 3 GCA § 9137. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2387, entitled “*Voting in booth.*” Reenacted as 3 GCA § 9131 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9135. Revealing Ballot Prohibited.

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

SOURCE: GC § 2392. Codified as 3 GCA § 9138. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2388, entitled "*Indicating vote.*" Reenacted as 3 GCA § 9132 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9136. 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 a voter is granted assistance, the voter shall be accompanied into the voting booth by one (1) precinct official and another person designated by the voter. If a voter with a physical disability finds it unduly burdensome to enter the polling place, the ballot may be completed within one hundred (100) feet of the polling place. A precinct official shall read the ballot to the voter who shall indicate his or her choices. Such choices shall be properly marked by the attending precinct official while under the observation of the other person designated by the voter. Any registered voter who enters the public grounds containing the polling place, but for some reason is unable to enter the polling place itself, and who is capable of reading and marking the ballot without assistance, shall be given the opportunity to vote. The Commission shall determine other appropriate rules and regulations necessary to ensure the voter's privacy and protect the integrity of any ballot. Such rules and regulations shall be outlined in the Election Manual.

(c) Any member of a precinct board rendering assistance to a voter is hereby prohibited from revealing any of the votes cast by such voter.

SOURCE: GC § 2396, entitled "*Assistance in voting.*" Codified as 3 GCA § 9142. Repealed and reenacted by P.L. 25-146:66 (June 12, 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 § 2389, entitled "*Same: two or more candidates to be elected.*" Reenacted as 3 GCA § 9133 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9137. 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 (1) at a time, not to exceed three (3).

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SOURCE: GC § 2397. Codified as 3 GCA § 9143. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2390, entitled "*Identifying marks prohibited.*" Reenacted as 3 GCA § 9134 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9138. Cancellation of Spoiled Ballot.

The precinct board shall immediately cancel a spoiled ballot returned by a voter by writing the letter "X" upon the face of the ballot in ink or indelible pencil. All spoiled ballots shall be counted and placed and sealed in an envelope endorsed "Spoiled Ballots," and returned to the Election Return Center along with the roster, ballot boxes, unused ballots and all other documents, materials and supplies at the closing of the polls. Each precinct board member shall sign their names across the sealed portion of the envelope and write thereon the total number of spoiled ballots contained in the envelope.

SOURCE: GC § 2398. Codified as 3 GCA § 9144, entitled "*Cancellation.*" Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2392, entitled "*Revealing ballot prohibited.*" Reenacted as 3 GCA § 9135 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9139. Ballot Issued but Not Voted.

Any voter who does not mark the ballot issued or delivered to him or her shall, before leaving the polling place, cast the ballot in the ballot box.

SOURCE: GC § 2399, entitled "*Cancellation of ballot received but not voted.*" Codified as 3 GCA § 9145. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2393, entitled "*Delivery of Ballot.*" Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 9140. Accounting for Ballots.

Every precinct board shall account for all ballots delivered to that precinct by returning all unused ballots which, when added to the number of ballots cast and the number of spoiled ballots returned, shall equal the total number of ballots assigned and delivered to that precinct. The Commission, upon receiving all the ballots, shall require such an accounting prior to tabulating the returns of the precinct.

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SOURCE: GC § 2400. Codified as 3 GCA § 9146. Amended by P.L. 25-146:43 (June 12, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2016 NOTE: Subsection designations were added to adhere to the Compiler's codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

2012 NOTE: This section was originally codified from GC § 2394, entitled "*Delivery of Other Than Received Ballot Prohibited.*" Reenacted as 3 GCA § 8304 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9141. 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. Codified as 3 GCA § 9148. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2395, entitled "*Two (2) or More Ballots Deposited.*" Reenacted as 3 GCA § 8305 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9142. Removal of Ballots Before Polls Close 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. Codified as 3 GCA § 9149. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2396, entitled "*Assistance in voting.*" Reenacted as 3 GCA § 9136 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9143. Closing Polls.

At eight (8) o'clock p.m., the precinct leader shall proclaim aloud that the poll has closed. After the proclamation, no ballot shall be received. However, if at the hour of closing there are voters within 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 remain open and allow sufficient time to enable them to vote.

SOURCE: GC § 2404. Codified as 3 GCA § 9150. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2397, entitled "*Spoiled ballot.*" Reenacted as 3 GCA § 9137 by P.L. 31-255:2 (Dec. 11, 2012).

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§ 9144. Late Arrivals Rejected.

Anyone who arrives at the polling place after the polls have closed shall not be entitled to vote.

SOURCE: GC § 2405. Codified as 3 GCA § 9151. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2398, entitled "*Same: cancellation.*" Reenacted as 3 GCA § 9138 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9145. Defacement of Unused Ballots.

Immediately upon the closing of the polls, the members of the precinct board shall, in the presence of other authorized persons in the polling place who may desire to observe them, proceed to deface every unused ballot by writing the letter "X" across its face in ink or indelible pencil. The members of the precinct board shall thereupon immediately count and place all unused defaced ballots in an envelope endorsed "Unused Defaced Ballots" and seal the envelope. Each member of the precinct board shall then immediately sign their names across the sealed portion of the envelope and write thereon the total number of unused defaced ballots contained in the envelope. The envelope of unused defaced ballots shall be returned to the Election Return Center after the closing of the polls.

SOURCE: GC § 2406, entitled "*Same: defacement of unused and spoiled ballots.*" Codified as 3 GCA § 9152. Amended by P.L. 25-148:10 (July 5, 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 § 2399, entitled "*Cancellation of ballot received but not voted.*" Reenacted as 3 GCA § 9139 by P.L. 31-255:2 (Dec. 11, 2012).

§ 9146. Destruction of Unused Defaced Ballots.

No earlier than thirty (30) days after the Commission has certified the election results, provided that no election contest is pending resolution, the Commission shall dispose of the unused defaced ballots in a manner it deems appropriate.

SOURCE: GC § 2407. Amended by P.L. 12-149:18 (June 19, 1974). Codified as 3 GCA § 9153. Amended by P.L. 25-146:68 (June 12, 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 § 2400, entitled "*Accounting for ballots.*" Reenacted as 3 GCA § 9140 by P.L. 31-255:2 (Dec. 11, 2012).

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