

GUAM CODE ANNOTATED

TITLE 3

ELECTIONS

**UPDATED THROUGH P.L. 36-078
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CH. 1 GENERAL PROVISIONS

CHAPTER 1
GENERAL PROVISIONS

NOTE: Unless otherwise noted, all sections within this chapter were included in the original Government Code of Guam enacted by P.L. 1-88 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964).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).

- § 1101. Title.
- § 1102. Definitions and Rules of Construction.
- § 1103. Commission.
- § 1104. Elector.
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- § 1112. Recognized Political Party.
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- § 1119. Same: Marking of Ballot.
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- § 1121. Recall of Elected Officials.
- § 1122. Polling Place.
- § 1123. Precinct.

§ 1101. Title.

This Title shall be known and may be cited as the Election Code.

SOURCE: GC § 2000. Codified as 3 GCA § 1101. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

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§ 1102. Definitions and Rules of Construction.

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

SOURCE: GC § 2001. Codified as 3 GCA § 1102. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1103. Commission.

Commission means the Guam Election Commission (GEC).

SOURCE: GC § 2002. Codified as 3 GCA § 1103. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1104. Elector.

Elector means any person who is entitled to register under § 3101, Chapter 3 of this Title.

SOURCE: GC § 2003. Codified as 3 GCA § 1104. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1105. Voter.

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

SOURCE: GC § 2004. Codified as 3 GCA § 1105, entitled “*Voters.*” Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1106. General Election.

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

SOURCE: GC § 2005. Codified as 3 GCA § 1106, entitled “*Regular General Election.*” Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1107. Primary Election.

Primary Election means a preliminary election in which voters cast ballots to determine the candidates for specific offices as provided in this Title.

SOURCE: Added by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was codified from GC § 2006, entitled “*General Election.*” Repealed by P.L. 31-255:2 (Dec. 11, 2012).

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§ 1108. Local Election.

Local Election means a municipal, division or district election.

SOURCE: GC § 2007. Codified as 3 GCA § 1108. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1109. Regular Election.

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

SOURCE: GC § 2008. Codified as 3 GCA § 1109. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1110. Special Election.

Special Election means an election, the specific time for the holding of which is not prescribed in this Title or in any other law.

SOURCE: GC § 2009. Codified as 3 GCA § 1110. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1111. Runoff Election.

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

SOURCE: Added as § 1111 by P.L. 25-146:2 (June 12, 2000), effective 30 days from date of enactment pursuant to P.L. 25-146:74. Renumbered as § 1110.1 by Compiler to harmoniously fit this chapter. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1112. Recognized Political Party.

Recognized political party means any political party, group or organization:

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

(b) which shall have filed with the GEC under such uniform regulations as the Commission may prescribe, such evidence of its lawful creation and election of its chairman, secretary and treasurer, including their full names and addresses; and

(c) which shall have polled at the last general election,

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

SOURCE: GC § 2010. Codified as 3 GCA § 1111. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1113. Same: Rights.

(a) In addition to any other rights accorded in this Title to a political party, a recognized political party shall have the right to place on the ballot in any election and to have the names of its candidates identified thereon with the party's name, symbol or other official designation.

(b) Any recognized political party which fails to poll in any general election the percentage of total votes cast as required by § 1112 (c), shall lose its status as a recognized political party and shall be denied a place upon the ballot unless it complies with the provisions of § 1112.

SOURCE: GC § 2011. Codified as 3 GCA § 1112. 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.

§ 1114. Formation of New Political Parties.

Any number of voters may organize to form a political party, which may have a place on the ballot and have the names of its candidates identified thereon with the party's name, or other official designation, by complying with § 1112 (a) and (b); provided, however, that the party's name and its candidates shall

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not be placed on the ballot as directed in § 7108 until the party has qualified as a recognized political party by polling, in a general election, the number of votes required by § 1112 (c).

SOURCE: GC § 2012. Codified as 3 GCA § 1113. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1115. Definition: Candidate.

A candidate is one who either seeks a nomination, or is proposed for a nomination by sponsors, or accepts money towards an election in accordance with the provisions of this Title.

SOURCE: GC § 2013. Codified as 3 GCA § 1114. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1116. Same: Nominee.

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

SOURCE: GC § 2015. Codified as 3 GCA § 1115. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1117. Same: Precinct.

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

SOURCE: GC § 2016. Codified as 3 GCA § 1116. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1118. Same: Vote Tabulating Device.

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

SOURCE: GC § 2017. Codified as 3 GCA § 1117. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1119. Same: Marking of Ballot.

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

SOURCE: GC § 2019. Codified as 3 GCA § 1118. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

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

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A voter verified paper ballot (VVPB) is a ballot printed on paper by a voting process in which a voter enters his or her voting choices into a computer and the voter's ballot is printed in a format which is readable by the human eye.

SOURCE: Added by P.L. 31-068:3 (May 24, 2011). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 1121. Recall of Elected Officials.

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

(b) Notwithstanding the provisions of Article 3, Chapter 16 of this Title, Mayors, Vice Mayors, Consolidated Commission on Utilities Members, Guam Education Board Members, the Attorney General, and the Public Auditor may be removed from office by a recall election in which at least two-thirds (2/3) of the number of persons voting for such official in the last preceding general election at which such official was elected, vote in favor of a recall and in which those so voting constitute a majority of all those participating in the recall election.

(c) A recall election may be initiated by:

(1) a two-thirds (2/3) vote of the Members of *I Liheslaturan Guåhan* in favor of a recall; or

(2) a petition for such a recall to *I Liheslaturan Guåhan* by registered voters equal in number to at least fifty percent (50%) of the total number of votes cast at the general election at which such official was elected preceding the filing of the petition.

SOURCE: Added as 3 GCA § 2301 by P.L. 28-068:IV:106 (Sept. 30, 2005). Renumbered as § 1119 by Compiler to harmoniously fit this chapter. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

§ 1122. Polling Place.

A polling place is the location where voting takes place on election day.

SOURCE: Added by P.L. 33-148:6 (Apr. 15, 2016).

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§ 1123. Precinct.

A precinct is a designated area within the polling place where electors cast their votes.

SOURCE: Added by P.L. 33-148:6 (Apr. 15, 2016).
