I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 128-31 (LS), "AN ACT TO *REPEAL* AND *REENACT* §7103.1 OF CHAPTER 7, AND TO *ADD* A NEW §1120 TO CHAPTER 1, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF ELECTRONIC VOTING MACHINES WITH VOTER VERIFIED PAPER BALLOTS IN GUAM ELECTIONS",** was on the 10th day of May, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at 10:30 o'clock A.M.

J. Dela Rosa
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 128-31 (LS)

Introduced by: R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
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AN ACT TO *REPEAL* AND *REENACT* §7103.1 OF CHAPTER 7, AND TO *ADD* A NEW §1120 TO CHAPTER 1, ALL OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF ELECTRONIC VOTING MACHINES WITH VOTER VERIFIED PAPER BALLOTS IN GUAM ELECTIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that electronic voting machines have been prohibited from further usage in Guam because of problems created in past elections. While most early electronic voting devices were problematic, the role of similar devices in future elections

should *not* be ignored, as Guam and the nation continue efforts to increase electoral integrity.

I Liheslatura finds that devices in which votes are entered, and which then print a voter's completed ballot, have been praised for increasing the accuracy of elections. Voters enter their votes into these machines, and a Voter Verified Paper Ballot (VVPB) is printed, which the voter then verifies. Correct ballots are then placed into the ballot box. The VVPBs can then be processed, votes can be counted, and can be audited and stored as if hand-marked paper ballots were used.

If the voter makes an error, the VVPB becomes a spoiled ballot. The voter will then repeat the process until the voter's intent is printed. The VVPB can help to ensure that the basic democratic principle of counting all eligible votes is achieved. This process also eliminates stray marks and light marks that often lead to under-counting votes. This process can also assist disabled voters, allowing them to mark their ballots privately and independently, complying with the Help America Vote Act (HAVA).

It is therefore the intent of *I Liheslatura* to *repeal* and *reenact* §7103.1 of Title 3, Guam Code Annotated, to authorize the use in Guam elections of electronic voting machines that produce VVPBs that can be counted by optical scanners, and also by hand.

Section 2. §7103.1 of Chapter 7 of Title 3, Guam Code Annotated, is *repealed* and *reenacted* to read:

"§7103.1. Electronic Voting Machines and Voter Verified Paper Ballots (VVPB).

Electronic voting machines, on which voters *shall* enter their vote, and from which Voter Verified Paper Ballots (VVPB) *shall* be printed for

verification of accuracy by voters before casting, *shall* be permitted for use in Guam elections, *provided:*

(a) that the VVPB voting machines used in Guam elections are warranted to be accurate by the manufacturer;

(b) that precinct officials have been properly trained in the operation, basic maintenance and replacement of supplies in VVPB voting machines;

(c) that precinct officials have been properly trained in procedures, which *shall* be established, to inform voters about the proper use of the VVPB machines; voter verification that their ballot has been printed correctly based on each voter's choices; the handling of spoiled ballots associated with the machines; and the placing of correctly printed ballots in ballot boxes;

(d) that each VVPB machine *not* be networked to the internet, or to any other voting machine or computer through either wired or wireless connections;

(e) that ballot tallies from individual VVPB machines be recorded by hand, entered into a log, and either included with the ballots in the ballot boxes to be delivered to the vote tabulation center, *or* if tabulated on-site, be included with the counted ballots when delivered to storage; and

(f) that the on-site services of a manufacturer-authorized technician or technicians be available in Guam prior to and during each election, and until the polls have officially closed, to ensure the proper set-up and operation of the VVPB machines."

Section 3. A new §1120 is *added* to Chapter 1 of Title 3, Guam Code Annotated, to read:

"**§1120. Definitions: Voter Verified Paper Ballot (VVPB).** A *voter verified paper ballot* is a ballot printed on paper by a voting process in which a voter enters their voting choices into a computer and the voter's ballot is printed in a format which is readable by the human eye. The voter *shall* verify that the vote printed is as intended, and the verified vote *shall* be placed in a ballot box. The VVPB is intended to reduce problems in the voting process, and to provide a means to audit election results."