

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (First) Regular Session

Bill No. 23-33 (COR)

Introduced by:

M.C. Torres *MC*

AN ACT TO AMEND SUBSECTION § 3102(a) OF CHAPTER 3, TITLE 3, GUAM CODE ANNOTATED, AND TO DELETE SUBSECTION § 3102(b) OF CHAPTER 3, TITLE 3, GUAM CODE ANNOTATED, AND TO ADD NEW SUBSECTION § 3102.1 TO CHAPTER 3, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING AND STREAMLINING GUAM'S VOTER REGISTRATION REQUIREMENTS AND PROCESSES

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that voter
3 participation is the foundation of democracy and the right to vote is the most fundamental right
4 guaranteed by law. The percentage of eligible voters registered in Guam has been declining,
5 and every effort should be made to encourage voter registration. The growing national trend is
6 to enable voters to register online, and experience in other states demonstrates that online voter
7 registration both increases the number of registered voters and saves taxpayer resources. It is the
8 intent of *I Liheslaturan Guåhan* to modernize and streamline Guam's voter registration
9 requirements and processes.

10 **Section 2.** Subsection § 3102(a) of Chapter 3, Title 3, Guam Code Annotated, is hereby
11 *amended* to read as follows:

12 **§ 3102. Affidavit of Registration, Necessity for and Contents of.**

13 (a) No person shall be registered as a voter, except by affidavit of registration made
14 before an authorized registration clerk or, in the case of an absentee voter, pursuant to the
15 provisions of Chapter 10 of this Title. Before such affidavit shall be made, the person shall state

1 if he or she is currently registered to vote in any other jurisdiction. If that person answers
2 affirmatively, that person shall identify said jurisdiction and complete and sign an attested
3 statement on a form provided by the Commission which requests the cancellation of that
4 person's registration, and which shall be forthwith forwarded by the Commission to that
5 jurisdiction. If that person answers negatively, that person shall nonetheless identify the
6 jurisdiction in which that person last voted. No registration clerk shall register any person except
7 upon ~~presentation by the person applying for registration of written evidence~~ the person's
8 declaration under penalty of perjury that the person is a citizen of the United States who will be
9 at least eighteen (18) years of age upon the date of the next election to be conducted by the
10 Commission, and that the person is a resident of Guam.

11 ~~A copy of the evidence of citizenship and residency submitted by the applicant shall be~~
12 ~~attached to the registration form or absentee ballot application. No person shall be registered~~
13 ~~except upon that person's declaration under penalty of perjury of the street name and number,~~
14 ~~municipality or lot number, and municipality where that person resides on Guam, and that the~~
15 ~~person has been a resident of Guam for not less than thirty (30) days immediately preceding the~~
16 ~~date on which the next election will be held. The GEC Executive Director shall determine~~
17 ~~whether the evidence provided by an applicant establishes the person's eligibility to be~~
18 ~~registered. The Executive Director shall give written notice of any denial of registration within~~
19 ~~five (5) working days upon the receipt of the application. Any person whose affidavit or~~
20 ~~application for an absentee ballot is rejected may appeal the decision to the Commission and, if~~
21 ~~again rejected, to the Superior Court of Guam. No person shall be required to disclose that~~
22 ~~person's Social Security number as a condition of registration or voting. The Commission shall~~
23 ~~prepare forms for the collection of this data, and may require the submission of such additional~~

1 ~~information as will enable it to comply with this Section. The affidavit shall then be made in~~
2 ~~triplicate, and shall set forth all the facts required to be shown by this Title and the Election~~
3 ~~Manual. The affidavit of registration form by the applicant shall contain:~~

4 (1) that applicant's given name, middle name, if any, and surname;

5 (2) the street name and number, municipality or lot number, and municipality where that
6 person resides on Guam;

7 (3) that the person has been a resident of Guam for not less than thirty (30) days
8 immediately preceding the date on which the next election will be held;

9 (4) that applicant's complete mailing address, if different from the residence address,
10 including post office address, city or town, zip code or other designation used by that person for
11 receiving mail. The form shall also include a line for the applicant's e-mail address (optional to
12 applicant);

13 (5) that applicant's telephone number;

14 (6) that applicant's place of birth;

15 (7) that applicant's date of birth;

16 (8) One of the following identifiers for each applicant:

17 (i) The Guam driver's license number or Guam identification card number of the
18 applicant issued by the Department of Revenue and Taxation, Motor Vehicle Division; or

19 (ii) If the applicant does not have a Guam driver's license or Guam identification
20 card, the last four digits of the applicant's social security number; or

21 (iii) If the applicant does not have an Guam driver's license or Guam
22 identification card or a social security number and the applicant attests to that, a unique

1 identifying number consisting of the applicant's unique identification number to be
2 assigned by the GEC Executive Director.

3 (9) the statement “**Unlawful Registration a Crime.** Any person who willfully causes,
4 procures or allows himself or herself or any person to be registered as a voter, knowing himself
5 or herself or the other person not to be entitled to registration, is guilty of a felony of the third
6 degree.”;

7 (10) the signature of the applicant; and

8 (11) If the applicant is unable to sign the form, a statement that the affidavit was
9 completed according to the applicant’s direction.”

10 **Section 3.** Subsection § 3102(b) of Chapter 3, Title 3, Guam Code Annotated, is hereby
11 *deleted in its entirety.*

12 **Section 4.** Subsection § 3102.1 of Chapter 3, Title 3, Guam Code Annotated, is hereby
13 *added* to read as follows:

14 **§ 3102.1. Electronic Registration.**

15 (a) A person who has a valid Guam driver’s license or identification card may submit a
16 voter registration application electronically on the Guam Election Commission web site.

17 (b) The applicant must attest, under penalty of perjury, to the truth of the information
18 provided on the application by affirmatively accepting the information as true.

19 (c) The applicant must affirmatively agree to the use of his or her Guam driver’s license
20 or identification card signature for voter registration purposes.

21 (d) The applicant must acknowledge that a person who knows that he or she does not
22 possess the legal qualifications of a voter and who registers to vote is guilty of a felony in the
23 third degree.

1 (e) For each electronic application, the Guam Election Commission must obtain a digital
2 copy of the applicant's Guam driver's license or Guam identification card signature from the
3 Department of Revenue and Taxation, Motor Vehicle Division.

4 (f) The Guam Election Commission may employ additional security measures to ensure
5 the accuracy and integrity of voter registration applications submitted electronically.

6 **Section 5. Severability.** The provisions outlined in this Act are declared to be separate
7 and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion
8 of this statute, or the invalidity of the application thereof to any person or circumstance shall not
9 affect the validity of the remainder of this statute or the validity of its application to other
10 persons or circumstances.

11 **Section 6. Effective Date.** This Act shall become immediately effective upon
12 enactment.