EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-12-2005

Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 12/17/12
Time 1:45pm
Received by

December 13, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2012 DEC 17 PM 3:31

Dear Madame Speaker:

Transmitted herewith is Bill No. 413-31 (COR) **"AN ACT TO *REPEAL AND REENACT* CHAPTER 1 THROUGH 20, OF TITLE 3, GUAM CODE ANNOTATED ELECTIONS]"**, which was enacted into law without my signature. The legislation is now designated as **Public Law 31-255**.

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

2005

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 413-31 (COR), "AN ACT TO *REPEAL AND REENACT* CHAPTERS 1 THROUGH 20, OF TITLE 3, GUAM CODE ANNOTATED ELECTIONS]"**, returned without approval of *I Maga'lahen Guåhan,* was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 12th day of December, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of ten (10) members.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 13th day of Dec., 2012, at 10:20 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

Public Law No. 31-255

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2012 (SECOND) Regular Session

Bill No. 413-31 (COR)
As amended in the Committee of the Whole,
and further amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL AND REENACT* CHAPTERS 1 THROUGH 20, OF TITLE 3, GUAM CODE ANNOTATED [ELECTIONS].

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds and takes due note that Section 2 of this Act has been submitted by the Guam Election Commission, as provided pursuant to Section 3 of P.L. 31- 61, "An Act To Direct The Guam Election Commission To Review And Update Procedures And Policies Contained In Title 6 (Elections) Of the Guam Administrative Rules And Regulations (GARR); And To Recommend To *I Liheslaturan Guåhan* Any

Necessary Changes To Title 3 (Elections) Of The Guam Code Annotated (GCA); All In Advance Of The 2012 Elections."

It is the intent of *I Liheslaturan Guåhan* that pursuant to this Act, Title 3, Guam Code Annotated [Elections], *shall* be repealed and reenacted so as to address and resolve the problems encountered in the 2010 Election, as well as in other prior elections.

I Liheslaturan Guåhan further finds that administrative complaints regarding the conduct of the 2010 General Election were filed after the certification of results by numerous voters and precinct officials; and that the Guam Election Commission established a Subcommittee, comprised of an Independent Member, a Republican Member and a Democratic Member, to review and investigate the administrative complaints.

I Liheslaturan Guåhan acknowledges that the Guam Election Commission Subcommittee conducted an extensive investigation and received sworn testimonies from precinct officials, complainants and Commission staff; and that the Guam Election Commission Subcommittee identified and reported findings, attached hereto as Exhibit A, relative to the suspicion or discovery of fraud in various precincts to the Guam Election Commission.

I Liheslaturan Guåhan further acknowledges that the Guam Election Commission voted to refer several matters for criminal investigation to the Attorney General's Office and United States Attorney's Office for Guam and the Northern Marianas. These findings included, but are *not* limited to, the following:

(a) Confirmation of voters that participated in both the 2010 Guam General Election and the 2010 Commonwealth of the Northern Mariana Islands General Election contrary to local and federal law;

(b) The appearance of fraud in *Barrigada* Precincts 15B and 15C;

(c) The inability of the Guam Election Commission to reconcile the

number of ballot stock sent to print general election ballots with the actual amount of ballots printed;

(d) The majority of precincts cannot reconcile the number of ballots issued with the number of ballots received;

(e) At least eight (8) ballots were found in supply boxes that were *not* counted and should have been;

(f) Thirty-six (36) military service members' ballots were received after election day and were *not* counted;

(g) One hundred thirty-eight (138) provisional ballots were unaccounted for;

(h) Sixty-six (66) absentee ballots were never sent out; and

(i) Seventy-one homebound voters were never serviced.

Section 2. Chapters 1 through 20 of Title 3, Guam Code Annotated [Elections], are hereby *repealed* and *reenacted* to read:

"**TITLE 3**

ELECTIONS

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CHAPTER 1

GENERAL PROVISIONS

§ 1101. Title.
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§ 1105. Voter.
§ 1106. General Election.
§ 1107. Primary Election.
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§ 1111. Runoff Election.
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§ 1118. Same: Vote Tabulating Device.
§ 1119. Same: Marking of Ballot.
§ 1120. Same: Voter Verified Paper Ballot (VVPB).
§ 1121. Recall of Elected Officials.

§ 1101. Title. This Title *shall* be known and may be cited as the Election Code.

§ 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.

§ 1103. Commission. *Commission* means the Guam Election Commission (GEC).

§ 1104. Elector. *Elector* means any person who is entitled to register under § 3101, Chapter 3 of this Title.

§ 1105. Voter. *Voter* means any elector who is registered under the provisions of this Title.

§ 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.

§ 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.

§ 1108. Local Election. *Local Election* means a municipal, division or district election.

§ 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.

§ 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.

§ 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.

§ 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, 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.

§ 1113. Same: Rights. 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. 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.

§ 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 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).

§ 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.

§ 1116. Same: Nominee. A *nominee* is a candidate who has become entitled to a place on the ballot under the provisions of this Title.

§ 1117. Same: Precinct. Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a precinct.

§ 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.

§ 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.

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

§ 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 (⅔) 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 (⅔) 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.

CHAPTER 2
ELECTION COMMISSION

§ 2101. Election Commission: Composition; Removal of Members; Chairperson; Quorum.

§ 2102. Executive Director: Appointment; Ex-officio Secretary; Compensation.

§ 2103. Election Commission, Duties and Responsibilities of; Audit Report; Rule-Making Authority.

§ 2104. Election Manual.

§ 2105. Same: Provisions of Forms.

§ 2106. Powers of the Commission.

§ 2107. Placement on Ballot.

§ 2108. *Chamorro* Registry; Advisory Board.

§ 2109 Guam Decolonization Registry; Advisory Board.

§ 2110. Detailed Budget Requests.

§ 2101. Election Commission: Composition; Removal of Members; Chairperson; Quorum.

(a) There is within, as an autonomous instrumentality and an independent commission of the government of Guam, the Election Commission. The Commission *shall* consist of seven (7) members, all of whom *shall* be eligible voters on the date of their appointment. *I Maga'lahen Guåhan* (the Governor) *shall* appoint six (6) members from recommendations made by the recognized political parties of Guam. Each of the recognized political parties, via a duly passed resolution, *shall* recommend an equal number of names to *I Maga'lahen Guåhan* and the six (6) members appointed by *I Maga'lahen Guåhan shall* be appointed so that the recognized political parties are equally represented. If at any time there are more than three (3) recognized political parties, the six (6) members appointed by *I Maga'lahen Guåhan shall* be appointed so that no

more than two (2) of such members shall be members of the same recognized political party.

One (1) member *shall* be selected and appointed by the six (6) members appointed by *I Maga'lahen Guåhan*. The appointment of the seventh (7th) member of the Commission *shall* be ratified by *at least* four (4) members.

Each member *shall* serve for a term of two (2) years, or until his or her successor is duly qualified and appointed. If a vacancy should occur on the Commission, said vacancy *shall* be filled for the remainder of the term only, and by the method originally prescribed for its appointment. No member may be an elected official of the government nor a candidate or nominee for an elected office within the government.

(b) Each member of the Commission *shall* be paid in accordance with Title 5 GCA § 43104, Uniform Compensation for Boards and Commissions.

(c) Any appointed member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (2/3) of the Members elected and serving in *I Liheslaturan Guåhan*. At the written request via a duly passed resolution of the state central committee of any political party that has recommended the appointment of a member, *I Maga'lahen Guåhan* immediately *shall* remove such member from the Commission. The seventh (7th) member chosen by the six (6) politically recommended members may be removed upon a vote by five (5) of the politically appointed members. Any vacancy resulting from the provisions of this

Subsection *shall* be filled as provided in Subsection (a) of this Section.

(d) A majority of the members of the Commission *shall* constitute a quorum and no action of the Commission *shall* be authorized except upon a vote of four (4) of the members.

(e) By majority vote the Commission *shall* elect annually a Chairperson from among its members. The term of the Chairperson *shall* expire on the last day of March.

§ 2102. Executive Director: Appointment; Ex-officio Secretary; Compensation.

(a) The Commission *shall* appoint an Executive Director who *shall* administer the election laws of Guam and *shall* perform and discharge all of the powers, duties, purposes, functions and jurisdiction hereunder, or which hereafter by law may be vested in the Commission in accordance with the rules of the Commission, and subject to the right of appeal to the Commission.

(b) The Executive Director *shall* be the ex-officio secretary for the Commission, but *shall not* be a voting member thereof. As such secretary, the Executive Director *shall* keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

(c) The Executive Director *shall* be a member of the unclassified service and *shall* receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director *shall* serve at the pleasure of the Commission; provided, *however*, that the Executive

Director may *not* be removed unless that person's removal is ratified by four (4) Commission members.

§ 2103. Election Commission, Duties and Responsibilities of; Audit Report; Rule-Making Authority.

(a) The Commission *shall* have direct and immediate supervision over the municipal and district officials designated in accordance with the laws of Guam to perform duties relative to the conduct of elections. The Commission may suspend from the performance of said duties any of said officials who fail to comply with its instructions, orders, decisions or rulings, and appoint substitutes; and the Commission *shall* remove any such officials who have been found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the conduct of elections.

(b) The Commission *shall* designate such subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, each of whom, if not already employed by the government, *shall* receive a salary to be determined in accordance with the laws of Guam.

The Commission may retain one (1) or more attorneys, who *shall* be admitted to practice before the courts of Guam, who *shall* advise the Commission and its Executive Director on all legal matters pertaining to the Commission. The designated counsel *shall* represent the Commission in litigation in which the Commission is interested or involved. The terms, conditions and compensation of employment of any such attorney *shall* be determined by the Commission, and the attorney *shall* serve at the pleasure of the Commission.

(c) As early as is reasonably possible, but *not later than* June 30 in each odd-numbered year, the Commission *shall* prepare and deliver an annual report to *I Maga'lahen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the chairperson of the legislative committee with jurisdiction over matters of elections, showing, with respect to the preceding fiscal year:

(1) recommendations of the Commission as to amendments or supplementation of laws affecting elections or the office of the Commission; and

(2) statistical information regarding the elections conducted during the fiscal year.

(d) The Commission *shall* promulgate rules, pursuant to Title 5 GCA Chapter 9, necessary and convenient to carry out the provisions of this Title.

(e) Relative to electronic voting machines, the Commission *shall:*

(1) determine, through extensive testing and development of comprehensive training procedures, that all duly authorized election officials stationed at all polling sites on each election day are properly trained to demonstrate, operate and monitor the operations of the machines;

(2) develop an island-wide education program to inform and demonstrate to voters the proper use of such machines, and *shall* ensure such education program is tested prior to an actual election day or days to determine the education program's effectiveness;

(3) facilitate the conduct of tests to determine the integrity of the machines with an independent entity or organization as deemed appropriate by the Commission; and

(4) provide the results and analysis of such testing, training and education required in this Subsection (e) to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan*, and wherever necessary *shall* promulgate rules as required in Subsection (d) of this § 2103.

§ 2104. Election Manual. It *shall* be the duty and responsibility of the Commission to prepare an Election Manual of administrative procedures, rules, regulations and forms to be used in the conduct of elections. All manuals and publications *shall* be prepared pursuant to the Administrative Adjudication Law. The manual *shall* set forth the regulations to be followed by all election officials, as well as the descriptions of the necessary equipment and forms to be used in election procedures.

§ 2105. Same: Provisions of Forms. The Commission *shall* provide all necessary forms as described in the Election Manual for the conduct of elections.

§ 2106. Powers of the Commission.

(a) The Commission *shall* have the authority to summon the parties or any relevant witnesses to a controversy pending before it, issue subpoenas *duces tecum*, and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Commission *shall* be tried, heard and decided within ten (10) days, counted from the time the corresponding petition giving rise to said controversy is filed. The Commission *shall* have the power to certify to the Superior Court of

Guam for contempt. No witness fee shall be paid to a person subpoenaed in that person's capacity as a government employee or agent of the Commission.

(b) The Commission may sue and be sued in its name.

(c) The Commission may take such action as is necessary or appropriate to the carrying out of its powers and duties as specified in this Title, or as may be otherwise imposed upon the Commission by law.

§ 2107. Placement on Ballot.

(a) No person shall be placed on the ballot for election to any public office *unless* the Commission has determined that said person has met the qualifications and submits all required documents for the office for which that person is a candidate.

(b) The name of every candidate who has been certified *shall* be printed on or adjacent to the appropriate ballot.

(c) The Commission *shall* determine the appropriate method of casting ballots, method of tabulating ballots, the appropriate vote tabulating device, if such a device is to be used, and the form of ballot to be used in any election on Guam. The Commission may authorize manual tabulation for all or part of ballots cast in any election.

§ 2108. *Chamorro* Registry; Advisory Board. It *shall* be the responsibility of the Election Commission to administer the *Chamorro* Registry with the advice of the *Chamorro* Registry Advisory Board. It *shall* also be the duty of the Commission to approve the content of informational materials issued by the *Chamorro* Registry Advisory Board. When a complaint is filed and heard before the *Chamorro* Registry Advisory Board, the Commission *shall* serve as an appellate panel for any ruling rendered by

the *Chamorro* Registry Advisory Board, and the Commission's ruling *shall* be final.

§ 2109. Guam Decolonization Registry; Advisory Board. It *shall* be the responsibility of the Election Commission to administer the Guam Decolonization Registry, with the advice of the Decolonization Registry Advisory Board. It *shall* also be the duty of the Commission to approve the content of all materials relating to registration issued by the Decolonization Registry Advisory Board. When a complaint relating to registration is filed and heard before the Decolonization Registry Advisory Board, the Commission *shall* serve as an appellate panel for any ruling rendered by the Decolonization Registry Advisory Board, and the Commission's ruling *shall* be final.

§ 2110. Detailed Budget Requests. GEC's annual budget submission for election years *shall* include a detailed breakdown of the funding level necessary to meet all of its statutory requirements and abide by all policies and procedures set forth in its rules and regulations.

CHAPTER 3

VOTER REGISTRATION

§ 3101. Persons Entitled to Vote: Compliance With Registration Provisions.

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

§ 3103. Political Party.

§ 3104. Times for Registration.

§ 3105. Place of Registration.

§ 3106. Other Designated Places of Registration: High Schools, the Guam Community College, and schools and colleges of the University of Guam

§ 3107. Transfer of Registration.
§ 3108. Application Constitutes Registration.
§ 3109. Appointment of Registration Clerks.
§ 3110. Qualifications of Registration Clerks; Term of Appointment.
§ 3111. Compensation of Registration Clerks.
§ 3112. Registration Clerks Empowered to Take Affidavits.
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§ 3114. Return of Documents by Registration Clerks.
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§ 3101. Persons Entitled to Vote: Compliance With Registration Provisions. Every person not confined to a mental institution,

nor judicially declared incompetent , nor incarcerated under a sentence of imprisonment, who is a citizen of the United States over eighteen (18) years of age, or who *shall* have reached his or her eighteenth (18th) birthday by the day set for election, who is a resident of Guam, as defined in §9123, Chapter 9 of this Title, and who complies with the provisions of this Title governing the registration of electors is entitled to vote at any general election held within Guam; provided, that in the election of municipal, division or district officers *only* those otherwise qualified electors who reside within the municipality, division or district concerned *shall* have the right to vote for such municipal, division or district officers.

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

(a) No person shall be registered as a voter, except by affidavit of registration made before an authorized registration clerk or, in the case of an absentee voter, pursuant to the provisions of Chapter 10 of this Title. Before such affidavit shall be made, the person *shall* state if he or she is currently registered to vote in any other jurisdiction. If that person answers affirmatively, that person *shall* identify said jurisdiction and complete and sign an attested statement on a form provided by the Commission which requests the cancellation of that person's registration, and which *shall* be forthwith forwarded by the Commission to that jurisdiction. If that person answers negatively, that person *shall* nonetheless identify the jurisdiction in which that person last voted. No registration clerk shall register any person *except* upon presentation by the person applying for registration of written evidence that the person is a citizen of the United States who will be *at least* eighteen (18) years of age upon the

date of the next election to be conducted by the Commission, and that the person is a resident of Guam.

A copy of the evidence of citizenship and residency submitted by the applicant *shall* be attached to the registration form or absentee ballot application. No person shall be registered *except* upon that person's declaration under penalty of perjury of the street name and number, municipality or lot number, and municipality where that person resides on Guam, and that the person has been a resident of Guam for *not less than* thirty (30) days immediately preceding the date on which the next election will be held.

The GEC Executive Director *shall* determine whether the evidence provided by an applicant establishes the person's eligibility to be registered. The Executive Director *shall* give written notice of any denial of registration within five (5) working days upon the receipt of the application. Any person whose affidavit or application for an absentee ballot is rejected may appeal the decision to the Commission and, if again rejected, to the Superior Court of Guam. No person shall be required to disclose that person's Social Security number as a condition of registration or voting. The Commission *shall* prepare forms for the collection of this data, and may require the submission of such additional information as will enable it to comply with this Section. The affidavit *shall* then be made in triplicate, and *shall* set forth all the facts required to be shown by this Title and the Election Manual.

(b) Written evidence of U.S. citizenship for purposes of this Section *shall* include:

(1) U.S. Passport;

(2) Certificate of U.S. Citizenship; Certificate of Naturalization;

(3) A combination of one (1) document from list (A) and one (1) document from list (B) as follows:

(A) (i) certification of birth abroad issued by the Department of State;

(ii) original or certified copy of a birth certificate issued by a state, county, municipal authority, commonwealth district or possession of the United States bearing an official seal;

(iii) Native American tribal document;

(iv) U.S. citizen identification card (ID); or

(v) government of Guam Cedula identification (CI);

(B) (i) driver's license or ID card issued by a state or possession of the United States; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;

(ii) ID card issued by federal, state or local government agencies or entities; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;

(iii) school ID card with a photograph;

(iv) voter registration card; U.S. Military ID card or draft record; military dependent's ID card;

(v) U.S. Coast Guard Merchant Mariner card; or

(vi) an identification card that is compliant with the provisions of the Real ID Act of 2005.

§ 3103. Political Party. Affidavits of registration *shall* be provided with space wherein the registrant may indicate the party to which he or she belongs or desires to belong. However, at the option of the voter this space may be left blank.

§ 3104. Times for Registration. Ten (10) days prior to any election, the registration rolls *shall* be closed and no further affidavits of registration shall be accepted by the Commission.

§ 3105. Place of Registration. The registration of electors *shall* be in progress at all times at the main office of the Commission during such hours as the office is open for business until the closing of the registration rolls. Electors may also be registered at such times and places within Guam as the Commission shall deem advisable and convenient from the time registration is open until ten (10) days prior to an election.

§ 3106. Other Designated Places of Registration: High Schools, the Guam Community College, and schools and colleges of the University of Guam. All public high schools, the Guam Community College, and schools and colleges of the University of Guam are designated as places of registration of electors. Registration *shall* take place during the normal business hours of each school or college. Each principal of a public high school *shall* designate *at least* one (1) permanent twelve (12)-month employee to act as a registration clerk on behalf of the high school. The President of the Guam Community College *shall* designate *at least* one (1) permanent twelve (12)-month employee to act as a registration clerk on

behalf of the Guam Community College. Each Dean of a school or college of the University of Guam *shall* designate at least one (1) permanent twelve (12)-month employee to act as a registration clerk on behalf of the University of Guam. Private high schools may, at their option, be designated as places of registration. All employees designated to act as registration clerks *shall* meet all the qualifications of this Chapter and *shall* comply with all laws, rules, regulations and procedures governing the conduct of registration clerks. The Commission *shall* develop rules, regulations and procedures for the appointment and training of registration clerks.

§ 3107. Transfer of Registration.

(a) The transfer of registration from one (1) precinct to another precinct *shall* be in progress *only* at those times and at those places that the registration of electors is taking place.

(b) No registered voter may be transferred from one (1) village or district to another village or district for voting purposes during the registration period between any primary and general election held in the same calendar year, but *shall* be allowed to vote in the precinct where the voter is registered. The transfer *shall* then become effective after the general election. This Subsection *does not* apply to unregistered persons who were *not* registered in the primary election but who seek to register for the general election.

§ 3108. Application Constitutes Registration. The application for an absentee ballot *shall* constitute a sufficient registration of the voter in the municipality, municipal division or district in which the voter resides; provided, that the application is received by the Commission prior to the closing of the registration rolls, and provided, that the provisions of § 3102

of this Title pertaining to citizenship, age and residency on Guam are complied with to the same degree as by a person registering under this Section. Such application constituting registration *shall* be preserved and used by the Commission in the same manner as it preserves and uses affidavits of registration.

§ 3109. Appointment of Registration Clerks. The Commission *shall* appoint *at least* one (1) registration clerk for each district.

§ 3110. Qualifications of Registration Clerks; Term of Appointment.

(a) The Commission may appoint any qualified elector as a district or volunteer registration clerk. The Commission *shall* establish by regulation the minimum qualifications for appointment as a registration clerk. The Commission, pursuant to the Administrative Adjudication Law, *shall* set forth a training program for registration clerks which *shall* include passage of a standardized examination of the applicant's knowledge of the election laws necessary to perform the registration clerk's duties. No person holding an elective office or who is a candidate, or nominee for elective office, shall be appointed or serve as a registration clerk.

(b) Any elector appointed as a registration clerk *shall* serve a limited term, which *shall* begin from the date of appointment until midnight on the day that is ten (10) days before the next scheduled general election. The Commission *shall* promulgate policies and procedures to carry out the intent of this Section. The Commission may also establish other terms of appointment, consistent with the intent of this Section, for special elections, plebiscites, initiatives and any other non-general elections as they deem necessary to allow for

voter registration to be conducted by duly appointed registration clerks.

§ 3111. Compensation of Registration Clerks. Any person who is appointed as a district registration clerk *shall* receive compensation at a rate set by the Commission. Any employee of the government of Guam who is appointed to be a district registration clerk, and who performs such duties as a part of that person's government employment, *shall not* be entitled to receive the compensation authorized by this Section. Volunteer registration clerks *shall not* be paid by the Commission.

§ 3112. Registration Clerks Empowered to Take Affidavits. All registration clerks are empowered to take affidavits of registration, and it *shall* be his or her duty to register the same in an appropriate book of registration furnished by the Commission.

§ 3113. Registration Clerks Not to Charge Fees. No fees may be charged for registration or for the taking of affidavits of registration.

§ 3114. Return of Documents by Registration Clerks. When the registration for any election is closed, all registration clerks *shall*, immediately thereafter, return all affidavits of registration and all books or pads in their possession containing stubs, spoiled or unused affidavit blanks to the Commission, which *shall* as soon thereafter as practicable, file the original and copy of each affidavit separately in securely locked cabinets according to precincts. The original affidavit of registration *shall* be kept, at all times, in the office of the Commission. The duplicates *shall* be bound in suitable book form for each precinct so that they may be utilized in conformity with the provisions of this Chapter.

§ 3115. Reports to Attorney General. Within five (5) days after the close of registration, the Commission *shall* report to the Attorney

General of Guam, under oath, the name(s) of the registration clerk or clerks who have *not* complied with the provisions of this Title.

§ 3116. Action to Compel Registration. If a registration clerk refuses to register any qualified elector on Guam, the elector may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such qualified elector may proceed by action in the Superior Court to compel his or her registration. In an action under this Section, as many persons may join as plaintiffs as there are causes of action.

§ 3117. Costs. Costs *shall not* be recovered against the registration clerk in any action under this Chapter, *unless* it is alleged in the complaint, and established in the trial, that the registration clerk knowingly and willfully violated his or her duty.

§ 3118. Certified Copy of Registration as Evidence. Upon the personal or written application of any person, the Election Commission *shall* provide him or her a certified copy of the entries upon the register relating to the applicant.

§ 3119. Cancellation of Registration. Cancellation *shall* be made by writing in indelible ink or stamping on the affidavit of registration the word "cancelled," the reason therefore, the signature of the cancelling official and the date of cancellation.

§ 3120. Permanence of Records. The registration of a voter is permanent for all purposes during that person's life, *unless* and until the affidavit of registration is cancelled by the Commission for any of the causes specified in this Chapter.

§ 3121. Grounds for Cancellation of Registration. The Commission *shall* cancel the registration of an elector in the following cases:

(a) at the request of the person registered;

(b) when the mental incompetence of a person registered is legally declared;

(c) upon the production of a certification from the Guam Police Department, or other local or federal government instrumentality, that the person is confined pursuant to a local or federal criminal sentence;

(d) upon the death of the person registered;

(e) upon the production of a certified copy of a judgment directing the cancellation;

(f) if the person registered has *not* voted in two (2) consecutive general elections, *unless* such person mailed an absentee ballot that was postmarked on or before the last general election day, but was received after the closing of the polls; provided, *however*, that in the case of a runoff election, those registered to vote for the general election *shall* remain eligible to vote in the runoff election, regardless of whether they voted at the immediately preceding general election; or

(g) upon receipt from any other election agency, domestic or foreign, that the person has registered to vote in that jurisdiction.

§ 3122. Report of Deaths. *No later than* the fifteenth (15th) day of each month, the Director of Public Health and Social Services *shall* furnish the Commission with an abstract of the register of deaths for all decedents eighteen (18) years of age and over, showing the:

(a) full name;

(b) sex;

(c) date of birth;

(d) nativity/place of birth;

(e) home address; and

(f) month, day and year of death.

§ 3123. Cancellation of Non-Voting Registrants. Within ninety (90) days of the certification of the returns of any general election or a runoff election subsequent thereto, the Commission *shall* cancel the registration of any person who failed to vote in the general election pursuant to § 3121(f). Prior to the cancellation of registration for any voter who has failed to vote in two (2) consecutive general elections, the Commission *shall* first notify by mail its intention to such voter, and publish in a newspaper of general circulation a list of individuals whose registration will be cancelled *at least* thirty (30) days prior to cancellation. The registration of a person who mailed an absentee ballot that was postmarked on or before the general election, but whose ballot was *not* received by the Commission prior to the closing of the polls at the general election; *or* a person who votes in a general election, but who fails to vote in any runoff election held subsequent thereto; *or* a person who failed to vote in the general election, but did vote in a runoff election held subsequent to such general election, *shall not* be considered a person who failed to vote.

The Commission *shall* notify by mail each person whose registration is cancelled of that fact, and that the person is *no* longer eligible to vote until that person again has registered as provided in this Title. The Commission *shall* establish by rule a procedure for a person who believes that that person's registration has been cancelled erroneously to challenge such cancellation.

§ 3124. Reports of Adjudged Incompetents. Every judge before whom proceedings are held which result in any person being declared

incapable of managing or taking care of either himself or herself, or property, or both, and for whom a guardian of his or her person, or estate, or both, is accordingly appointed, or which results in his or her being declared mentally incompetent or committed to a mental facility as an incompetent person, *shall* file with the Commission a certificate of that fact, and thereupon the Commission *shall* cancel the name of that person upon the register.

§ 3125. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally, or which should be cancelled by reason of facts that have occurred subsequent to the registration. If the voter whose registration is sought to be cancelled is *not* a party to the action, the Court may order him or her to be made a party defendant.

The Commission, and as many persons as there are causes of action against, may be joined as defendants.

§ 3126. Preservation of Registration Affidavits. The Commission *shall* preserve all uncancelled affidavits of registration, and the cancelled duplicates, made for the purpose of procuring registration. The affidavits of registration *shall* constitute the register of voters required to be maintained by the provisions of this Title.

§ 3127. Compilation of Registration Affidavits. Within ten (10) days after the last day of registration for any election, the Commission *shall* compile the original and duplicate affidavits of registration for each precinct in which the election is to be held in such manner as the Commission may prescribe in the Election Manual.

§ 3128. Index of Registrations. The Commission *shall* prepare an index of the registration of voters and provide sufficient copies thereof

for use in any election. *No later than* July 1 of each odd-numbered year, the Commission *shall* distribute a copy of the index for each municipality to the mayor and vice-mayors thereof. To the extent of their ability, the mayors and vice-mayors *shall* notify the Commission of any discrepancies they may discover in the index.

§ 3129. Copies of Index to Candidates. Upon written demand of any candidate in any forthcoming election or upon written demand of a candidate's campaign committee, the Commission *shall* furnish one (1) copy of the index of the registration of voters for such election, subject to a charge as may be prescribed in the Election Manual. All moneys so collected *shall* be deposited in the Treasury of the government of Guam.

§ 3130. Original Roster of Electors. On the day of any election, the Commission *shall* maintain in its office, or at the Election Return Center in an easily accessible and organized form, the original affidavits of registration with supporting documentation to assist it in disposing of any challenges or questions that may occur during the election.

CHAPTER 4

PRECINCTS AND PRECINCT BOARDS

§ 4101. Designation of Polling Place.
§ 4102. Number of Voters Per Polling Place.
§ 4103. Appointment of Precinct Boards.
§ 4104. Members and Compensation of Precinct Boards.
§ 4105. Qualifications of Precinct Board Members.
§ 4106. Oath of Precinct Board Members.
§ 4107. Notice of Appointment of Precinct Board Members.
§ 4108. Publication of Names of Precinct Board Members.
§ 4109. Excusing and Replacing Appointees.

§ 4110. Failure to Appear.

§ 4111. Change of Designated Polling Place.

§ 4112. Incapacitation of Precinct Leader.

§ 4113. Incapacitation of Precinct Clerks.

§ 4114. Administration of Oath to Substitute.

§ 4115. No Fee for Oath.

§ 4116. No Loss of Wages for Precinct Board Member.

§ 4101. Designation of Polling Place. The Commission *shall*, *not less than* thirty (30) days prior to the date set for any election, designate, announce and publish the official polling sites and the official precincts, along with the alphabetical range assigned to each precinct where the ballots are to be cast in such election. In the case of a runoff election, the polling places and precincts *shall* be the same as in the election precipitating the need for a runoff, *unless* determined otherwise by the Commission.

§ 4102. Number of Voters Per Polling Place. The Commission may fix and designate precincts within each polling place in such a manner that the total number of voters estimated at each polling place will *not* substantially exceed eight hundred (800).

§ 4103. Appointment of Precinct Boards. The Commission *shall*, *not more than* ninety (90) days prior to any election, appoint the members of precinct boards. In the case of a runoff election, the precinct boards *shall* be the same as in the election precipitating the need for a runoff, *unless* determined otherwise by the Commission.

§ 4104. Members and Compensation of Precinct Boards. To every precinct designated for any election, the Commission *shall* appoint five (5) members, consisting of one (1) precinct leader and four (4) precinct

clerks. The concurrence of any three (3) members *shall* be necessary for any ruling of the precinct board.

Each member of a precinct board *shall* be paid Three Hundred Fifty Dollars ($350.00) for services rendered for each election.

For pay purposes, a runoff election is a separate election from the election that precipitates the runoff.

Notwithstanding for any election, the GEC may conduct an election utilizing only one (1) precinct leader and two (2) precinct clerks, should the Commission determine that it is necessary or appropriate.

§ 4105. Qualifications of Precinct Board Members. Each member of a precinct board *shall* be a registered voter of the district in which they are appointed and *shall* serve *only* in the precinct for which they are appointed; *however*, the Commission may appoint any individual to serve regardless of his or her voting precinct, as the Commission deems necessary. The Commission, pursuant to the Administrative Adjudication Act, *shall* set forth a training program for precinct board members which *shall* include passage of a standardized examination of the precinct board members' knowledge of the election laws necessary to perform their duties.

The Commission may establish by regulation such additional minimum qualifications for appointment as a member of a precinct board as it deems necessary.

§ 4106. Oath of Precinct Board Members. No person shall act as a member of a precinct board until he or she has taken the oath prescribed in the Election Manual.

§ 4107. Notice of Appointment of Precinct Board Members. The Commission, immediately after appointing the members of the precinct boards, *shall* maintain and file in its office a list of the full names and

addresses of those appointed, and *shall* mail or deliver to each appointee a notice of such appointment, stating the position and precinct board to which he or she has been appointed and the penalty for failure to be present, and to serve, and such other information as the Commission may determine.

§ 4108. Publication of Names of Precinct Board Members. The Commission *shall* publish the names of the members of the precinct boards in a newspaper of general circulation published in Guam *at least* two (2) times, the last publication to be *not less than* one (1) day before the day of any election.

§ 4109. Excusing and Replacing Appointees. In constituting precinct boards, the Commission may in its discretion excuse or replace persons appointed and appoint substitutes, regardless of whether such person has taken the oath prescribed in the Election Manual.

§ 4110. Failure to Appear. If any member of a precinct board *does not* appear at the opening of the polls, the precinct leader, if present, *shall* appoint a substitute to fill the vacancy. The precinct leader *shall* immediately notify the Commission, which *shall* either ratify the appointment or make another appointment. If the precinct leader is *not* present or fails to appear, the members present *shall* immediately notify the Commission. Any voter who has been appointed as a member of a precinct board, and having taken the oath of office and fails to act as such without lawful excuse, is guilty of a misdemeanor.

§ 4111. Change of Designated Polling Place. If, for any valid reason, the polling place designated for any precinct cannot be utilized, the Commission *shall* designate another polling place as near thereto as possible, post notice of the change at or near the place first designated, and conduct the election at the place substituted.

§ 4112. Incapacitation of Precinct Leader. If, during the progress of an election, the precinct leader ceases to act or becomes incapacitated, a member of the precinct board *shall* at once notify the Commission for action to appoint a new precinct leader.

§ 4113. Incapacitation of Precinct Clerks. The precinct leader *shall* appoint substitute precinct clerks if, during the progress of an election, any clerk ceases to act or becomes incapacitated, and *shall* immediately inform the Commission which *shall* ratify the appointment or make another appointment.

§ 4114. Administration of Oath to Substitute. If at any time on election day a substitute is appointed to fill a vacancy on any precinct board, the precinct leader, or if absent, a precinct clerk *shall* administer and certify oaths required to be administered during the progress of an election, which certified oath *shall* be forwarded to the Commission at the Election Return Center.

§ 4115. No Fee for Oath. There shall be *no* fee or charge for administering an oath to a member of a precinct board.

§ 4116. No Loss of Wages for Precinct Board Members. Any member of a precinct board may, on the day of an election in which he or she is serving, absent himself or herself from any service or employment in which he or she is then engaged or employed. The precinct board member *shall not* be liable to any penalty, nor shall any deduction be made from his or her usual salary or wages, nor shall he or she be suspended or discharged from his or her service or employment. Any violation of this provision *shall* be reported by the precinct board member to the Guam Department of Labor for enforcement and may subject an employer to pay a fine.

CHAPTER 5

ELECTION DAYS AND DATES

§ 5101. General Election for *Liheslatura* (Legislature).
§ 5102. Regular Election for Other Officials.
§ 5103. Postponement of Election.
§ 5104. Proclamation for Special Election.
§ 5105. Publication and Posting of Notices for Special Election.

§ 5101. General Election for *I Liheslatura* (the Legislature). The general election for *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be held on the Tuesday next after the first Monday in November, biennially in even numbered years. Those elected at such a general election *shall* be eligible to take office from the day the Commission certifies their due election, which *shall* be within the ten (10) calendar days following such election, to the next election held in accordance with the laws of Guam and until their successors have been duly qualified.

§ 5102. Regular Election for Other Officials. On the Tuesday next after the first Monday in November, in every even numbered year, a regular election *shall* be held to elect municipal and other public officials at large as heretofore or hereafter may be required by law in accordance with this Title. The terms of office for such officials *shall* be in accordance with the laws creating such elective offices.

§ 5103. Postponement of Election. If for serious cause resulting from any natural phenomenon, or act of God, or of public enemy, it becomes reasonably impossible to hold any election duly scheduled on Guam as a whole, or in any municipality or municipal division, *I Maga'låhen Guåhan* ~~or *I Liheslaturan Guåhan*~~ with the advice and consent of *I Liheslatura* (the Legislature), upon the recommendation of the Commission, may postpone any such election therein for such time as they may deem necessary, but in

no event shall such postponement exceed thirty (30) days from the date when such election should have been held.

If additional time is necessary, the election may be postponed pursuant to the manner described in this Section.

§ 5104. Proclamation for Special Election. *At least* thirty (30) days before any special election, *I Maga'låhen Guåhan shall* publish an election proclamation, and transmit copies to the Commission. The proclamation *shall* contain a statement of the date and time of election, and of the office or offices to be filled.

§ 5105. Publication and Posting of Notices for Special Election. Upon receipt of the special election proclamation, the Commission *shall* cause a copy to be published in a newspaper of general circulation, and to be posted in each municipality where such special election will take place, *at least* twenty (20) days before the scheduled date of the election.

CHAPTER 6

CANDIDATES FOR OFFICE

§ 6101. *Liheslaturan Guåhan* (Guam Legislature), Description.
§ 6102. Terms of Office.
§ 6103. Qualifications of Members.
§ 6104. Candidacy: Disqualification of Election Officials.
§ 6105. Person Eligible for Only One (1) Office.
§ 6106. Declaration by Sponsors.
§ 6107. Candidacy Decline.
§ 6108. Filing of Nominating Petitions.
§ 6109. Official Record of Candidacy.
§ 6110. Convicted Felons and Others *Shall Not* be Candidates.

§ 6101. *Liheslaturan Guåhan* (Guam Legislature), Description. *I Liheslaturan Guåhan shall* be a unicameral body consisting of fifteen (15) Members who are elected at large and as provided by law.

§ 6102. Terms of Office. Members of *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be elected for terms of two (2) years.

§ 6103. Qualifications of Members. No person shall be a Member of *I Liheslaturan Guåhan* (the Guam Legislature) who is not a citizen of the United States, who has not attained the age of twenty-five (25) years, and who has not been domiciled in Guam for *at least* five (5) consecutive years immediately preceding the sitting of *I Liheslatura* (the Legislature) in which he or she seeks to qualify as a Member.

§ 6104. Candidacy: Disqualification of Election Officials. In the event a Commissioner of the GEC or any member of any precinct board of election becomes a candidate for office in any election, he or she *shall* automatically be disqualified from further Guam Election Commission service, or precinct board, which *shall* thereupon become vacant.

§ 6105. Person Eligible for Only One (1) Office.

(a) No person shall be eligible for more than one (1) elective office to be filled in the same election. The term "election" as used in this Section includes a general and a local election held on the same date, so as to prohibit a person from running for office in a local election and in a general election at the same time.

(b) No person shall be eligible for an office to be filled in an election if sixty (60) days prior to the primary he or she is holding another elective office, the term of which will not expire on or prior to the date of commencement of the term of office for which he or she is running.

§ 6106. Declaration by Sponsors. A declaration of candidacy may be filed with the Commission by any five (5) registered voters of Guam who jointly propose a candidate for *I Liheslaturan Guåhan*, or for any office, without the signature of that candidate. If the office to be filled is for a municipality or division thereof, *only* registered voters of the municipality or division concerned may so file a declaration of candidacy.

§ 6107. Candidacy Decline or Acceptance. Any candidate for whom a declaration of candidacy has been filed either by a political party or by sponsors may decline or accept to be a candidate by making known such declination or acceptance in writing to the Commission within two (2) workings days following the submission of nomination petition papers and all other required documents to the Commission by the sponsor(s).

§ 6108. Filing of Nominating Petitions. Notwithstanding any other provision of law, candidates for *I Liheslaturan Guåhan*, offices of *I Maga'lahen Guåhan* [Governor] and *I Segundu Na Maga'lahen Guåhan* [Lieutenant Governor], Washington Representative, Mayor and Vice-Mayor, the Public Auditor and the Attorney General *shall* file their nomination petition papers and all other required documents with the Commission *no earlier than* one hundred thirty (130) days before the primary election, and *no later than* sixty (60) days before the primary election.

Notwithstanding any other provision of law, candidates for the Guam Education Board and the Consolidated Commission on Utilities *shall* file their declarations of candidacy with the Commission *no earlier than* one hundred thirty (130) days before the general election, and *no later than* sixty (60) days before the general election.

The Commission *shall* publish in a newspaper of general circulation the names of all candidates and the offices for which they have declared their candidacy after each filing deadline.

§ 6109. Official Record of Candidacy. The Commission, with which declarations of candidacies and nominating petition papers are required to be filed, *shall* keep a record in which *shall* be entered the name of the candidate or nominee, the title of the office, the party, if applicable, and time of filing.

It *shall* maintain in its office, for a period of ten (10) years, all declarations and nominating papers filed in accordance with this Chapter.

§ 6110. Convicted Felons and Others *Shall Not* be Candidates. Notwithstanding any other provision of law, all candidates for any elected public office, board or commission *shall not* have been convicted of a felony, and *shall not* have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, a candidate *shall* submit:

(a) a clearance from the Guam Police Department;

(b) a clearance from the Judiciary of Guam; and

(c) a signed affidavit attesting that the candidate has *not* been convicted of a felony or misdemeanor, as described in this Section, in any state or territory of the United States, or foreign country.

The cost for any clearance required by this Section *shall* be borne by the person seeking the public office.

CHAPTER 7
BALLOTS

§ 7101. Election Expenses.

§ 7102. Use of Imitation or Unauthorized Ballots Forbidden.
§ 7103. Electronic Voting Machines and Voter Verified Paper Ballots (VVPB).
§ 7104. Sample Ballots.
§ 7105. Order of Names on Ballot - *Liheslatura* (Legislature).
§ 7106. Order of Names for Other Offices.
§ 7107. Presidential Election.
§ 7108. Space for Marking Ballot; Space for Write-in Candidates.
§ 7109. Ballots Furnished to Precincts.
§ 7110. Correction of Error or Omission.
§ 7111. Delivery of Ballots, Machines and Supplies.
§ 7112. Receipts for Ballots.
§ 7113. Loss or Destruction of Ballots.
§ 7114. Instructions to Voters.
§ 7115. Nicknames, Other Identifiers on Ballot.
§ 7116. Security of Ballots.
§ 7117. Ballot Audit.
§ 7118. 2010 General Election Ballot Review.

§ 7101. Election Expenses. All expenses authorized and necessarily incurred in the preparation or the conducting of elections as provided in this Title, *shall* be paid from appropriations by *I Liheslaturan Guåhan* (the Guam Legislature). All payments *shall* be made in the same manner as are other public expenditures.

§ 7102. Use of Imitation or Unauthorized Ballots Forbidden. No person shall make, use, keep or furnish to others any paper in imitation of official ballots.

§ 7103. 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 *shall* be printed for verification of accuracy by voters before casting, *shall* be permitted for use in Guam elections, provided:

(a) that the electronic voting machines used in Guam elections are warranted to be accurate by the manufacturer prior to each election wherein the electronic voting machines are to be used;

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

(c) that precinct officials have been properly trained in procedures, which *shall* be established by the Commission:

(1) to inform voters about the proper use of the electronic voting machines;

(2) to verify that a voter's ballot has been printed correctly based on each voter's choices;

(3) to properly handle spoiled ballots associated with the machines; and

(4) to place correctly printed ballots in ballot boxes;

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

(e) that tallies from individual electronic voting machines be recorded by hand, entered into a log, and signed by the precinct board. Such tallies *shall* be either included with the ballots in the ballot boxes

to be delivered to the Election Return Center, or if tabulated on-site, be placed with the counted ballots when delivered to storage;

(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 electronic voting machines; and

(g) that no electronic voting machine that prints paper ballots and also counts votes shall be procured or utilized by the Commission in any election.

§ 7104. Sample Ballots. *At least* twenty (20) days before any election, the Commission *shall* certify to the printer the sample ballot with the names of the nominees thereon in the same order and manner as they will appear on the official ballot, and immediately thereafter cause a true copy of the same to be published *at least* once in a daily paper of general circulation. The ballot, as published, *shall* be identical to that used for voting, *except* for the substitution of the word "Sample" where the word "Official" *shall* appear upon the election ballot, and may be reproduced for voter instruction in colors contrasting with official ballots.

§ 7105. Order of Names on Ballot - *Liheslatura* (Legislature). The Commission *shall* prepare the ballot in such a manner that a nominee's name appears under the name of the political party, if any, sponsoring such nominee.

Each candidate for any office under a party or independent designation *shall* be listed according to lots drawn and conducted by the Election Commission. All drawings for ballot position *shall* be done publicly, and persons appearing on the ballot *shall* be specifically invited to attend. The drawings for ballot placement *shall* be conducted after the

deadline to file candidacy and the identities of the persons to appear on the ballot is known to the Election Commission.

The names of the nominees *shall* appear in columns vertically in such order as determined by the lots drawn. Those nominees already holding the office for which they are seeking re-election *shall* have the word "Incumbent" printed immediately after their names.

§ 7106. Order of Names for Other Offices. The Commission *shall* prepare all ballots for all elections on Guam. All such ballots *shall* contain the names of nominees for other offices in a similar manner as for *I Liheslaturan Guåhan* (the Guam Legislature).

§ 7107. Presidential Election. The ballot for the general election in each year evenly divisible by four (4) *shall* contain the names of the nominees for President and Vice-President of the United States of each national political party which has made such nominations. In addition, any team of candidates which has been placed on the ballot of any state of the United States may have their names placed on the ballot as independent candidates, or as candidates of the party for which they are on the ballot in that state. If the candidates wish to be placed on the ballot, they may request such placement *no later than* September 1 of each election year.

§ 7108. Space for Marking Ballot; Space for Write-in Candidates.

(a) Immediately adjacent to the name of each nominee or adjacent to the word "Incumbent," as the case may be, *shall* be placed ovals or other defined spaces of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or other space provided adjacent to the name of any nominee or candidate *shall* be counted as a vote for that nominee or candidate.

(b) For each office on a ballot, *except* the Guam Education Board, the Commission *shall* provide a line, or lines, with an oval or other defined space to mark to permit votes to be cast for write-in candidates. If the name written in by a voter adequately identifies the write-in candidate, the vote *shall* be valid for that candidate; provided, that the voter has also filled in or darkened the adjacent oval or other defined space that is to be marked.

§ 7109. Ballots Furnished to Precincts. For each election, the Commission *shall* determine the number of ballots to be provided to each precinct.

§ 7110. Correction of Error or Omission. Whenever it appears by affidavit of a voter or nominee that an error or omission has occurred in the publication of the name or description of any nominee or in the printing of the ballot, the Superior Court of Guam, or a judge thereof, *shall*, upon application of the affiant, by order, require the Commission to correct the error, or to show cause why the error should not be corrected.

§ 7111. Delivery of Ballots, Machines and Supplies. The Commission *shall*, before the opening of the polls at any election, cause to be delivered to the precinct board of each precinct where an election is to be held, the proper number of ballots, voting machines if they are to be utilized, the voter registration roster for that precinct, and all other documents and supplies to be used in that precinct. The ballots *shall* be delivered in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed.

§ 7112. Receipts for Ballots. The Commission *shall* cause to be prepared a receipt for each polling place, enumerating the packages and stating the time, day and date when they were delivered to the precinct board

leader. The precinct leader *shall* sign the receipt upon receiving the packages, which *shall* forthwith be returned and filed. The Commission may employ such persons as may be necessary to ensure the security and safe and expeditious delivery of the ballots to the precinct boards and fix a reasonable compensation for their services, to be paid as other election expenses are paid.

§ 7113. Loss or Destruction of Ballots. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the precinct leader or other member of the board for that precinct, *shall* prepare an affidavit stating forth the fact, and *shall* immediately transmit it to the Commission. Upon receipt of the affidavit, the Commission may, and upon the application of any nominee for any office to be voted for by the electors of that precinct, order a new election in that precinct.

§ 7114. Instructions to Voters. At the top of the ballot, there *shall* be printed instructions to the voters as to the number of nominees to vote for, the marks to be used, including a sample of the marks, and other such instructions as the Commission deems necessary.

§ 7115. Nicknames, Other Identifiers on Ballot. Any person who is a candidate for any office may, at the time of filing his or her nominating petition, or, thereafter, as the Commission by uniform regulations may prescribe, file with the Commission a request that his or her name be further identified on the ballot by the addition of an identifying word or phrase *not* derogatory or obscene and *not* exceeding twenty (20) letters, in which event it *shall* be the duty of the Commission to so comply. The Commission *shall* have the authority on its own motion and in its

discretion to so identify names on the ballot in accordance with regulations set forth in the Election Manual.

§ 7116. Security of Ballots. The Commission *shall* promulgate and publish in the Election Manual rules and regulations pursuant to the Administrative Adjudication Law to ensure maximum security of the ballots and assure the integrity of the election process.

The rules *shall* provide, at the minimum:

(1) that the boxes that will contain cast ballots be locked and sealed from the time the ballot boxes are transported from the Commission until their opening at the Election Return Center after polls close;

(2) that all precinct board members accompany the ballot boxes at all times to the Election Return Center after the polls close, and also accompanied by *at least* one (1) ~~Peace~~ Police Officer; ~~and~~

(3) that government of Guam buses be utilized to transport the ballot boxes, the precinct board members and the ~~Peace~~Police Officers to the Election Return Center; and

(4) that any private security services hired by the Commission *shall not* be with a security company which employs an individual who is a sibling or related in the first degree of consanguinity, or has any business ownership relation with a nominee who is seeking an elected public office.

Only an official designated by the Commission may unlock and open ballot boxes at the Election Return Center.

§ 7117. Ballot Audit. Within forty-five (45) days from the enactment of this Act, the Guam Election Commission *shall* conduct an audit ~~and reconciliation~~ of the ballot stock ordered, printed, utilized, retained, and

destroyed in the conduct of the 2010 General Election, and subsequent Primary and General Elections. The results of the audit *shall* be posted on the Commission's website.

§ 7118. 2010 General Election Ballot Review. (a) The Guam Election Commission *shall* conduct a review of all absentee ballots received, and all provisional ballots for the 2010 General Election, within forty-five (45) days of the enactment of this Act. In conducting this review the Commission *shall*:

(1) Determine which provisional ballots were not accepted in the 2010 election because the voter was not on the registration rolls, but should have been counted because the voter was purged from the rolls without due process as required by statute, and then conduct a count of the votes cast if those ballots had been accepted.

(2) Count the votes cast in all absentee ballots received by the Guam Election Commission for local elections that were received in the same manner and timeframe as applied to federal elections in accordance with 42 U.S.C. §§ 19673ff-1(a) (8).

(3) Determine the impact of the results on the counts of provisional and absentee ballots required by this Section on all 2010 election races for all offices, including a determination as to whether any candidate meets the "50% plus 1" requirement stipulated in the Organic Act of Guam.

(b) Inasmuch as the Guam Election Commission has recognized that there were machine errors in the count of the 2010 General Election Results, within thirty (30) days from the enactment of this Act, the Guam Election Commission *shall* conduct an audit of all the results of the 2010 General Election.

(c) All results obtained from audits of the 2010 General Election *shall* be published on the Guam Election Commission website and distributed to all island media outlets.

CHAPTER 8

ELECTION CAMPAIGN AND CAMPAIGN OFFENSES

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ARTICLE 1

GENERAL PROVISIONS

§ 8101. Application of Chapter. All the provisions of this Chapter apply to every election in Guam.

§ 8102. Willful Violation of Election Laws. Any person who willfully violates any provision of any law on Guam relating to any election, unless a different classification is prescribed by this Title, is guilty of a misdemeanor.

§ 8103. Disqualification. Any candidate convicted for any violation under the provisions of this Chapter is disqualified from holding the office for which he was a candidate or nominee at the time of violating the provisions aforesaid.

§ 8104. Complaints. Any person who alleges or claims a violation of any provision of this Chapter has occurred may file a complaint with the Commission. The Commission *shall* expeditiously investigate the matter in accordance with §2106 of Chapter 2 of this Title. Whenever any person, in the judgment of the majority of Commission members, has

engaged in any acts or practices which constitute a violation of this Chapter, the Commission *shall* refer the record of said investigation to the Attorney General of Guam, who *shall* institute a criminal prosecution, and, in the event the person is convicted of the violation prior to the election in question, the Commission *shall* strike his or her name from the ballot. In the event the person is convicted of the violation subsequent to the election in question and was elected to the office for which he or she was a candidate, the Attorney General *shall* take necessary civil action to effect the candidate's disqualification from office.

ARTICLE 2

DISHONESTY AND FRAUD IN ELECTIONS

§ 8201. Bribery. Any person who offers any bribe or makes promise of gain, or with knowledge of the same, permits any person to offer any bribe or make any promise of gain for that person's benefit, to any voter to induce that person to sign an election paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after signing, *shall* be guilty of a felony of the third degree.

§ 8202. Payment of Value to Induce Candidate to Withdraw. A person *shall not*, directly or indirectly, by himself or herself or through any other person or persons, advance or pay, or cause to be paid, any money or other valuable offer to, or, for the use of any other person, in consideration of a person withdrawing as a candidate for a public office. Any person who violates this provision is guilty of a felony.

§ 8203. Unlawful Registration as Crime. Any person who willfully causes, procures or allows himself or herself or any person to be registered as a voter, knowing himself or herself or the other person *not* to be entitled to registration, is guilty of a felony of the third degree.

§ 8204. Receipt of Value: To Vote or Not Vote. A person *shall not*, directly, by himself or herself or through any other person, receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or herself or any other person, for:

(a) voting or agreeing not to vote;

(b) coming to or agreeing to come to the polls;

(c) refraining or agreeing to refrain from voting;

(d) voting or agreeing to vote for any particular person;

(e) refraining or agreeing to refrain from voting, for any particular person; and

(f) inducing any other person to:

(1) vote or refrain from voting;

(2) vote or refrain from voting for any particular person; and

(3) come to or remain away from the polls.

Any person who violates any part of this provision is guilty of a felony.

§ 8205. To Vote or Aid in Securing Nomination for Another. A person *shall not*, directly or indirectly, by himself or herself or through any other person, give or receive any money or other valuable offer, before, during or after an election because he or any other person either:

(a) voted to secure the election or endorsement of any other person as the nominee or candidate of any convention, organized assemblage of electors or voters, or other body representing or claiming to represent a political party or principal, or any club, society or association; or

(b) aided in securing the selection or endorsement of any other person as a nominee or candidate as provided in Subsection (a) of this Section.

Any person who violates any part of this provision is guilty of a felony.

§ 8206. Payment to Promote Election. Any person who, with the intent to promote the election of himself or herself or any other person, furnishes or engages to pay or deliver any money or property for any purpose~~s~~ intended to promote the election of any nominee or candidate,

except as to the expenses of holding and conducting public meetings for the discussion of questions, and of printing and circulating handbills and other papers prior to an election, is guilty of a misdemeanor.

§ 8207. Promising Appointment to Office. Any person, who being a nominee or candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for or to procure, or aid in procuring, the election of any nominee or candidate, is guilty of a misdemeanor.

§ 8208. Communication of Promise. Every person is guilty of a misdemeanor who communicates any offer made in violation of the preceding § 8207 to any person with intent to induce him or her to vote for, or to procure or aid in procuring the election of, the nominee or candidate making the offer.

§ 8209. Adding or Removing Votes; Altering Returns. Every person who willfully adds to or subtracts from the votes actually cast at an election in any official or unofficial returns, or who alters the returns, is guilty of a felony.

§ 8210. Illegally Influencing Voter. Any person who, by force, threat, menace, bribery or any corrupt means, either directly or indirectly, attempts to influence any voter in giving his or her vote, or to deter him or her from giving it, or attempts by any means to threaten, restrain, hinder, or disturb any voter in the exercise of the right of suffrage, is guilty of a felony.

§ 8211. Intimidation of Voters. Any person, association or corporation who, directly or indirectly, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction, directly or indirectly, any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person in order to induce or

compel that person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person at any election or because any person voted or refrained from voting at any election, is guilty of a felony of the third degree.

§ 8212. Wrongful Interference With Voting. Any person, association or corporation who, by abduction, duress or any forcible or fraudulent device or contrivance whatsoever, impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or who compels, induces or prevails through any forcible or fraudulent means upon any voter either to give or refrain from giving that person's vote at any election, or to give or refrain from giving that person's vote to any particular person or initiative, referendum or legislative submission at any election, is guilty of a felony of the third degree.

§ 8213. Unlawful Influence by Employer. Any employer, whether a corporation, association or a natural person, who within ninety (90) days of any election displays or otherwise exhibits in any workplace under his or her control or management any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party or organization or candidate is elected, work in the employer's place or establishment will be closed or the salaries or wages of the employees will or may be reduced, or makes or communicates other threats, express or implied, intended or calculated to influence the political opinions or actions of the employees, is guilty of a misdemeanor.

§ 8214. Deceiving Illiterate Voter. Any person who furnishes any blind or illiterate voter with a ballot, informing or giving that voter to understand that it contains a name written or printed thereon that is different from the name which is written or printed thereon, or, defrauds any voter at

any election by deceiving and causing that person to vote for a different person for any office other than for whom the voter intended or desired to vote, is guilty of a felony of the third degree.

§ 8215. Aiding and Abetting Unlawful Voting. Any person who procures, assists, counsels or advises another to give or offer that person's vote at any election, knowing that the person is *not* qualified to vote, is guilty of a misdemeanor.

§ 8216. Fraudulent Voting. Any person who:

(a) *not* being entitled to vote at an election, votes or fraudulently attempts to vote at that election is guilty of a felony of the third degree;

(b) being entitled to vote, attempts to vote more than once at the same election is guilty of a felony of the third degree;

(c) impersonates or attempts to impersonate a voter is guilty of a felony of the third degree; or

(d) votes or attempts to vote while knowing that the person is registered to vote in a jurisdiction other than Guam, is guilty of a felony of the third degree.

§ 8217. Giving, Offering or Receiving Bribe. Any person who:

(a) gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee or political gathering of any kind held for the purpose of nominating candidates for offices of honor, trust or profit on Guam with intent to influence the person to whom the bribe is given or offered to be more favorable to one (1) candidate than another is guilty of a felony of the third degree; or

(b) being a member of any of the entities outlined in Subsection (a), receives or offers to receive any such bribe, is guilty of a felony of the third degree.

§ 8218. Payment of Value: To Vote, Not Vote or Reward for Same.

A person *shall not*, directly or indirectly, by himself or herself or through any other person pay, lend or contribute or offer or promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to either:

(a) induce a voter to:

(1) vote or refrain from voting at any election;

(2) vote or refrain from voting at any election for any particular person;

(3) come to the polls at an election; or

(4) remain away from the polls at an election; or

(b) reward a voter for having either:

(1) voted;

(2) refrained from voting;

(3) voted for any particular person;

(4) refrained from voting for any particular person;

(5) come to the polls at an election; or

(6) remain away from the polls at an election.

§ 8219. Receipt of Value: To Procure Election or Vote. A person *shall not*, directly or indirectly, by himself or herself or through any other person procure, engage, promise or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at an election.

ARTICLE 3

BALLOT RELATED OFFENSES

§ 8301. Adding to Ballots in Box. Any person who changes or attempts to alter any ballot after it has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulent placement of a ballot into the ballot box either before or after ballots have been counted is guilty of a felony.

§ 8302. Adding Ballots During Count. Any person who adds or aids to add to, or mixes with or attempts to add to or mix with the ballots lawfully polled, any other ballots with intent to change the result of an election is guilty of a felony.

§ 8303. Taking or Destroying Ballots. Any person who carries away or destroys, or attempts to carry away or destroy, any poll list or ballot, or ballot box for the purpose of preventing, affecting the result of, or invalidating any election, or willfully detains, mutilates or destroys any election return, is guilty of a felony.

§ 8304. Delivery of Other Than Received Ballot Prohibited. A voter *shall not* deliver to the precinct board, or to any of its members, or deposit in the ballot box any ballot other than the one he or she has received from the member authorized by law to furnish the ballot. Violation of this Section *shall* constitute a felony.

§ 8305. Two (2) or More Ballots Deposited. Any person who knowingly deposits or attempts to deposit in any ballot box two (2) or more of the same ballot, is guilty of a felony.

§ 8306. Neglect or Failure to Return Ballot. Any person who, having procured an official ballot, willfully neglects or fails to cast or return the same in the manner as provided for in this Title, *shall*, unless otherwise

provided, be guilty of a violation and be fined an amount *not to exceed* One Hundred Dollars ($100.00). Any person who applies for an absent voter's ballot and willfully neglects or fails to return the same *shall* also be deemed to have committed such an offense on Guam, and *shall* be guilty of a violation and be fined an amount *not to exceed* One Hundred Dollars ($100.00).

§ 8307. Forging or Counterfeiting Returns. Every person is guilty of a felony who willfully substitutes forged or counterfeited election ballot returns in the place of true, official returns for a precinct where an election is held.

§ 8308. Unlawful Acts as to Poll List, Ballots and Ballot Boxes. Every person is guilty of a felony who:

(a) aids in changing or destroying any poll list or official ballot; or

(b) aids in wrongly placing any ballot in the box, or taking any therefrom; or

(c) adds, or attempts to add, any ballots to those legally polled at any election by fraudulently placing them into the ballot box, either before or after the ballots therein have been counted; or

(d) adds to or mixes with, or attempts to add to or mix with the ballots polled, any other ballots while tabulation is in progress or canvassed, or at any other time, with intent to change the result of the election, or aids and knowingly allows another to do so without effort to prevent or to report the illegal act; or

(e) carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot box or ballots lawfully polled.

ARTICLE 4

ELECTION OFFICERS

§ 8401. Prohibited Acts by Officers. Every precinct official of a precinct board is guilty of a misdemeanor who:

(a) attempts to find out any candidate's name voted for on the ballot; or

(b) *except* as otherwise authorized by this Title, examines, exhibits or discloses the ballot choice or choices of any voter; or

(c) makes or places any mark or device mark on any ballot with a view of ascertaining the name of any person for whom the voter has voted; or

(d) opens or permits to be opened the ballot box during the time of voting.

§ 8402. Offenses by Officers. Any precinct board member, Commission member, or other election official charged with any duty prescribed by this Chapter who refuses or neglects to perform any such duty, or violates any of the provisions of this Chapter, *shall* be guilty of a petty misdemeanor, *unless* otherwise specified.

§ 8403. Interference with Precinct Board, Commission or Voters. Every person who in any manner so interferes with the precinct board, or the Commission or any members thereof, holding an election or conducting a canvass, or with the voters lawfully exercising their right of voting at an election, as to prevent or attempt to prevent the election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

§ 8404. Failure to Act as Precinct Board Member. Any voter who has been appointed as a member of a precinct board, and having taken

the oath of office, who fails to act as such without lawful or sufficient reason approved by the Commission is guilty of a misdemeanor.

§ 8405. Fraud. Every person charged with the performance of any duty under the provisions of the laws of Guam relating to elections, who, in his or her official capacity, knowingly acts in contravention or in violation of any of the provisions of such laws, unless a different classification is prescribed by this Title, is guilty of a misdemeanor.

§ 8406. Unlawful Influence of Voters by Election Officers. Every precinct officer of any election, who, while acting as such, induces or attempts to induce any voter, either by menace or reward, or promise thereof, to vote for any particular person or to refrain from so voting, is guilty of a felony.

§ 8407. Acting Without Authority. Any person is guilty of a felony of the third degree who at any election:

(a) knows that a person who *has not* been appointed and qualified acts as a member of a precinct board; or

(b) knows that a person is *not* a member of a precinct board but who performs or discharges any of the duties of a member of a precinct board in regards to the handling, counting or canvassing of any ballots.

§ 8408. Penalties for Acts or Omissions.

(a) Any person authorized by the Commission, having charge of affidavits of registration, or absentee ballot applications submitted in lieu of affidavits of registration, who:

(1) neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) neglects or refuses to perform such duty in the manner required by voter registration provisions of this Title; or

(3) enters, or causes or permits to be entered, on the voter registration records the name of any person in any other manner or at any other time that is prescribed by voter registration laws, or enters, or causes or permits to be entered, on such records the name of any person *not* entitled to be thereon; or

(4) destroys, mutilates, conceals, changes or alters any registration record in connection therewith, *except* as authorized by voter registration provisions of this Title, is guilty of a felony of the third degree. Each and every omission herein constitutes a separate offense.

(b) Any person who:

(1) knowingly provides false information on an application for voter registration under any provision of this Title; or

(2) knowingly makes or attests to a false declaration as to that person’s qualifications as a voter; or

(3) knowingly causes or permits oneself to be registered using the name of another person; or

(4) knowingly causes oneself to be registered under two (2) or more different names; or

(5) knowingly causes oneself to be registered in two (2) or more precincts; or

(6) offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration; or

(7) accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or

(8) knowingly causes any person to be registered or causes any registration to be transferred or canceled, *except* as authorized under this Title, is guilty of a felony of the third degree. Each and every violation herein constitutes a separate offense.

ARTICLE 5

OTHER PROVISIONS

§ 8501. Removing or Defacing Results Posted. Every person who removes or defaces any posted copy of the results of the votes cast is guilty of a misdemeanor.

§ 8502. Refusal to Appear and Testify. Any person summoned to appear and testify before any precinct board or the Election Commission who willfully ignores or disobeys the summons is guilty of a misdemeanor.

§ 8503. Violation of Overseas Voter Rules. Any person who violates the prohibitions relative to overseas voters as contained in §9124, Chapter 9 of this Title *shall* be guilty of a misdemeanor.

§ 8504. Publications Reflecting on Character of Candidate. Every person *shall* be subject to a civil penalty of *not more than* Five Thousand Dollars ($5,000) per each separately produced message who intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, any circular, pamphlet, letter or poster which

is designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political actions, *unless* there appears upon the circular, pamphlet, letter or poster, in a conspicuous place, either:

(a) the names of the chairman and secretary, or the names of two (2) officers of the political party or any other organization issuing it; or

(b) the name and residence, with the street and number thereof if any, of the person responsible therefore.

§ 8505. Refusal to Testify on Another's Right to Vote. Every person who, after being required to do so by the precinct board at an election, refuses to be sworn, or being sworn, refuses to answer any pertinent question propounded by the board concerning the right of another to vote, is guilty of a misdemeanor.

§ 8506. Subversive Activities Prohibited. No person who advocates, or who aids or belongs to any party, organization or association which advocates the overthrow by force or violence against the government of Guam or of the United States, shall be qualified to hold any public office of trust or profit within the government of Guam; and furthermore, no such person shall be entitled to a place on the ballot in any election held within Guam, and if elected *shall* be disqualified from holding office.

§ 8507. Severability. If any provision of this Chapter, or the application thereof, to any person or circumstance is held invalid, the remainder of the Chapter and the application of the provision to other persons not similarly situated, or to other circumstances, *shall not* be affected.

CHAPTER 9

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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.

§ 9102. Copies of Manual Furnished. The Commission *shall* furnish each precinct board with a copy of the Election Manual.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 9114. Persons Permitted Within Barricade. *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. 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.

§ 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.

§ 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.

§ 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.

§ 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;

(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.

§ 9119. Examination of Person Challenged. 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.

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.

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

§ 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.

§ 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.

§ 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.

§ 9123. Rules for Determining Residency. 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.

The following rules *shall* determine the residency of voters, candidates and nominees:

(a) 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.

(b) 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.

(c) 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.

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

(e) 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.

(f) 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.

(g) 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.

§ 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.

(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.

§ 9125. Leave of Absence From Employment to Vote. 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.

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.

§ 9126. Reporting of Name and Signing Roster. A person desiring to vote *shall* state his or her full name and address to the precinct officials at the polling place. 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.

§ 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.

§ 9128. One (1) Ballot to Each Voter. *Only* one (1) ballot or one (1) set of ballots shall be given to each voter.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 9135. Revealing Ballot Prohibited. After a ballot is marked, a voter *shall not* show it to any person in such a way as to reveal its contents.

§ 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.

§ 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).

§ 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.

§ 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.

§ 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.

§ 9141. Asking Voter's Intention at Polls Prohibited. No person shall ask another at a polling place for whom he intends to vote.

§ 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.

§ 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.

§ 9144. Late Arrivals Rejected. Anyone who arrives at the polling place after the polls have closed *shall not* be entitled to vote.

§ 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.

§ 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.

CHAPTER 10

ABSENT VOTING

§ 10101. Conditions Upon the Right to Vote.
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§ 10120. Addition to Registration Index.
§ 10121. Challenges.
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§ 10123. Penalty for False Affidavit.

§ 10101. Conditions Upon the Right to Vote. Any qualified voter of Guam may, as provided in this Chapter and subject to the conditions of this Section, vote in any election by absentee ballot if he or she will be prevented from personally going to the polls and voting on election day because of:

(a) the conduct of his or her business or necessary travel;

(b) illness or physical disability;

(c) service in the Armed Forces or Merchant Marine of the United States;

(d) employment with the government of Guam;

(e) attendance at an institution of learning;

(f) employment in the service of the United States or any federal agency; or

(g) accompanying a spouse who is engaged in any activity listed herein.

§ 10102. Application for Ballot.

(a) *Except* as provided herein under Subsection (b), any voter, under any of the circumstances specified in § 10101 may, *not less than* three (3) days, or, if application is made in person, *not later than* during the regular office hours of the day prior to any election, make application to the Commission for an official ballot to be voted at such election. Any such application *shall* be made in writing on a form furnished by the Commission.

(b) A person classified under § 10101(b) may request an application for absentee ballot, and the absentee ballot, by telephone any time prior to the closing of the polls on election day.

(c) An application submitted for the primary election *shall* be considered an application for the subsequent general election.

§ 10103. Application Form for Absentee Ballot.

(a) Application for an absentee ballot *shall* be made substantially in the following form:

"**APPLICATION FOR ABSENTEE BALLOT TO BE VOTED AT THE ELECTION ON GUAM ON THE _____ DAY OF _____, 20 _____**

District or Municipality _____.

I, (Print or type full name) _____, do solemnly swear that I am a resident of Guam and of the district or municipality of _____, and that I am a duly qualified elector entitled to vote at said election; that I am not voting in any other jurisdiction; that I understand the prohibitions against and the penalty for voting in any election of Guam if I vote in another U.S. jurisdiction; that my occupation is _____; and that on account of _____, I cannot be at the polls on election day; I hereby make application for an official ballot to be voted by me at such election,

and that I will return said ballot to the office of the Guam Election Commission before the time of the closing of the polls on election day.

SIGNED _____

DATED this _____ day of _____, 20_____.

(Permanent Mailing Address)

Full Name: _____

Address: _____

_____

Date of Birth: _____

(Present Mailing Address)

Full Name: _____

Address: _____

_____

Date of Birth: _____

Subscribed and sworn to before me this ____ day of _____, 20___.

_____

Print or Type Full Name

_____

Signature

_____

Title or Rank

Mailing Address _____

_____

_____"

(b) Any application from elsewhere other than Guam *shall* be fully completed and documented in accordance with Election

Commission regulations that applicant is entitled to vote under the provisions of this Chapter.

(c) Any applicant who fails to complete and document his or her application for a ballot in accordance with Commission regulations *shall* be denied a ballot, and his or her name will be stricken from the register of qualified voters in accordance with Chapter 3 of this Title.

§ 10104. Absent Voting - Federal Requirements.

(a) Armed Forces or absentee application. A voter who (1) is eligible for an absentee ballot; (2) wants to execute an affidavit or form for voter registration; and (3) is absent from Guam or is an active member of the Armed Forces of the United States, including National Guard or Reserve Units, or an overseas voter as defined by the Federal Uniformed and Overseas Citizens Absentee Voting Act, is *not* required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need *not* be signed by such an oath administrator. The Commission *shall* inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties of perjury.

(b) Federal postcard application. In lieu of the application form prescribed in this Title, any person serving in the U.S. Armed Forces or the United States Merchant Marine, or who is a spouse or dependent of such a person, and any person who temporarily resides outside the territorial limits of the United States and its territories, may apply for registration and enrollment on the Federal postcard application form provided pursuant to the Uniformed and Overseas

Citizens Absentee Voting Act (100 Stat. 924; 42 U.S.C. 1973 F.F. et seq., as amended) or any other applicable law. The failure of an applicant to take the elector's oath on such Federal postcard application *shall not* invalidate such application.

§ 10105. Penalty Clause Added. Immediately below the form prescribed by § 10103, there *shall* be printed in full §10124 of this Chapter, and §8306 of Chapter 8.

§ 10106. Applicant Outside of Guam. When the Commission is requested to mail an absent voter's ballot to an elector, and the address to which said ballot is to be mailed is a point outside of Guam, the Commission *shall* mail the absent voter's ballot to the elector by airmail as soon as the request is received, provided that the ballots are printed, and, if by any law of the United States official election ballots may be mailed without the payment of postage, it *shall* so comply.

Absentee ballots *shall* be mailed or transmitted by email to absentee voters in the manner requested, within forty-eight (48) hours of request or within forty-eight (48) hours, except Sundays, of certification of the ballots, whichever is later.

§ 10107. Personal Delivery of Ballot. The Commission *shall* deliver a ballot to any qualified elector applying in person at the office of said Commission; provided, *however*, that such applicant *shall* complete and subscribe the application heretofore prescribed by this Chapter; provided further, that said application *shall* be made *not more than* thirty (30) days *nor less than* one (1) day before the date of the election for which the vote is being cast. It is provided further, that said ballot *shall* be immediately marked, enclosed in the ballot envelope, placed in the return envelope with the proper affidavit enclosed, and immediately returned to the Commission.

§ 10108. Form of Absentee Ballot. The absentee ballot may, but need not be, in the same form as the regular ballot used in the election. For off-island absentee voters, uniformed and overseas citizens voting absentee, the Commission *shall* inform such absentee voters of the option to request to receive an absentee ballot electronically by email transmission and provide electronic mail and cost-free telephonic contact information to such voters so that those voters may make the request to the Guam Election Commission.

Absentee ballots *shall* be mailed or transmitted by email to absentee voters in the manner requested, within forty-eight (48) hours of request or within forty-eight (48) hours, except Sundays, of certification of the ballots, whichever is later.

§ 10109. Furnishing of Envelopes and Affidavit With Ballot. It *shall* be the duty of the Commission to furnish the absentee voter with a blank ballot in an unmarked ballot envelope. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, the Commission *shall* also furnish the absentee voter with a voter's affidavit and an unsealed return envelope, bearing upon its face the following:

"Guam Election Commission
Government of Guam
P.O. Box BG
Hagåtña, Guam 96932"

On the reverse side of the return envelope *shall* be printed the voter's full name and the municipality in which the absentee voter is a resident.

§ 10110. Voter's Affidavit on Envelope. On the reverse side of the envelope prescribed in §10109 *shall* be printed a blank form of an affidavit in substantially the following form:

"**AFFIDAVIT**

District or Municipalityof_____, Guam

I, _____, do solemnly swear that the
(Print or type full name) following matters relating to my qualifications for registration and voting are true:

Place of Residence: _____ (municipality, municipal, division or district), Guam.

Date of Birth: _____ (Month/Day/Year)

Place of Birth: _____

Method of which United States citizenship was attained: _____

Qualified voter: _____ (yes or no)

That I am not confined to a mental institution or judicially declared incompetent; that I am not serving a criminal sentence; that I am not voting in any other U.S. jurisdiction; that I am in the business/work of _____; and that I shall be absent from the polls on the day of election on account of _____.

_____
Signature

Subscribed and sworn to before me this ____ day of _____, 20___, and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that the affiant then in my presence and of no other person, and in such manner that I could not see his vote, mark such ballot and enclosed and sealed same in this envelope; and that the affiant was not solicited or advised

by me for or against any candidate or measure.

_____

Print or type full name

_____

Signature

_____

Title or Rank”

§ 10111. Marking Ballot. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, the voter, on receipt of said ballot, *shall*, in the presence of the officer administering the oath and of no other person, mark such ballot or set of ballots, but in such manner that said officer would not see or know how said ballot is marked.

§ 10112. Taking and Subscribing Oath. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, after marking said ballot the voter *shall*, before said officer, mark and subscribe to the voter’s affidavit, and, in the presence of said officer, place said ballot in the ballot envelope so as to conceal the marks thereon and deposit the same along with the affidavit in the return envelope which *shall* then be securely sealed.

§ 10113. Officers Before Whom Voter May Appear. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, at any time on or before the day of an election an absentee voter may appear before the Commission, or any person appointed or designated by the Commission may go to any voter on Guam if he or she is incapacitated, or any Notary Public or any officer of Guam, or before any Notary Public or any officer of any state, territory or municipality

within the United States or in the District of Columbia, at the time of receiving his or her ballot to mark and secure his or her ballot.

§ 10114. Mailing or Delivering Ballot(s). The sealed returned envelope containing the ballot or set of ballots may be delivered to the Commission at its main office or its postal address at any time prior to the closing of the polls, and within ten (10) days after any election and by 5:00 p.m. on the tenth (10th) day after any election.

§ 10115. Disposition of Ballot by Commission. The returned envelope containing the ballot or set of ballots and affidavit, together with the voter's application, *shall* be delivered by the Commission on election day to the precinct board or member thereof of the precinct in which the voter is qualified to vote. The Commission staff *shall* ensure that the affidavit fully meets the criteria for absent voting prior to delivery to the precincts. The member of the precinct board receiving such ballot and application *shall* acknowledge to the Commission receipt thereof in writing.

§ 10116. Ballots Rejected by the Commission. All ballots forwarded to absent voters and *not* physically received by the Commission at its main office prior to the closing of the polls, or within ten (10) days after any other election day or by 5:00 p.m. on the tenth (10th) day after any election *shall* be rejected.

§ 10117. Casting Ballots. At any time between the opening and closing of the polls on election day, the precinct board *shall* announce the absent voter's name, and compare the signature between that shown upon the application and the signature upon the affidavit. The precinct board *shall* determine if the affidavit is sufficiently executed, that the signatures correspond, that the applicant is a duly qualified elector of the precinct, and that the applicant *has not* voted in person at such election, and open the outer

or carrier envelope and the return envelope. The board *shall* then deposit the unopened ballot envelope in the ballot box. Upon depositing the unopened ballot envelope in the ballot box, the board *shall* indicate on the signature roster next to the voter's name that such voter has voted absentee.

§ 10118. Causes for Rejecting Ballots. In the event the affidavit is found to be insufficient, or the signature on the affidavit and the application do *not* correspond, or the applicant is *not* a duly qualified elector in such precinct, or the ballot envelope or return envelope is open or has been opened and resealed, or the return envelope contains *more than* one (1) ballot envelope with ballots enclosed, or that said voter has voted in person, such ballot *shall not* be accepted or deposited in the ballot box.

§ 10119. Rejected Ballots. Every ballot *not* accepted *shall* be endorsed on the back of the ballot envelope "Rejected because _____ (giving reason therefore)." All such rejected ballots *shall* be enclosed and securely sealed in an envelope on which the precinct board members *shall* endorse "Defective Ballots," with a statement of the precinct in which, and the date of the election at which, the ballots were cast. Said envelope *shall* be signed by the members of the precinct board and returned to the Commission at the Election Return Center after the polls close.

§ 10120. Addition to Registration Index. The precinct board *shall*, when the absentee ballot envelope is deposited in the ballot box, enter the absentee voter's name on the registration index if *not* already shown on the roster.

§ 10121. Challenges. The vote of any absent voter may be challenged for cause, and the precinct board *shall* determine, in accordance with the provisions of this Title, the legality of such ballot.

§ 10122. Ballot of Deceased Voter. When it shall be made to appear by due proof to the precinct board that any absent voter who has submitted his or her ballot in accordance with the provisions of this Chapter has died before the ballot is deposited in the ballot box, the ballot envelope of such deceased voter *shall* be endorsed, "Rejected: Voter Deceased" and *shall* be returned unopened with the ballot enclosed by the precinct board to the Commission. The casting of a ballot of a deceased voter *shall not* invalidate the election.

§ 10123. Penalty for False Affidavit. Any person who willfully swears falsely to any affidavit prescribed in this Chapter *shall* be punishable in accordance with the provisions of Chapter 8 of this Title.

CHAPTER 11

CANVASS, VOTE TABULATION & DECLARATION OF RESULTS

§ 11101. Application of Chapter.
§ 11102. Officials Present at Close of Polls.
§ 11103. Two (2) Ballots in One (1) Envelope.
§ 11104. Ballots Exceeding Number on Roster.
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§ 11108. Election Return Center.
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§ 11111. Imperfectly Marked Ballots Void.
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§ 11115. Write-in Votes.
§ 11116. Unauthorized Marks on Ballot.
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§ 11118. Certification of Election.
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§ 11120. Disregard of Technical Error.
§ 11121. Tabulation and Publication of Election Results.
§ 11122. Unofficial Results Open to Public Inspection.
§ 11123. Election Center Open Until Tabulation Complete.
§ 11124. Clerical Assistance and Expenses.
§ 11125. Incomplete or Ambiguous Precinct Forms.
§ 11126. Correction or Completion.
§ 11127. Declaration of Results.
§ 11128. Certificate of Election.
§ 11129. Death of Candidate After Certification.
§ 11130. Special Provision for Presidential Election.
§ 11131. Recount.
§ 11132. Review of Ballots.
§ 11133. Entry of Results on Record.
§ 11134. Preservation of Ballots.

§ 11101. Application of Chapter. *Unless* otherwise indicated, the provisions of this Chapter *shall* apply to all elections held on Guam.

§ 11102. Officials Present at Close of Polls. All members of the precinct boards *shall* be present at the closing of the polls.

§ 11103. Two (2) Ballots in One (1) Envelope. If a precinct board finds two (2) or more of the same ballots upon opening an absentee voter's envelope, it *shall* lay them aside until the count of the ballots is complete. If, upon comparison of the count between ballots cast in that precinct and the number of voters on the roster who voted, it appears that two (2) ballots were cast by one (1) voter, the precinct board *shall* reject both ballots.

§ 11104. Ballots Exceeding Number on Roster. If the ballots in the box exceed in number the names on the roster who voted, 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 a number of ballots equal to such excess. The precinct board *shall* make a record upon the roster of the number of ballots so drawn and place those ballots in a sealed envelope marked "Excess Ballots Drawn". All precinct board members *shall* affix their name on the envelope seal along with their precinct number from which the excess ballots were drawn. The Commission *shall* determine the method of destroying those ballots drawn.

§ 11105. Signing Roster. When the number of ballots equal or made thus to equal with the number of names on the roster who voted, the precinct board *shall* document the totals by writing in words and figures at the foot of the roster, and signed by those precinct board members who counted the ballots and attested to by the remaining precinct board members. All members of the precinct board *shall* sign the roster.

§ 11106. Rejected Ballots. All rejected ballots *shall* be endorsed on the back of the ballot envelope "Rejected because (giving reason therefore)." Said envelope *shall* be signed by the members of the precinct

board and returned to the Commission at the Election Return Center after the polls close.

§ 11107. Delivery of Ballots to Election Return Center. The locked ballot box, accompanied by the roster, all documents, all endorsements, and all ballots, including spoiled ballots, unused and defaced ballots, and rejected defective ballots *shall* be brought to the Election Return Center for tabulation. A representative of each political party, as authorized by the Commission, may accompany the locked ballot boxes and all other documents, supplies and materials from the precinct to the Election Return Center.

§ 11108. Election Return Center. The Commission *shall* maintain within Guam an Election Return Center for the tabulation of votes and publication of returns.

§ 11109. Vote Tabulating Device: Mode of Tallying. The Commission may appoint such persons as may be necessary for the manual tabulation of ballots and/or for the operation of the vote tabulating device, and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device.

§ 11110. Tabulating at Precincts. Notwithstanding any other provision of law, the Guam Election Commission may authorize ballots to be tabulated at the precincts. Tabulating of ballots by the precinct board *shall* be a cross-check of the tabulating of ballots by the Election Commission at the Election Return Center.

§ 11111. Imperfectly Marked Ballots Void. At any election, any ballot which is *not* marked as provided by law *shall* be void, but the ballot *shall* be preserved. Two (2) or more markings in one (1) voting oval or other

defined space provided, or a mark made partly within and partly without a voting oval or other defined space, *does not* make a ballot void.

§ 11112. Defective Ballots. If a ballot is folded, torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by a vote tabulating machine, the Commission may cause a duplicate to be punched, slotted or otherwise marked in the presence of *at least* two (2) Commission members, one (1) from each party. Both the new ballot and the defective ballot *shall* be marked with a serial number and the new ballot *shall* bear the words "Duplicate - Serial Number _____".

§ 11113. Ballot Not Rejected for Technical Error. At any election a ballot *shall not* be rejected for any technical error which does *not* render it impossible to determine the voter's choice, even though the ballot may be soiled or defaced.

§ 11114. Only Invalid Portions of Ballot Rejected; Blank Ballots and Improperly Marked Ballots are Not "Votes Cast" for Calculating a Majority. If a voter indicates either:

(a) by placing the voter's marks in the voting ovals or other defined spaces provided adjacent to the names of any candidates or nominees; or

(b) by writing the names of persons for an office in the blank line spaces provided; or

(c) by a combination of both, the choice of more than there are candidates or nominees to be elected or certified for any office, or if for any reason it is impossible to determine the voter's choice for any office, the voter's ballot *shall not* be counted for that office, but the remainder of the voter's ballot, if properly marked, *shall* be counted. A ballot that is blank, or that is marked with more candidates or nominees than are to be nominated or elected, *shall not* be included as part of the base for determining what

constitutes a majority in each election requiring a candidate or nominee to garner a majority of votes in order to be nominated or elected.

§ 11115. Write-in Votes. If the write-in voting oval or other defined space provided is marked, a write-in vote *shall* be counted for the office under which it is marked, provided a name is written alongside the voting oval or other defined space shown. The write-in names appearing next to the marked write-in voting ovals or other defined space provided for that office *shall* be tabulated and published.

§ 11116. Unauthorized Marks on Ballot. No mark upon a ballot which is unauthorized by this Title invalidates a ballot, *unless* it appears that the mark was placed there by the voter for the purpose of identifying the ballot.

§ 11117. Sealing and Reviewing Counted Ballots. As soon as the valid votes marked on the ballots are tabulated and the Commission is satisfied as to the accuracy of the tabulation, such ballots *shall not* thereafter be examined by any person, *except* upon a recount or audit as provided in this Chapter. The counted ballots *shall* be carefully sealed in a sturdy envelope with the name of the precinct thereon, and a majority of the members of the Commission *shall* certify that all counted ballots have been secured consistent with this Section.

The Commission may *not*, earlier than thirty (30) days from the date that the election results are certified, and provided that no election contest is pending resolution, unseal the ballot envelope to extract statistical data of which data will be made available to the general public. Upon the completion of the extraction, the ballot envelope *shall* be resealed and the Commission's seal and the date *shall* be affixed across the envelope's sealed portion.

§ 11118. Certification of Election. In every election, *except* the primary election, the Guam Election Commission *shall not* certify the election results until the GEC makes a determination on all election complaints or causes for contest brought to the attention of the GEC within fifteen (15) calendar days of the election. Thereafter, as soon as all the votes are counted and the ballots are sealed, the Election Commission *shall* certify the results of the election. The final certification and the seal on the ballot envelopes *shall* be signed by a majority of the Commission.

§ 11119. Delivery of Certification of Election. As soon as the Election Commission certifies the results of the election, it *shall* cause to be posted on the outside of the Election Return Center or the Commission's office a certificate showing the results of the votes cast. The final certificates *shall* be signed by a majority of the members of the Election Commission.

§ 11120. Disregard of Technical Error. Neither list, tally, paper or certificate return from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the directions of this Title if it is agreed upon by a majority of the members of the Commission.

§ 11121. Tabulation and Publication of Election Results. Upon tabulation of all election ballots, the Commission *shall* tabulate or cause to be tabulated the cumulative results and make these results known to the public.

§ 11122. Unofficial Results Open to Public Inspection. Immediately upon completion of the tabulation by the Commission of all of the ballots from all of the precincts, the unofficial election results *shall* be declared and available for public inspection.

§ 11123. Election Return Center Open Until Tabulation Complete. The Commission *shall*, on the day of the closing of the polls,

keep the Election Return Center open for the tabulation of election results until each and every ballot has been received and tabulated and the results thereof made public.

§ 11124. Clerical Assistance and Expenses. The Commission may incur expenses for all clerical assistance and other necessary expenses, including the transportation of precinct boards between their respective precincts and the Election Return Center.

§ 11125. Incomplete or Ambiguous Precinct Forms. If the rosters, certificates or other forms from any precinct are incomplete or ambiguous, or *not* properly authenticated, or are otherwise defective, the Commission, by a majority vote, may order issued and served subpoenas requiring the attendance of such persons and records before the Commission.

§ 11126. Correction or Completion. The Commission may require a precinct board to correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon.

§ 11127. Declaration of Results. Immediately after the certification of all election results, the Commission *shall* declare elected to each office those persons having the highest number of votes for that office.

§ 11128. Certificate of Election. Immediately after declaring certification of the results of any election, the Commission *shall* make, or cause to be made, a “Certificate of Election” for every person elected to office. The form of such certificates *shall* be prescribed in the Election Manual. The Commission *shall* cause to be placed in the hands of the elected person the original certificate which *shall* constitute evidence of the person’s right to office. The Election Commission *shall* preserve a copy of

such certificate for a period of five (5) years, and then may transfer the copies to the University of Guam Micronesian Area Research Center.

§ 11129. Death of Candidate After Certification. *Except* in the case of the office of *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhen Guåhan*, in the event that a candidate dies after he or she has been certified as elected and prior to the commencement of his or her term, the Commission *shall* certify as elected the person who received the next highest number of votes in that election. If no other person had fewer votes than the candidate whose election was certified, the vacancy *shall* be filled as otherwise provided by law. In the case of a person who has been certified as being elected *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhen Guåhan* and who dies prior to the commencement of his or her term, the vacancy *shall* be filled as provided by law.

§ 11130. Special Provision for Presidential Election. In those years when the ballot contains the names of candidates for President and Vice-President of the United States, the Commission *shall* declare the results of said election and *shall*, by written direction, order the Chairperson of the Election Commission to act as the elector for Guam, as such term is used in Article II, Section 1 of the United States Constitution, to cast his ballot for the candidates for President and Vice-President receiving the highest number of votes and to transmit said results to the President of the Senate of the United States.

§ 11131. Recount. If the tabulation indicates that a difference in votes is two percent (2%) or less, the Commission *shall* conduct a recount of the votes. At the end of the recount all ballots *shall* be returned to the precinct envelopes and resealed with the majority of the Commission writing

their names across the seal. The result of the recount *shall* immediately be made public as a recount.

§ 11132. Review of Ballots. The Commission *shall not* review any ballots *except* as permitted on a recount.

§ 11133. Entry of Results on Record. Immediately upon the completion of the tabulation of all ballots, the Commission *shall* enter on its record a statement of the results, which *shall* show:

(a) the total number of votes cast on Guam;

(b) the names of the persons and the total number of votes tabulated for each candidate; and

(c) for which office each person was voted.

§ 11134. Preservation of Ballots. The Commission *shall* be responsible for the preservation of all the ballots cast and all rosters and certificates delivered to it by the precinct boards for a period of five (5) years after the date of the election. The Commission *shall* be required to produce such ballots upon the order of a court of competent jurisdiction, and *shall* obtain a receipt for any release from its custody.

CHAPTER 12

ELECTION CONTESTS

§ 12101. Contestant and Defendant Defined.

§ 12102. Causes for Contest.

§ 12103. Irregularity or Misconduct Not Affecting Result.

§ 12104. Where Illegal Votes Not Necessary to Majority.

§ 12105. Complaint by Contestant.

§ 12106. Same: Verification.

§ 12107. Allegation of Illegal Votes.

§ 12108. Technical Errors in Allegations Disregarded.

§ 12109. Special Session.
§ 12110. Citation to Defendant.
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§ 12114. Applicable Rules of Law and Evidence.
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§ 12116. Declaration of Election by Court.
§ 12117. Certificate of Election.
§ 12118. Annulment of Prior Certificate.
§ 12119. Costs of Contest Proceedings.
§ 12120. Apportionment of Costs of Contest.
§ 12121. Appeal From Judgment.
§ 12122. Effect of Judgment Setting Aside Election.
§ 12123. Determination of Tie.

§ 12101. Contestant and Defendant Defined. When used in this Chapter, *contestant* means any person initiating an election contest. *Defendant* means that person whose election or qualification is contested or those persons receiving an equal or higher number of votes, other than the contestant, when the body canvassing the returns declares that no one (1) person has received the highest number of votes for the contested office.

§ 12102. Causes for Contest. Any voter of Guam in a general election, or of a municipality or precinct in a municipal election, may contest any election held therein for any of the following causes:

(a) that the person who has been declared elected to an office other than as a Member of *I Liheslaturan Guåhan* (the Guam Legislature) was *not*, at the time of the election, eligible to that office;

(b) that the precinct board or any member thereof was guilty of misconduct;

(c) that the defendant has given to any elector or precinct board member of the election, any bribe or reward or has offered any bribe or reward for the purpose of procuring his or her election, or has committed any other offense against the elective franchise of Guam;

(d) that illegal votes were cast;

(e) that the precinct board, in conducting the election or in counting the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected; or

(f) that the Election Commission, in conducting the election or in canvassing the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected.

§ 12103. Irregularity or Misconduct Not Affecting Result. No irregularity or improper conduct in the proceedings of any precinct board shall void an election result *unless* such irregularity or misconduct resulted in a defendant being declared either elected or tied for election.

§ 12104. Where Illegal Votes Not Necessary to Majority. An election *shall not* be set aside on account of illegal votes *unless* the Commission determines that such number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from the candidate, would reduce the number of his or her legal votes to below the number of votes given to another person for the same office.

§ 12105. Complaint by Contestant. When a voter contests any election, he or she *shall* file with the Superior Court of Guam a written complaint, setting forth specifically:

(a) the name of the contestant, and that he or she is a registered voter of a municipality or precinct of Guam, as the case may be, in which the contested election was held;

(b) the name of the defendant;

(c) the office;

(d) the particular grounds of the contest; and

(e) whether a demand for jury trial is requested.

§ 12106. Same: Verification. The contestant *shall* verify the statement of contest and *shall* file it in the Superior Court of Guam within fifteen (15) days after the declaration of the result of the election by the body canvassing the returns thereof.

§ 12107. Allegation of Illegal Votes. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one (1) or more specific voting precinct votes were given to the defendant, which, if taken from him or her would reduce the number of his or her legal votes below the number of legal votes given to some other person for the same office.

The Superior Court of Guam *shall* cause to be delivered to the defendant a copy of the complaint filed by the contestant.

§ 12108. Technical Errors in Allegations Disregarded. A statement of the grounds of contest *shall not* be rejected, nor the proceedings dismissed by any court for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular ground or cause for which the election is contested.

§ 12109. Special Session. Within five (5) days after the end of time allowed for filing statements of contest, the Superior Court of Guam *shall* thereupon order a special session to be held on some day to be declared

by the Court, *not less than* ten (10) or *more than* twenty (20) days from the date of its order.

§ 12110. Citation to Defendant. The Clerk of the Court *shall* thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation *shall* be delivered and served upon the parties *at least* five (5) days before the time so specified, either:

(a) personally; or

(b) if the party cannot be found, by leaving a copy at the home address where he or she last resided.

§ 12111. Subpoena and Attachment. The Clerk of the Court *shall* issue subpoenas for witnesses at the request of any party, which *shall* be served as are other subpoenas. The Superior Court may issue body attachments to compel the attendance of witnesses who have been subpoenaed to attend the Court.

§ 12112. Trial. The Superior Court of Guam *shall* meet at the time and place designated, to determine the contested election, and *shall* have all the powers necessary to the determination thereof. It may adjourn from day to day until the trial is ended, and may also continue the trial, before its commencement, for any time *not exceeding* twenty (20) days, for good cause shown by any party upon affidavit, *unless* the Court otherwise finds just cause to provide for additional time frames. Either party *shall* have the right to request for a jury trial of six (6) jurors either in the complaint or at their first appearance.

§ 12113. Recount at Trial. At the trial the ballots *shall* be opened and a recount taken, in the presence of all parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of the contest.

The Superior Court may, where two (2) or more statements of contest are filed requiring a recount, join together the actions of the contestant for the purpose of recounting the votes.

§ 12114. Applicable Rules of Law and Evidence. In the trial and determination of election contests, the Court *shall* be governed by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable. It may dismiss the proceedings if the statement of the cause of the contest is insufficient, or for want of prosecution.

The Guam Election Commission is authorized to void any already certified election results if it determines through its own investigation the need to certify anew upon recount, retabulation, or following an investigation of an election.

§ 12115. Findings and Conclusions: Judgment. The Court *shall* continue in special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties, and within ten (10) days after the submission thereof, the Superior Court *shall* file its findings of fact and conclusions of law, and immediately thereafter *shall* announce judgment in the case, either confirming or annulling and setting aside the election. The judgment *shall* be entered immediately thereafter.

§ 12116. Declaration of Election by Court. If in any election contest it appears that another person than the defendant has the highest number of legal votes, the Court *shall* declare that person elected.

§ 12117. Certificate of Election. The person declared elected by the Superior Court is entitled to a certificate of election. If a certificate *has not* already been issued to him or her, the Commission *shall* immediately

prepare and deliver to that person a certificate of election signed by the Court and authenticated with the seal of the Superior Court.

§ 12118. Annulment of Prior Certificate. If the Commission has issued any certificate for the same office to any other person than the one declared elected by the Court, such certificate *shall* become annulled by the judgment of the Court.

§ 12119. Costs of Contest Proceedings. If the proceedings under this Chapter are dismissed for insufficiency of evidence to support any of the bases for the claims, or for want of prosecution, or the election is confirmed by the Court without any claims proven, judgment may be rendered against the contestant, for costs and attorney's fees, in favor of the defendant. If the election is annulled or set aside, judgment for costs may be rendered against the defendant, in favor of the contestant.

§ 12120. Apportionment of Costs of Contest. Where two (2) or more contests are joined for the purpose of recounting votes as provided in this Chapter, the costs *shall* be apportioned among the parties at the discretion of the Court.

§ 12121. Appeal From Judgment. Any party aggrieved by the judgment of the Superior Court of Guam may appeal therefrom to the Supreme Court of Guam, as in other cases of appeal thereto from the Superior Court, *except* on an expedited basis. During the pendency of proceedings on appeal, and until final determination thereof, the person declared elected by the Superior Court of Guam *shall* be entitled to the office in like manner as if no appeal had been taken. The Supreme Court of Guam *shall* provide an expedited appeal process for election contests.

§ 12122. Effect of Judgment Setting Aside Election. Whenever an election is annulled or set aside by the judgment of the Superior Court,

and *no* appeal has been taken within ten (10) days thereafter, the certification, if any has been issued, is void and the office is vacant.

§ 12123. Determination of Tie. If at any election, two (2) or more persons receive an equal number of votes which is the highest number of ballot votes cast for the same office, a judge of the Superior Court of Guam *shall* forthwith summon the candidates who received the votes to appear at a time to be designated by the judge. A judge of the Superior Court of Guam *shall* at that time and place determine the tie by lot; provided, that in case two (2) or more vacancies are to be filled, a tie need *not* be broken when both the tie nominees are elected to office.

CHAPTER 13

SPECIAL ELECTIONS

§ 13101. Conduct and Voters.

§ 13102. Calling Special Elections.

§ 13103. Election to Fill Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature).

§ 13104. Runoff Election.

§ 13105. Declaration of Runoff Election.

§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice-Mayor.

§ 13107. Persons Eligible to Vote in Runoff.

§ 13108. Absentee Voting for Runoff Elections.

§ 13101. Conduct and Voters. Every person entitled to vote at a regular election *shall* be entitled to vote in any special election. All special elections *shall* be conducted in the same manner and form as a regular election, *except* as otherwise provided.

§ 13102. Calling Special Elections. Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be recognized by the Guam Election Commission, if *not* in conflict with any resolution by *I Liheslaturan Guåhan* (the Guam Legislature).

§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam Legislature). The Guam Election Commission *shall* call for and conduct a special election on a Saturday on or about sixty (60) days of any vacancy whenever one (1) or more vacancies occur therein *prior* to eight (8) months before the date of the next general election of Members of *I Liheslaturan Guåhan* (the Guam Legislature). Candidates *shall* file their candidacies *no later than* forty (40) days prior to the special election date. There *shall* be *no* primary election. The highest vote getter or vote getters, if there is more than one (1) vacancy, *shall* be certified by the Guam Election Commission as elected, and *shall* be administered the oath of office immediately to fill the unexpired vacancy.

§ 13104. Runoff Election. A runoff election is a continuation of the election that precipitated the need for the runoff and is *not* a separate election. *Unless* otherwise provided in law, the procedures for a general election *shall* apply to a runoff election.

§ 13105. Declaration of Runoff Election. Upon the Commission determining that a runoff election is required, the Commission *shall* order and conduct a runoff election to be held on the fourteenth (14th) day following the date of the election which precipitated the need for the runoff. The Commission *shall* publish notice of the runoff election in a newspaper of general circulation on Guam *at least* four (4) times, with the last notice being issued on the runoff date.

§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice Mayor. The municipal offices of mayor and vice mayor become vacant on the happening of any of the following events:

(a) death of the incumbent;

(b) declaration of mental incompetence by a final judgment or final order of a court of competent jurisdiction;

(c) resignation from office;

(d) refusal or failure to assume office;

(e) the decision of a competent tribunal declaring void his or her election;

(f) conviction of a felony, or of a crime involving moral turpitude;

(g) his or her change of residence from the municipality in which he or she was elected; or

(h) when incumbent is incapacitated because of illness and unable to continue for the remainder of the term.

The occurrence of any event under (a) through (h), with respect to a person elected to office, after the election but before the term of office is to commence, constitutes a vacancy on the date the term commences, *unless* the person so elected is the incumbent, in which case, the vacancy occurs on the date of such event.

§ 13107. Persons Eligible to Vote in Runoff. Persons eligible to vote in a runoff election *shall* be the same voters who were eligible to vote at the election that precipitated the need for the runoff. When a runoff election is required, the Commission *shall not* purge the names of any voters for non-participation after a general election until after the runoff election has been held and its results certified.

§ 13108. 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 in Chapter 10 of this Title. A runoff absentee ballot received by the Commission after the closing of the polls on the date of the runoff election, but before 5:00 p.m. *Chamorro* Standard Time on the tenth (10th) day after the date of the runoff election, *shall* be processed by the Commission, and such vote *shall* be 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 5:00 p.m. *Chamorro* 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.

CHAPTER 14

PROVISIONAL VOTING

§ 14101. Definition.
§ 14102. Provisional Ballot Design; Visually Distinguishable from Regular Ballot.
§ 14103. Qualifications.
§ 14104. Procedures.
§ 14105. Disposition.
§ 14106. Data Availability and Collection.

§ 14101. Definition. *Provisional ballot* is a ballot issued at the polling place on election day for any reason authorized by the Help America Vote Act, and other applicable federal or Guam laws granted to a person who otherwise would be denied an opportunity to vote on a regular ballot.

§ 14102. Provisional Ballot Design: Visually Distinguishable from Regular Ballot. Provisional ballots *shall* be visually distinguishable from regular ballots, and *shall* be designed so that they are unable to be tallied by precinct voting machine tabulators.

(a) Voter Registration Application: Provisional ballot envelopes *shall* be designed so as to also serve as a voter registration application.

(b) Ease of Use: Provisional ballots *shall* be clear and easy to read.

§ 14103. Qualifications. Any person who would otherwise be denied an opportunity to vote a regular ballot may vote a provisional ballot in accordance with the procedures set forth in §14104, for any reason authorized by the Help America Vote Act, and other applicable federal and Guam laws, including, but *not* limited, to the following:

(a) the person's name *does not* appear in the precinct signature roster which lists all registered voters within the polling area;

(b) there is an indication in the precinct signature roster that the person has requested an absentee ballot, but wishes to vote at the polling place;

(c) the person is voting during polling hours that have been extended by court order; or

(d) any other reason outlined in statute.

§ 14104. Procedures.

(a) Precinct Board Training. Precinct board members *shall* be trained to administer provisional voting in an accurate and consistent manner, and *shall* also be trained when to use provisional ballots, and when *not* to use them. Precinct officials *shall* also be able to communicate clearly to voters the prerequisites for provisional voting.

(b) Correct Polling Location. Prior to providing a person with a provisional ballot, precinct officials *shall* make every effort to determine a person's voter registration status and correct voting location. When a precinct official determines that the person is registered to vote at another location, the precinct official *shall* inform and direct the individual to the correct precinct polling place.

(c) Refusal. Only when such a person refuses to proceed to the correct polling location, or, if in the shared judgment of the precinct official and the potential voter, the person will *not* reach the correct polling location in time to cast a regular ballot before polls close, shall the precinct official offer the person a provisional ballot.

(d) Issuing Provisional Ballots. Provisional ballots *shall* be issued, accompanied with a provisional ballot outer envelope on which an affidavit and provisional ballot record of disposition *shall* be printed, and an inner security envelope that will contain the ballot.

(e) Commission to Provide Means to Assess Registration Status and Precinct Location of Voters. The Election Commission *shall* provide the precinct boards with the necessary means to determine a person's registration status and correct voting location, including a list of all registered voters in the polling area, directions to all polling locations, and the means to place a person's full name and address within the correct polling jurisdiction.

(f) Minimum Number of Provisional Ballots. Each precinct *shall* be issued a minimum number of provisional ballots equal to five percent (5%) of the total registered voters for that precinct and *not less than* fifteen (15), whichever is greater.

(g) Requirement of Provisional Voter Affidavit. Any person who will vote a provisional ballot *shall* first complete and sign the affidavit printed on a provisional ballot outer envelope attesting that he or she believes himself or herself to be a registered voter in Guam and eligible to vote under Guam law.

(h) Contents of Provisional Ballot Envelope. The provisional ballot outer envelope *shall* include a place for the provisional voter's full name; address, both present and former, if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which he or she has voted; and a provisional ballot record of disposition. The provisional ballot outer envelope *shall* also contain a place

for the person to sign the oath and a summary of the applicable penalty provisions outlined in Chapter 8 of this Title.

(i) Voting In Secret. The provisional voter *shall* mark the provisional ballot in secrecy and place the completed provisional ballot in the inner security envelope provided, place the inner security envelope into the outer envelope, and return it to the precinct official.

(j) Completeness of Provisional Ballot Envelope. The precinct official *shall* ensure that all the required information is completed on the outer envelope, signed by the provisional voter in the appropriate space, and then place the envelope in a secure container.

(k) Informing Voters of Notification System. The precinct official *shall* present the provisional voter written information advising how to ascertain whether the vote was counted and, if applicable, the reason the vote was *not* counted.

§ 14105. Disposition.

(a) Counting Provisional Ballots. Within ten (10) days after any election, the Commission *shall* count the provisional voter's choices for every race for which the voter was eligible to vote. When a provisional voter casts a provisional ballot in the incorrect precinct, election officials *shall* count the votes on that ballot in every race for which the voter would be entitled to vote if he or she had been in the correct precinct.

(b) Opportunity to Remedy Incomplete Provisional Ballots. Provisional voters who lacked required information, such as proof of identity or failure to sign, *shall* be notified and *shall* be granted a seven (7)-day period to comply or supply missing information. Failure to abide *shall* constitute a spoiled provisional ballot.

(c) Provisional Ballots as a Remedy for Incomplete or Deficient Registration Applications. Provisional ballots *shall* serve to remedy incomplete or otherwise deficient voter registration applications. In the event that a voter is denied the right to vote a regular ballot because of an incomplete or otherwise deficient voter registration application, the provisional ballot *shall* be used to complete said voter's application. The provisional voter *shall* be deemed registered as of the date of the original application. Within ten (10) days after an election, when the voter's application *shall* have been satisfactorily completed and deemed valid, the provisional ballot *shall* be counted.

(d) Registration of Unregistered Provisional Voters. Election officials *shall* register provisional voters, if they are not already registered or who are eligible to be registered, based on the information provided on the provisional ballot envelope.

§14106. Data Availability and Collection.

(a) Free Notification System. The Commission *shall* identify and implement, through an internet website, toll-free telephone number, or other means, a system whereby an individual who voted a provisional ballot may, free of charge, determine if his or her vote was counted, and, if the vote was not counted, the reason the vote was not tabulated.

(b) Data Collection and Reporting Requirements. The Commission *shall* collect data on provisional voting and include such data in its Election Comparative Analysis Report following an election. Provisional ballots issued, counted, and rejected *shall* be tracked by precinct. In the case of rejected or spoiled provisional ballots, the Commission *shall* report the basis for such rejections.

CHAPTER 15

CONDUCT OF PRIMARY ELECTIONS

Article 1. General Provisions.
Article 2. Nomination; Determination of Candidates.
Article 3. Ballots.
Article 4. Voting and Ascertaining the Voting Results.
Article 5. Election Contests.

ARTICLE 1

GENERAL PROVISIONS

§ 15101. Definitions.
§ 15102. Liberal Construction.
§ 15103. Application of General Election Laws.
§ 15104. Application of Chapter.
§ 15105. Party Represented by Whom.
§ 15106. Expense of Printing Paid by Whom.
§ 15107. Expense of Polling Places, Ballot Boxes and Election Officials.
§ 15108. Vacancies Not to be Filled.
§ 15109. Minimum Vote Required.

§ 15101. Definitions. The words and phrases in this Chapter *shall*, unless the same is inconsistent with the context, be construed as follows:

(a) *Commission* means the Election Commission.

(b) *Election* means a general election as distinguished from a primary election or a special election.

(c) *Election officials* mean those members of a precinct board serving as outlined in § 4104, Chapter 4 of this Title.

(d) *Office* means an elected public office.

(e) *Party* means an association of voters united for the purpose of promoting a common political policy, which maintains a general organization throughout Guam, including a regularly constituted central committee and precinct committee, and as further defined in §1112, Chapter 1 of this Title.

(f) *Precinct* means a district as defined in Title 1 GCA § 403.

(g) *Primary* means a preliminary election in which voters cast ballots to determine the candidates for specific offices, as provided for in this Title.

(h) *Primary ballot* means a party ballot or a non-party ballot or a non-partisan ballot used at a primary.

§ 15102. Liberal Construction. This Chapter *shall* be liberally construed in favor of the primary voter.

§ 15103. Application of General Election Laws. The laws relating to elections *shall* apply to a primary insofar as they are consistent with this Chapter, the intent of which is to place the primary under the regulation and protection of the election laws, as far as possible, consistently with this Chapter.

§ 15104. Application of Chapter. A partisan candidate for office *shall* be nominated in accordance with this Chapter and *not* otherwise, *except* as otherwise provided by law.

§ 15105. Party Represented by Whom. *Not less than* ninety (90) days before the holding of a primary, each party seeking ballot placement *shall* submit to the Commission a list of its officers and of its central committee.

§ 15106. Expense of Printing Paid by Whom. The cost of ballots, blanks and other supplies to be used at any primary, and other costs properly incurred in the preparation for or conducting of the primary, *shall* be borne by the government of Guam.

§ 15107. Expense of Polling Places, Ballot Boxes and Election Officials. The Commission, at the expense of the government, *shall* provide the necessary polling places and ballot boxes for conducting an election for nomination of candidates for office. The Commission, at the expense of the government, *shall* pay election officials for their services in conducting a primary at the same rate of compensation as provided by this Title for an election.

§ 15108. Vacancies Not to Be Filled. In the event that fewer than fifteen (15) candidates are running for *I Liheslaturan Guåhan* within any party, the central committee of such party or parties *shall not* fill the party slate for the primary or general election to a full fifteen (15) nominees with its own nomination by filling those positions which are unfilled because fewer than fifteen (15) candidates ran in that party's primary election.

§ 15109. Minimum Vote Required. No person shall be deemed nominated in a primary election *unless* the candidate receives votes *at least* three (3) times greater than the required number of signatures needed for a nomination petition for candidacy for such election, or votes equal to four percent (4%) of the total number of persons who obtain ballots to vote in that primary election for all parties, whichever is less.

ARTICLE 2

NOMINATION; DETERMINATION OF CANDIDATES

§ 15201. Primary Date.

§ 15202. Notice of Primary; Publication, Posting.

§ 15203. Form of Nomination Papers.
§ 15204. Nomination Papers: Qualifications of Signers.
§ 15205. Nomination Papers: Number of Signers.
§ 15206. Time for Filing Nomination Papers; Fees.
§ 15207. Independent Candidates.
§ 15208. Vacancies.

§ 15201. Primary Date. The primary *shall* be conducted at the polling place or places determined by the Election Commission in each district on the last Saturday of August in every even-numbered year.

§ 15202. Notice of Primary; Publication, Posting. *At least* thirty (30) days before the date for holding the primary, the Commission *shall* prepare and transmit to each municipal mayor a notice, in writing, designating the office for which candidates are to be nominated at the primary, and state the time, date, and the place where the primary election voting will be held.

The Commission *shall*, within ten (10) days after transmitting the notice to the municipal mayors, cause notice of the primary to be posted in three (3) conspicuous public places in each of the municipal districts of Guam, and to be published *at least* three (3) times in a newspaper of general circulation in Guam. The notice *shall* state the time, date, and place where the primary election voting will be held, together with the offices for which candidates are to be nominated and elected.

§ 15203. Form of Nomination Papers. No candidate's name shall be printed upon any official ballot to be used at any primary election *unless* a nomination paper shall have been filed on his or her behalf and in his or her legal name, as provided in this Chapter in substantially the following form:

"**NOMINATING PETITION (PARTISAN)**

We, the undersigned, registered and qualified electors of Guam hereby nominate

_____

Print or type full name of candidate

as a candidate of the _____ party for the office of _____, to be voted for in the primary election to be held on the _____ day of _____, _____, and we declare that we have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

WARNING: Whoever knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his own is violating the provisions of the Guam Election Code.

Full Name: Date of Birth: Address: Signature: Date: Voting District:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

17. _____

18. _____

19. _____

20. _____

CIRCULATOR CERTIFICATION

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to the best of his or her knowledge and belief each signature is the genuine signature of the person purporting to sign the same, that the person was, at the time of signing, a registered and qualified voter of Guam, and that such elector was qualified to sign the petition.

_____

Print or type full name of circulator Signature of circulator

_____’

Address of Circulator Date ”

All nomination papers *shall* have substantially the above form written or printed thereon; provided, that those filed for an independent candidate may omit the words "of the _____ party." No signature shall be valid and counted *unless* it is written upon a sheet having this form printed thereon, which *shall* be provided by the Commission.

Nomination papers *shall not* be filed on behalf of any person for more than one (1) party or for more than one (1) office; nor shall nomination papers be filed on behalf of any person both as a party candidate and as an independent candidate.

§ 15204. Nomination Papers: Qualifications of Signers. No person shall sign the nomination papers of *more than* one (1) candidate for the same office, nor for more than the actual number of offices of one (1) class. Nomination papers *shall* be construed in this regard according to

priority of filing, and the name of any person appearing thereon *shall* be counted only so long as this provision is not violated, and not thereafter.

No name on any nominating petition shall be counted as valid unless the signer is an elector, qualified and registered to vote for the candidate at the next primary or general election.

§ 15205. Nomination Papers -- Number of Signers.

(a) No person shall be certified as a candidate for nomination *unless* the following number of qualified electors shall have signed a petition in favor of the candidate:

OFFICE	**NUMBER OF SIGNATURES REQUIRED**
Mayor	100
Vice Mayor	100
Senator	250
I Maga'låhen Guåhan and *I Segundu Na Maga'lahi*	500
Washington Representative	500

(b) When there are candidates for the mayoral or vice-mayoral positions in municipalities or districts that had *less than* one thousand (1,000) total votes cast in the prior election, the mayoral and vice-mayoral candidates in these jurisdictions *shall* acquire five percent (5%) of the qualified electors based from the prior election.

§ 15206. Time for Filing Nomination Papers; Fees. Nomination papers *shall* be filed with the Commission *at least* sixty (60) days but *not* earlier than one hundred thirty (130) days prior to the day for holding the primary. There *shall* be deposited with each nomination a fee of One Hundred Dollars ($100.00) on account of the expenses attending the holding of the primary, which *shall* be paid into the Treasury of Guam. Upon receipt

at the office of the Commission of a nomination of a candidate, the day, hour and minute when it was received *shall* be endorsed thereon.

§ 15207. Independent Candidates. Nomination papers may be filed on behalf of independent candidates. The papers *shall* be in the same form and signed in the same manner as in the case of party candidates**.**

§ 15208. Vacancies. In case of the death, withdrawal or disqualification of a nominee for *I Maga'låhen Guåhan* after a primary, the candidate for *I Segundu Na Maga'lahi* on the same slate *shall* thereupon become candidate for *I Maga'låhen Guåhan*, who *shall* then select the nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or disqualification of any nominee for *I Segundu Na Maga'lahi* after a primary, the nominee for *I Maga'låhen Guåhan* on the same slate *shall* select the nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or disqualification of any nominee for any other office after a primary, the vacancy so caused *shall* be filled by the nominee to such office receiving the next highest number of votes in the primary. In case of the death, withdrawal or disqualification of any candidate for office after an unopposed primary, the vacancy so caused *shall* be filled by the central committee of the party.

ARTICLE 3
BALLOTS

§ 15301. Form of Primary Election Ballot. Ballots used in the primary election *shall* be in the form prescribed by the Guam Election Commission and *shall* conform to the following minimum requirements:

(a) All candidates for all offices to be contested in the forthcoming general election *shall* appear on a primary ballot to be voted upon by registered voters in each voting district. A voting

district is each district within Guam as defined in Title 1 GCA § 403, *unless* otherwise provided in this Title. The Guam Election Commission *shall* print a ballot with the names of all qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all qualified candidates from the Democratic Party on the opposite side. This ballot format *shall* be used so as to limit voters to mark their ballots in only one (1) party for all offices in that primary election.

If there are qualified candidates who are not members of either the Republican Party or the Democratic Party, the Guam Election Commission *shall* reconfigure the ballot as necessary in order that candidates' names *shall* be placed on the ballot in three (3) or more columns with a separate column for each different recognized party, and a separate column for those non-affiliated. The Guam Election Commission *shall* limit voters to mark their ballots in *only* one (1) party or for non-affiliated candidates *only* for all offices in that primary election.

(b) Across the top of the ballot *shall* be printed the words "OFFICIAL PRIMARY ELECTION BALLOT" and the date of the primary election.

(c) Thereafter *shall* appear an explanation to the voter instructing him or her how to vote.

(d) There *shall* appear specific instructions in boldface type on each ballot that a voter may cast votes under one (1) party *only*; that if votes are cast for candidates of *more than* one (1) party for any office or nomination of offices appearing on the ballot, the entire

ballot *shall* be void. The instructions on the ballot *shall* clearly inform voters of the mandate herein.

(e) The ballot for each office for which party nominations are sought *shall* contain instructions to the voters as to the maximum number of candidates that may be selected for that office.

(f) The Guam Election Commission *shall* make accommodation for the voter to write in the name of a person or persons *not* otherwise appearing on the ballot, under each office being contested under each party heading.

(g) Should the Guam Election Commission adopt a ballot form using any mechanical, electro-mechanical, or electronic device to record the vote, or aid in recording the vote, the voter instruction and information required by this Section *shall* appear on the device in the place provided therefore, or otherwise *shall* be prominently displayed within the voting booth so as to be easily read by the voter.

ARTICLE 4
VOTING AND ASCERTAINING THE VOTING RESULTS

§ 15401. Persons Entitled to Vote; List of Electors.
§ 15402. Manner of Voting.
§ 15403. Challenging.
§ 15404. Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'lahi*; Other Offices; Primary Constituting Election to Office.
§ 15405. Validity of Ballot.

§ 15401. Persons Entitled to Vote; List of Electors. No person shall be entitled to vote at any primary *unless* he or she shall have registered as a duly qualified elector of Guam.

§ 15402. Manner of Voting. Any person desiring to vote at a primary *shall* state his or her full name and address to the election officials. If the person desiring to vote is *not* challenged, a precinct clerk *shall* issue to him or her *only* one (1) official primary ballot. The voter *shall* proceed to enter one (1) of the compartments provided and therein mark the ballot. The marked ballot *shall* immediately be placed in the ballot box provided. In addition, the provisions of Chapter 10 of this Title (Absent Voting) *shall* also apply to a primary election so as to permit voting by absentee ballot therein.

§ 15403. Challenging. Any person rightfully within the polling place may challenge the right of any other person requesting to vote. The challenge *shall* be on the grounds that the elector is *not* the person alleged to be, or that the elector is *not* entitled to vote on the grounds specified in §9118, Chapter 9 of this Title. No other or further challenge *shall* be allowed. The challenge *shall* be immediately considered and decided upon by the precinct board, a ruling of the majority thereof being final.

§ 15404. Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi*; Other Offices; Primary Constituting Election to Office.

(a) *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi* team receiving a plurality of votes cast for a partisan nomination *shall* be the party nominees for the general election. No *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi* team running in the independent column shall be eligible for general election ballot placement *unless* such team receives a minimum twenty percent (20%) of the total combined votes cast for the winning teams seeking partisan nomination.

(b) The winners in all other partisan primary contests *shall* be the candidates receiving the highest number of votes, *except* that no candidate running in the independent column shall be eligible for general election ballot placement *unless* he or she receives votes equal to *at least* ten percent (10%) of the total number of the valid ballots cast for the office for which he or she is a candidate.

(c) *Except* in the case of a gubernatorial team, if in any primary a candidate who has been certified as being nominated (i) submits to the Commission a written declination of his or her nomination, or (ii) dies, the Commission *shall* certify as nominated the person having the next highest number of votes in the same primary; provided, that the Commission determines that the addition of the newly certified candidate to the ballot *shall not* prevent the Commission from conducting the general election at the scheduled date and time. If the Commission in its discretion determines that time *does not* permit the addition of the new nominee to the ballot, the vacancy *shall* be filled as otherwise provided by law. In the case of the death of a nominee for *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhi*, the vacancy *shall* be filled as provided by law.

§ 15405. Validity of Ballot. All questions as to validity of a ballot cast at any primary election held under this Chapter *shall* be decided upon immediately, and the opinion of the majority of the Commission *shall* be final and binding, subject to review by the Superior Court of Guam.

ARTICLE 5
ELECTION CONTESTS

§ 15501. Petition to Contest.
§ 15502. Filing of Petition.
§ 15503. Summons.

§ 15504. Hearing and Judgment.

§ 15501. Petition to Contest. Any candidate directly interested, or any registered and qualified elector of any precinct, may file a petition in the Superior Court of Guam, setting forth any cause or causes why the decision of the Commission should be revised, corrected or changed.

§ 15502. Filing of Petition. The petition *shall* be filed in the Superior Court of Guam within seven (7) days following the primary election proposed to be contested.

§ 15503. Summons. The Clerk of the Superior Court *shall* issue a summon to the respondents named in the petition to appear before the Superior Court within five (5) days after thereof.

§ 15504. Hearing and Judgment. The Court *shall* hear the contest in a summary manner, and at the hearing, the Court *shall* cause the evidence to be reduced to writing, and *shall*, within eight (8) days following the return, give judgment, fully stating all findings of fact and of law. The judgment *shall* decide which candidate was nominated or elected, as the case may be, in the matter presented by the petition, and a certified copy of the judgment *shall* forthwith be served on the Commission, which *shall* place the name of the candidate declared to be nominated on the ballot for the forthcoming general election, and the judgment *shall* be conclusive of the right of the candidate so declared to be nominated.

CHAPTER 16

INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

Article 1. General Provisions.

Article 2. Initiative.

Article 3. Referendum.

Article 4. Legislative Submission.

Article 5. Arguments Concerning Initiative, Referendum or Legislative Submission Measures Submitted to Voters.
Article 6. Verification of Petitioners.

ARTICLE 1
GENERAL PROVISIONS

§ 16101. Legislative Intent.
§ 16102. Definitions.
§ 16103. Legislative Amendment: Limitations.
§ 16104. Summary of Proposed Initiative, Referendum or Legislative Submission: Fees.
§ 16105. Preparation of Ballot Title by Election Commission.
§ 16106. Designation of Measures by Title.

§ 16101. Legislative Intent. It is the intent of *I Liheslaturan Guåhan* that the people of Guam *shall* have the right to exercise the power of initiative and referendum with regard to legislative matters, and that *I Liheslaturan Guåhan shall* submit matters to the voters for approval or rejection.

§ 16102. Definitions. As used in this Chapter:

(a) *Initiative* is the power of the voters to propose statutes, and to adopt or reject them at the polls.

(b) *Referendum* is the power of the voters to initiate action to repeal existing statutes or parts of statutes, *except* statutes calling for elections or appropriations for usual current expenses of Guam.

(c) *Legislative Submission* means the power of the voters to approve or reject legislation which has been referred to them by *I Liheslatura* (the Legislature).

(d) *Measure* refers to the action proposed or question presented on the initiative, referendum or legislative submission.

§ 16103. Legislative Amendment: Limitations. *I Liheslatura* (the Legislature) may amend or repeal statutes enacted pursuant to legislative submission, but *I Liheslatura* (the Legislature) *may not,* within a period of two (2) years, amend or repeal a statute enacted pursuant to an initiative without voter approval, *unless* said statute provides for amendment or repeal without voter approval.

§ 16104. Summary of Proposed Initiative, Referendum or Legislative Submission: Fees.

(a) The proponents of any proposed initiative or referendum measure, prior to circulating any petition for signatures, *shall* submit a draft of the measure to the Election Commission with a request that it prepare a summary of the chief purposes and points of the proposed measure. The summary *shall not exceed* one hundred (100) words, and *shall* be a true and impartial summary of the measure.

(b) The Election Commission *shall* also, upon request of the Speaker of *I Liheslatura* (the Legislature), prepare a summary of each legislative submission measure to be submitted to the voters by *I Liheslatura* (the Legislature). The summary *shall not exceed* one hundred (100) words.

(c) The proponents of any initiative or referendum measure *shall*, at the time of submitting the draft of the measure to the Election Commission, pay a non-refundable fee of Two Hundred Dollars ($200.00) for the cost of preparing the measure for the ballot. No fee shall be charged for legislative submissions.

§ 16105. Preparation of Ballot Title by Election Commission. The Election Commission *shall* provide a ballot title for each initiative, referendum or legislative submission to be submitted to the voters within ten (10) days after the measure is certified for a position on the ballot, and publish said title once a week for three (3) consecutive weeks in a newspaper of general circulation on Guam. The ballot title may differ from the legislative or other title of the measure, and *shall* express the purpose of the measure in *not more than* one hundred (100) words. The Election Commission *shall* give a true and impartial statement of the purpose of the measure in such language that the ballot title *shall not* be an argument, or likely to create prejudice either for or against the measure.

§ 16106. Designation of Measures by Title. Each measure *shall* be designated on the ballot by the ballot title prepared by the Election Commission.

The ballot title given *shall* begin with the last two (2) digits of the election year, followed by the alphabet letter corresponding to the order in which it was submitted to the Election Commission.

ARTICLE 2

INITIATIVE

§ 16201. Initiative: Proposal of.
§ 16202. Same: Unrelated Subjects Prohibited.
§ 16203. Same: Failed Initiative.
§ 16204. Same: Commission Determination.
§ 16205. Same: Presentation of.
§ 16206. Same: Majority Required; Effective Date.
§ 16207. Same: Resolution of Conflicts.
§ 16208. Printing of Summary on Initiative Petition.
§ 16209. Initiative Petition: Forms; Certification.
§ 16210. Filing of Petitions.
§ 16211. Preservation of Filed Petitions.
§ 16212. Official Summary Date for Proposed Initiative; Time for Circulation and Filing of Petitions.
§ 16213. Number of Signatures Required to Place Initiative on Ballot.
§ 16214. Special Single-Site Elections.

§ 16201. Initiative: Proposal of. Initiative measures may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, with bona fide signatures of voters equal in number to ten percent (10%) of all registered voters as of the time the proposed initiative measure is submitted to the Election Commission prior to circulation. The proposed initiative measure *shall not exceed* five hundred (500) words.

§ 16202. Same: Unrelated Subjects Prohibited. An initiative measure embracing unrelated subjects *may not* be submitted to the voters.

§ 16203. Same: Failed Initiative. If an initiative measure is *not* approved by voters in any election, no initiative measure proposing a substantially similar or substantially related subject shall be submitted to voters for *at least* three (3) years after the date of such election.

§ 16204. Same: Commission Determination. The Guam Election Commission *shall* determine whether an initiative measure proposes a substantially similar or substantially related subject of a previously defeated measure prior to circulation of said measure.

§ 16205. Same: Presentation of. The Election Commission *shall* submit the initiative to the electors, after certification, at the next general election held *at least* ninety (90) days after it qualifies, or, in a Guam at-large special election held *at least* ninety (90) days after certification; provided, *however*, that *I Liheslaturan Guåhan* or *I Maga'låhen Guåhan* may call a special election for the purpose of having the electors vote on an initiative measure.

§ 16206. Same: Majority Required; Effective Date. An initiative *shall* be approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote in the special or general election at which the initiative was placed on the ballot. Any initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote at said election *shall* take effect sixty (60) days after the date on which the Commission certifies that the initiative has been passed.

§ 16207. Same: Resolution of Conflicts. If provisions of two (2) or more measures approved at the same election conflict, those provisions of the measure receiving the highest affirmative votes *shall* prevail.

§ 16208. Printing of Summary on Initiative Petition. Prior to the circulation of any proposed initiative measure, the proponents *shall* print

upon each page of the petition in Roman bold face type *not smaller than* twelve (12)-point font size, **"Initiative measure to be submitted directly to the voters."** Beneath that *shall* be printed the summary prepared by the Election Commission in the same size type. Across the top of each subsequent page *shall* be printed a short title *not to exceed* twenty (20) words describing the nature of the petition, and the subject to which it relates.

§ 16209. Initiative Petition: Forms; Certification.

(a) Each section of the initiative petition *shall* have a one (1)-inch column to the left of the place for printed names for use of the precinct board. Each petitioner signer *shall* sign next to his or her printed name and in the next place, print his or her place of residence (giving the street name and number if such exist, and mailing address) and Social Security or CI number.

(b) The number of signatures attached to each section of the petition *shall* be at the pleasure of the person soliciting signatures to the same. Any qualified voter of Guam *shall* be competent to solicit said signatures. The petition *shall* have attached thereto the affidavit of the person soliciting signatures to the same stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder *shall* be verified free of charge by any officer authorized to administer oaths. Petitions so verified *shall* be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified voters.

§ 16210. Filing of Petitions. Officers required by law to receive or file any initiative petition *shall not* receive or file any initiative which *does not* conform with the provisions of this Title.

§ 16211. Preservation of Filed Petitions. An officer receiving or filing any initiative petition *shall* preserve the petition for four (4) years, and may destroy the petition after four (4) years, *unless* it is in evidence in some action or proceeding then pending.

§ 16212. Official Summary Date for Proposed Initiative; Time for Circulation and Filing of Petitions. The date a summary of a proposed initiative measure is delivered or mailed by the Election Commission to the proponents is designated as the "official summary date" for the proposed initiative measure.

No petitions for a proposed initiative shall be circulated for signature *prior* to the official summary date. Petitions with signatures on a proposed initiative measure *shall* be filed with the Election Commission *no later than* one hundred twenty (120) days after the official summary date, and the Election Commission *shall not* accept petitions on the proposed initiative measure after that period.

§ 16213. Number of Signatures Required to Place Initiative on Ballot. The Election Commission *shall not* accept any petition on a proposed initiative measure *unless* it has been certified as provided in § 16209, and has met the qualifications provided for in § 16201 of this Chapter.

§ 16214. Special Single-Site Elections. For the purpose of submitting an initiative measure, a referendum, or any submission by *I Liheslatura* (the Legislature) to the electors, the Commission may, pursuant to a call by *I Maga'låhen Guåhan* or *I Liheslaturan Guåhan*, conduct a special election dealing *only* with such measures, referendums, or submissions during which election a single polling place *shall* be designated by the Commission. The single polling place may be the offices of the Guam Election Commission, or may be any other

site deemed appropriate and available to the Commission. The Commission may geographically alternate the voting site during the thirty (30)-day election period for the purpose of maximizing voter convenience; *provided*, that each alternate site is open for a period of *at least* six (6) consecutive days during the thirty (30)-day election period, and further provided, that each site be open to any registered voter in Guam who *has not* yet voted during the election period, regardless of the voter's place of residence or district of registration.

Registered voters may cast their ballots on the initiative measure at any time a designated polling place is open during a period of thirty (30) consecutive calendar days; provided, that the first day of the thirty (30)-day election period *shall* be *no less than* ninety (90) days after the certification of the initiative measure by the Commission or the enactment of a law placing an initiative measure before the voters of Guam; and provided further, that during the thirty (30)-day election period, the designated polling place *shall* be open to voters every day for a minimum of twelve (12) consecutive hours beginning at eight o'clock (8:00) a.m., *except* Sundays.

The Election Commission *may not* call such an election on its own initiative. *Only I Liheslaturan Guåhan* or *I Maga'låhen Guåhan* may call such an election for the purpose of having the electors vote on an initiative measure, referendum or any submission to the voters by *I Liheslaturan Guåhan*. Such election *may not* be held within ninety (90) days prior to any special or general election.

No counting of ballots shall commence until the termination of the thirty (30)-day election period as described in this Section. For elections as described in this Section, ballots may be counted by any reasonable methodology determined appropriate by the Commission, including manual counting; provided, that the counting of ballots *shall* commence *no sooner than* the close of the polling place on the final day of the election, and *no*

later than twenty-four (24) hours after the last day of the thirty (30)-day election period.

ARTICLE 3

REFERENDUM

§ 16301. Referendum: Proposal of.
§ 16302. Same: Unrelated Subjects Prohibited.
§ 16303. Same: Presentation of.
§ 16304. Heading of Referendum Petition.
§ 16305. Short Title on Referendum Petition.
§ 16306. Referendum Petition: Forms; Certification.
§ 16307. Filing of Petitions.
§ 16308. Preservation of Filed Petitions.
§ 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions.
§ 16310. Number of Signatures Required to Place Referendum on Ballot.
§ 16311. Referendum on Tax Increases Required.
§ 16312. Voter Approval Required on General Obligation Bonds and Certain Fees.

§ 16301. Referendum: Proposal of. A referendum measure may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, signed by voters equal in number to twenty percent (20%) of all votes counted for all candidates for *I Maga'låhen Guåhan* at the last preceding general election at which *I Maga'låhen Guåhan* was elected. The proposed referendum measure *shall not exceed* five hundred (500) words.

§ 16302. Same: Unrelated Subjects Prohibited. A referendum measure embracing unrelated subjects *may not* be submitted to the voters.

§ 16303. Same: Presentation of. The Election Commission *shall* submit the referendum to the electors, after certification, at the next general

election held *at least* ninety (90) days after it qualifies, or, in a Guam at-large special election held *at least* ninety (90) days after certification; provided, *however*, that *I Maga'låhen Guåhan* or *I Liheslaturan Guåhan* may call a special election for the purpose of having the voters vote on a referendum measure.

§ 16304. Heading of Referendum Petition.

(a) Across the top of each page of a referendum petition, there *shall* be printed in twelve (12)-point font size Roman bold face type the following:

"REFERENDUM AGAINST AN ACT
PASSED BY THE LEGISLATURE"

(b) The summary prepared by the Election Commission *shall* be printed beneath the title in the same type style.

§ 16305. Short Title on Referendum Petition. Across the top of each page after the first page of every referendum petition which is prepared and circulated, there *shall* be printed a short title, *not to exceed* twenty (20) words, describing the nature of the petition and the subject to which it relates.

§ 16306. Referendum Petition: Forms; Certification.

(a) Each section of the referendum petition *shall* have a one (1) inch column to the left of the place for printed names for use of the precinct board. Each petition signer *shall* sign next to his or her printed name, and in the next place, print his or her place of residence (giving the number and street name if such exist, and mailing address) and Social Security or CI number.

(b) The number of signatures attached to each section of the petition *shall* be at the pleasure of the person soliciting signatures to the

same. Any qualified voter of Guam *shall* be competent to solicit said signatures. The petition *shall* have attached thereto the affidavit of the person soliciting signatures to the same, stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder *shall* be verified free of charge by any officer authorized to administer oaths. Such petitions so verified *shall* be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors.

§ 16307. Filing of Petitions. Officers required by law to receive or file any referendum petition *shall not* receive or file any referendum petition which *does not* conform with the provisions of this Title.

§ 16308. Preservation of Filed Petitions. An officer receiving or filing any referendum petition *shall* preserve the petition for four (4) years and may destroy the petition after four (4) years, *unless* it is in evidence in some action or proceeding then pending.

§ 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions. The date a summary of a proposed referendum measure is delivered or mailed by the Election Commission to the proponents is designated as the "official summary date" for the proposed referendum measure.

No petitions for a proposed referendum measure shall be circulated for signature *prior* to the official summary date. Petitions with signatures on a proposed referendum measure *shall* be filed with the Election Commission *not later than* ninety (90) days after the official summary date, and the

Election Commission *shall not* accept petitions on the proposed referendum measure after that period.

§ 16310. Number of Signatures Required to Place Referendum on Ballot. The Election Commission *shall not* accept any petition on a proposed referendum measure *unless* it has been certified, as provided in § 16306, and has met the qualifications provided for by § 16301 of this Chapter.

§ 16311. Referendum on Tax Increases Required. Notwithstanding any other provision of law, no increase in real property tax, liquid fuel tax, business privilege tax or any locally enacted and administered tax on Guam shall go into effect without the approval of the voters of Guam in a referendum held during a general election. The manner in which a proposed tax increase shall be placed in referendum before the voters of Guam pursuant to this Section *shall* be as follows:

(a) *I Liheslaturan Guåhan* must pass, in bill form, a proposed tax increase, the effective date to be thirty (30) days after ratification by the voters of Guam in a referendum, such ratification to be certified by the Guam Election Commission. The bill must detail the amount and nature of the proposed increase and the purpose to which such proposed increase shall be applied.

(b) *No more than* ten (10) days after the bill is enacted into law, the full text of the law *shall* be transmitted to the Guam Election Commission by the Legislative Secretary of *I Liheslaturan Guåhan*. The Guam Election Commission *shall* place before the voters of Guam the question of whether the voters approve or disapprove of the proposed tax increase at the next General Election; provided, that the date of transmittal of the proposed tax increase from *I Liheslaturan*

Guåhan to the Guam Election Commission is *at least* ninety (90) days *prior* to the date of the next General Election.

(c) The Guam Election Commission *shall* cause to appear in a daily periodical of mass publication on Guam a full text of the proposed tax increase to be submitted to the voters in referendum pursuant to this Section, at a date *no less than* thirty (30) days prior to the General Election during which the referendum shall be held. *I Liheslaturan Guåhan shall* make such provisions as are deemed necessary to provide the public with information necessary to arrive at an informed position with respect to the proposal.

(d) Any submission to the voters made pursuant to this Section *shall* be treated as an initiative for the purpose of determining the number of votes needed to ratify a proposal placed before the voters pursuant to this Section.

This Section *shall not* be interpreted as requiring voter ratification of a tax imposed by the government of the United States of America, provided that this Section *shall* apply upon de-linkage of the Guam income tax from the Federal Internal Revenue Code.

§ 16312. Voter Approval Required on General Obligation Bonds and Certain Fees. The provisions of § 16311 of this Article and Chapter *shall* apply in the case of any general obligation bond of the government of Guam in excess of Twenty-Five Million Dollars ($25,000,000), as well as in the case of the creation of any new fee for service proposed to be established in such cases where the fee is for a service already provided by the government of Guam *prior* to the establishment of the new fee, and where such service was previously funded through other revenues.

ARTICLE 4

LEGISLATIVE SUBMISSION

§ 16401. Number of Legislative Votes Necessary for Legislature's Submission.

§ 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature).

§ 16401. Number of Legislative Votes Necessary for Legislature's Submission. No measure shall be submitted to the voters by *I Liheslaturan Guåhan unless* it shall have been adopted by a majority of affirmative votes of all the Members.

§ 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature). A majority of the valid votes cast thereon *shall* be necessary for the approval of any legislative submission placed on the ballot by *I Liheslatura* (the Legislature).

ARTICLE 5

ARGUMENTS CONCERNING INITIATIVE, REFERENDUM OR LEGISLATIVE SUBMISSION MEASURES SUBMITTED TO VOTERS

§ 16501. Draft of Argument Favoring Measure.
§ 16502. Draft of Argument Opposing Measure.
§ 16503. Submission of Drafts to Election Commission; Amendment.
§ 16504. Filing of Voter's Argument for Initiative or Referendum.
§ 16505. Priorities in Selection of Argument.
§ 16506. Signatures on Arguments.
§ 16507. Analysis of Measure.
§ 16508. Printing of Ballot Pamphlet.
§ 16509. Contents of Pamphlet.
§ 16510 Defect in Pamphlet.
§ 16511. Format of Pamphlet.
§ 16512. Mailing of Ballot Pamphlet.
§ 16513. Rules and Regulations.
§ 16514. Reenactment of Chapter.

§ 16501. Draft of Argument Favoring Measure.

(a) Whenever *I Liheslatura* (the Legislature) submits any measure to the voters, the author of the measure and one (1) Member of *I Liheslatura* (the Legislature) who voted with the majority for the submission of the measure *shall* be appointed by the Speaker to draft an argument for the adoption of the measure. This argument *shall not exceed* five hundred (500) words in length.

(b) If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be

written but the combined length of the two (2) arguments *shall not exceed* five hundred (500) words.

§ 16502. Draft of Argument Opposing Measure. If a measure to be submitted to the voters by *I Liheslatura* (the Legislature) was *not* adopted unanimously, one (1) Member who voted against it *shall* be appointed by the Speaker, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The opposing argument *shall not exceed* five hundred (500) words in length.

§ 16503. Submission of Drafts to Election Commission; Amendment. Arguments prepared by legislators appointed by the Speaker *shall* be submitted to the Election Commission within forty-five (45) days after the adoption of the legislative submission measure by *I Liheslaturan Guåhan*. If the arguments are *not* submitted within forty-five (45) days, the measure *shall not* be submitted to the voters.

§ 16504. Filing of Voter's Argument for Initiative or Referendum. Any voter or group of voters may, *no less than* forty-five (45) days prior to the election at which the measure is to be presented to the voters, prepare and file with the Election Commission an argument for or against any initiative or referendum measure or legislative submission. The argument *shall not exceed* five hundred (500) words in length.

§ 16505. Priorities in Selection of Argument. If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the Election Commission *shall* select one (1) of the arguments for printing in the ballot pamphlets. In selecting the argument, the Election Commission *shall* give preference and priority in the order named to the arguments of the following:

(a) in the case of a legislative submission, Members of *I Liheslatura* (the Legislature);

(b) bona fide associations of citizens; and

(c) individual voters.

§ 16506. Signatures on Arguments. *No more than* three (3) signatures *shall* appear with any argument printed in the ballot pamphlet. If any argument is signed by more than three (3) persons, the signature of the first three (3) *shall* be printed.

§ 16507. Analysis of Measure. Whenever any measure qualifies for a place on the ballot, the Election Commission *shall* prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The analysis *shall* be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis *shall not exceed* five hundred (500) words, *except* with the approval of the Election Commission.

§ 16508. Printing of Ballot Pamphlets. The Election Commission *shall* cause to be printed one and one-tenth (1 1/10) times as many ballot pamphlets as there are registered voters.

§ 16509. Contents of Pamphlet. The ballot pamphlets *shall* contain:

(a) a complete copy of any measure submitted to the voters by:

(1) *I Liheslaturan Guåhan*; or

(2) by initiative or referendum petition;

(b) a copy of the specific statutory provision, if any, proposed to be affected;

(c) a copy of the arguments for and against the measure as provided for in this Chapter; and

(d) the analysis and ballot title provided for in this Chapter.

§ 16510. Defect in Pamphlet. Any defect in the ballot pamphlet *shall not* cause a delay in the election or be grounds to invalidate the election.

§ 16511. Format of Pamphlet. The Election Commission *shall* prescribe the format of the ballot pamphlet subject to the conditions set forth in § 16507 and § 16509, and further subject to the condition that the required material be presented in a manner to facilitate full understanding of an issue.

§ 16512. Mailing of Ballot Pamphlet. Immediately after copies of the ballot pamphlet are available, the Election Commission *shall* deliver the following number of copies to the following:

(a) one (1) copy to each registered voter;

(b) one (1) copy to each village mayor;

(c) one (1) copy to each judge of the Superior Court; and

(d) one (1) copy to each Senator.

§ 16513. Rules and Regulations. Pursuant to its powers under Chapter 2 of this Title, the Election Commission *shall* promulgate the necessary administrative rules and procedures to effectuate the purposes of this Chapter.

§ 16514. Reenactment of Chapter. Chapter 16 of Title 3 of the Guam Code Annotated (this Chapter) is hereby *reenacted*. Such reenactment is to conform with 48 U.S.C. §1422a, as amended by Act of October 19, 1982, Public Law 97-357, Title I, §101, 96 Stat. 1705.

ARTICLE 6

VERIFICATION OF PETITIONERS

§ 16601. Verification of Petitioners.

§ 16602. Severability.

§ 16601. Verification of Petitioners. The Election Commission *shall* verify all petitioners for any initiative, referendum, or recall, to ensure that all persons are duly registered to vote in Guam. In order to facilitate the verification of petitioners, the Election Commission may promulgate rules allowing proponents to submit signed petitions to the Election Commission on a weekly basis.

§ 16602. Severability. If any part or parts of this Act are found to be inconsistent with the Constitution of the United States or the Organic Act of Guam, the remainder of the Act *shall* remain in force.

If the Organic Act is replaced by a popularly developed Constitution, this Act *shall* be deemed to be reenacted pursuant to said Constitution. If said Constitution contains provisions dealing with initiative, referendum and legislative submission which are inconsistent with the provisions of this Act, this Act *shall* be deemed to be amended to conform to the Constitutional provisions.

CHAPTER 17

ELECTION CAMPAIGN CONTRIBUTIONS & EXPENDITURES

§ 17101. Definitions.
§ 17102. Duties of Election Commission.
§ 17103. Filing of Reports.
§ 17104. Death of Candidate Prior to Filing Reports.
§ 17105. Death of Candidate After Submitting Final Report.
§ 17106. Registration.
§ 17107. Organizational Reports.
§ 17108. Campaign Treasurer.
§ 17109. Campaign Contributions in General.
§ 17110. Campaign Contributions: Restrictions Against Transfer.
§ 17111. Limit on Anonymous Contributions.
§ 17112. False Name.
§ 17113. Limitation on Amount of Contributions.
§ 17114. Campaign Expenditures: Authority Required.
§ 17115. Organizational Reports.
§ 17116. Preliminary Reports.
§ 17117. Registration and Taxation of Campaign Funds.
§ 17118. Final and Supplemental Reports.
§ 17119. Disposition of Funds.
§ 17120. Advertising.
§ 17121. Complaints and Investigation.
§ 17122. Administrative Fines; Relief.

§ 17101. Definitions. When used in this Chapter:

(a) *Advertisement* means:

(l) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate, which identifies a candidate directly or by implication, or which advocates or supports the nomination for election of the candidate, or advocates or supports his or her defeat; and

(2) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee, which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election, or which advocates or supports the passage or defeat of the question or issue.

(b) *Campaign treasurer* means a person appointed under §17108 of this Chapter, and, *unless* expressly indicated otherwise, includes deputy campaign treasurers.

(c) 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; and who:

(l) files nomination papers for an office for himself or herself, or, consents to have a declaration of nomination for an office filed on his or her behalf by five (5) voters as specified in § 6106 of this Title; or

(2) receives contributions in an aggregate amount of *more than* One Hundred Dollars ($100.00), or makes or incurs any expenditures to bring about his or her nomination for election, or election to office; or

(3) gives his or her consent for any other person to receive contributions or make expenditures to aid his or her nomination for election, or election to office.

(d) *Commission* means the Guam Election Commission.

(e) *Committee* means:

(l) any person who accepts a contribution or makes an expenditure for or against any individual candidate or group of candidates, person seeking nomination for election, or election to office, or political party, with the authorization of the candidate, person, or political party, or who accepts a contribution or makes an expenditure for or against any question or issue which is to appear on the ballot at the next applicable election;

(2) any person who raises or holds money or anything of value and who subsequently contributes the money or thing of value to, or make expenditures on behalf of an individual candidate, group of candidates, person, or political party; provided, that the term committee *shall not* include any person making a contribution or expenditure of his or her own funds or something of value originally acquired for his or her own use and *not* for the purpose of evading any provision of this Chapter.

(f) *Contribution* means:

(l) a gift, subscription, loan, advance, deposit of money or anything of value, or cancellation of a debt or legal obligation for the purpose of:

(A) influencing the nomination for election, or election of any person to office; or

(B) influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or

(C) use by any party for the purpose set out in Subsection (A) or (B) herein;

(2) the payment, by any person other than a candidate or committee, or compensation for the personal services of another person, which are rendered to the candidate or committee without charge or at an unreasonably low charge, a discount not offered to any other candidate or committee other than volunteer campaign services; or

(3) a contract, promise, or agreement to make a contribution; provided, that notwithstanding Subsections (l), (2), and (3) of this Subsection, the term *shall not* include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or

(4) notwithstanding Subsections (1) (2) and (3) herein, a candidate's expenditure of his or her personal funds in the pursuit of his or her campaign *shall not* be a contribution for the purpose of this Subsection.

(g) *Election* means any primary, general or special election for office, or for determining a question or issue provided by law.

(h) *Expenditure* means:

(l) any purchase or transfer of money, or anything of value; or promise or agreement to purchase or transfer money,

or anything of value; or payment incurred or made; or the use or consumption of a nonmonetary contribution for the purpose of:

(A) influencing the nomination for election, or election of any person seeking nomination for election, or election to office, whether or not the nomination papers have been filed by himself or herself or, on his or her behalf; or

(B) influencing the outcome of any question or issue which is to appear on the ballot at the next applicable election; or

(C) use by any political party for the purposes set out in Subsection (A) or (B) above;

(2) the payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for any of the purposes mentioned in Subsections (h)(l)(A), (B) or (C) of this Section; or

(3) the expenditure by a candidate of his or her own funds for the purposes set out in Subsections (h)(l)(A), (B) or (C) of this Section.

(i) *Newspaper* means a publication of general circulation issued once or more per month, which is written and published on Guam.

(j) *Office* means any elective public office, excluding federal elective offices.

(k) *Person* means an individual, partnership, committee, association, or organization.

(l) A *candidate* is directly opposed to another when the election of that other candidate could mean the non-election of the candidate in question.

§ 17102. Duties of Election Commission. The Election Commission *shall* supervise campaign contributions and expenditures, and its duties in regards to this Chapter *shall* include, but *not* be limited to, the following:

(a) to ascertain whether any candidate, committee, political party, or other person has failed to file a report required by this Chapter or has filed a substantially defective or deficient report, and to notify the person(s) that their failure to file or filing of a substantially defective or deficient report *shall* be corrected and explained, the correction or explanation to be submitted in writing to the Commission within a reasonable time after the notification of the deficiency or failure to file. The Election Commission *shall* make available a list of candidates, committees, and political parties who have failed to correct their deficiency within the time allowed by the Election Commission. Failure to properly respond to the notification *shall* constitute a violation of this Chapter;

(b) to develop and adopt reporting forms required by this Chapter;

(c) to preserve all reports required by this Chapter for *at least* five (5) years from the date of receipt;

(d) to permit the inspection, copying or duplicating of any report required by this Chapter pursuant to rules adopted by the Election Commission for such purpose; provided, that no information

or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) to investigate and hold public hearings for receiving evidence of any violations, and to summon witnesses before it;

(f) to request the initiation of prosecution for the violation of any requirements of this Chapter;

(g) to offer advisory opinions to interested persons regarding compliance with the requirements of this Chapter; and

(h) to issue fines for any violations of this Chapter. Any fines herein *shall* be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all fines *shall* be submitted quarterly to *I Maga'lahi* and *I Liheslaturan Guåhan.* Schedule of fines will follow the Administrative Adjudication Act.

§ 17103. Filing of Reports. All reports required to be filed by this Chapter by a candidate or committees supporting a candidate with his consent *shall* be certified as correct by the candidate. All reports required to be filed under this Chapter by a political party or any other committee *shall* be certified correct by the party, or committee treasurer, or the deputy treasurer, or the chairman, thereof, in that order. All reports required to be filed with the Election Commission *shall* be open for public inspection.

§ 17104. Death of Candidate Prior to Filing Reports. If a candidate dies prior to the filing of his or her final report, the campaign treasurer for the election committee of said candidate *shall* file a final report as required by § 17118. The treasurer *shall* note in the report that the candidate is deceased and that it will be the last report of the candidate's status, even if there is a deficit or a surplus.

§ 17105. Death of Candidate After Submitting Final Report. If a candidate passes away after a final report has been submitted to the Commission, but before a supplemental report is due regarding a deficit or surplus as provided in Subsections (c) and (d) of § 17118, the treasurer or authorized representative of the candidate *shall* file the supplemental report showing the status of the deficit or surplus and note therein that the candidate is deceased and no further reports shall be forthcoming.

§ 17106. Registration. Each candidate, committee, and political party *shall* file an organizational report *no later than* the earliest of the following applicable days:

(a) on or before the day of filing for nomination or election;

(b) by the tenth (10th) day after receiving any contributions for the next campaign in an aggregate amount of more than Two Hundred Fifty Dollars ($250.00) or the making or incurring of any expenditure for the next campaign in excess of Two Hundred Fifty Dollars ($250.00).

§ 17107. Organizational Reports.

(a) The organizational report *shall* include:

(l) the full name, address, office sought when known, and party affiliation of each candidate or individual whom the committee or party is supporting and the name and address of the committee or party;

(2) the full names and addresses of the campaign treasurer and deputies;

(3) the full names and addresses of the campaign chairman and deputy campaign chairman;

(4) a list of all banks, safety deposit boxes, or other depositories used and the applicable account numbers;

(5) the amount and date of deposit of the contributions and the name and address of each individual donor who has made a contribution of *more than* One Hundred Dollars ($100.00), *except* for funds and contributions which may be reported in the aggregate as indicated in § 17109(b); and

(6) in the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in Subsections (2) through (5) herein and a description of the question or issue.

(b) Any change in information submitted in the organizational report *other than* in Subsection (a) (5) above, *shall* be reported *no later than* the tenth (10th) day after the change or when the candidate, committee, party, or campaign treasurer, becomes aware of the change.

§ 17108. Campaign Treasurer.

(a) Every committee, political party, and candidate *shall* appoint a campaign treasurer on or before the day for filing an organizational report. *Up to* five (5) deputy campaign treasurers may be appointed. A candidate may appoint himself or herself as campaign treasurer.

(b) A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate *shall* promptly appoint a successor. During the period the office of campaign treasurer is vacant, the

candidate, committee chairman, or party chairman, whichever is applicable, *shall* serve as a campaign treasurer.

(c) Each campaign treasurer *shall* be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or political party appointing him.

§ 17109. Campaign Contributions in General.

(a) All monetary contributions *shall* be promptly deposited in a financial depository duly authorized to do business on Guam, such as a bank, savings and loan institution, industrial loan company, or similar financial institution, in the name of the candidate, committee, or political party, whichever is applicable.

(b) Each candidate, committee, or political party *shall* establish and maintain an itemized record showing the amount of each monetary contribution, the description and value of each nonmonetary contribution, and the name and address of each donor making a contribution of *more than* One Hundred Dollars ($100.00) in value, except funds and contributions which may be reported in the aggregate as indicated in § 17111(b).

(c) Each candidate and campaign treasurer *shall* report the amount and date of each contribution and the name and address of each donor who makes a contribution or contributions whose value is *more than* One Hundred Dollars ($100.00).

(d) No candidate, committee or party may accept a contribution of more than Two Hundred Fifty Dollars ($250.00) in cash from a single person without issuing a receipt to the donor and keeping a record of the transaction.

(e) Each candidate and political party *shall* disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

(f) For purposes of this Section, "earmarked funds" means contributions received by a committee or party on the condition that the funds be contributed to or expended *only* on certain candidates, issues, or questions.

§ 17110. Campaign Contributions: Restrictions Against Transfer.

(a) A candidate, campaign treasurer, or committee *shall not* receive any contribution, make any expenditure, or receive or make any transfer of money or anything of value;

(l) for any purpose other than those directly related to:

(A) in the case of the candidate, to his or her own campaign; provided, that no expenditure shall be made for the benefit of any personal property of any candidate; or

(B) in the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated; or

(2) to campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign treasurer or committee is directly associated, provided that a candidate, campaign treasurer, or committee may purchase from its campaign fund *not more than* two (2) tickets for each testimonial or fundraising affair held by another candidate, committee, or political party.

(b) This Section *shall not* be construed to prohibit a political party from supporting more than one (1) candidate, or to prohibit joint expenditure by two (2) or more candidates seeking election to multiple offices whether the expenditures are equally or unequally incurred among such candidates; provided, that the allocation of expenditures between the candidates is based upon reasonable objective standards. The political party or candidates, whichever is applicable, *shall* make the initial allocation between candidates. If the allocation is disallowed by the Commission, and the allocation of expenditures is *not* corrected as prescribed by the GEC, the allocation found *shall* presume to be a transfer of funds in violation of this Section.

§ 17111. Limit on Anonymous Contributions.

(a) No person shall make a contribution of his or her own money or property or money of another person of more than One Hundred Dollars ($100.00) to any candidate, political party or committee in connection with a nomination for election, or election, anonymously; nor shall any candidate, political party, or committee knowingly receive, accept, or retain the contribution or enter or cause the same to be entered in its accounts as an anonymous contribution or in another name than that of the person who made the contribution.

(b) This Chapter *shall not* apply to amounts that aggregate *less than* Two Hundred Fifty Dollars ($250.00) when obtained through multiple contributions made by ten (10) or more persons at the same event, nor shall it apply to money received from fund-raising or testimonial dinners, functions, food sales, raffles and fund-raising activities, the ticket or cost for which is *not more than* Twenty-Five Dollars ($25.00) per person or per ticket. Each such aggregate contribution *shall* be reported accompanied by a description of the means, method, place, and date of receipt.

(c) Any anonymous contributions received by a candidate, political party, or committee and *not* allowed by this Section *shall not* be used or expended, but *shall* be returned to the donor. If the donor cannot be identified, the contribution *shall* escheat to the government of Guam.

§ 17112. False Name. No person shall make any contributions of his own money or property or money of another person to any candidate, political party, or committee in connection with a nomination for election, or election, in any other name than the name of the person owning the money or who supplied the money or property. All contributions made in the name of a person other than the true or established name of the actual owner of the money or property *shall* escheat to the government of Guam.

§ 17113. Limitation on Amount of Contributions.

(a) No person shall make aggregate contributions in excess of One Thousand Dollars ($l,000.00) for any one (1) candidate in any calendar year for any primary election, and no person shall make aggregate contributions in excess of One Thousand Dollars ($1,000) for any one (1) candidate in any general or special election.

(b) It is unlawful for any bank or labor organization, whether or not authorized to do business on Guam, to make a contribution or expenditure in connection with any election to any political office, or in any primary election. A corporation, whether or not authorized to do business on Guam, may purchase *no more than* Five Hundred Dollars ($500.00) worth of tickets for each fundraising dinner or function for any political party or candidate, but *not to exceed* the aggregate contributions allowed under Subsection (a) of this Section. Such corporate contributions *shall* be reported to the Election Commission regardless of amount. Every bank, corporation, or labor organization which makes any contribution in violation of this Section

shall be fined *not more* than Five Thousand Dollars ($5,000.00), and every officer or director of any bank, corporation, or labor organization as the case may be, and any person who accepts or receives any contribution in violation of this Section, *shall* be fined *not more than* One Thousand Dollars ($l,000.00) or imprisoned *no more than* one (1) year, or both.

§ 17114. Campaign Expenditures: Authority Required.

(a) A candidate may draw on the campaign treasurer for expenditures related to his or her campaign or political activities. The candidate *shall* make a detailed accounting of his campaign expenditures and the accounting *shall* be made a part of the reports required in §§ 17116 and 17117 of this Chapter. The account *shall* state the amount and purpose of the expenditures and other information required by the Election Commission, and *shall* be signed and certified by the campaign treasurer.

(b) No funds shall be withdrawn or paid from a campaign depository *except* on the written authorization of the campaign treasurer.

§ 17115. Organizational Reports. The candidate, party, or committee, when signing any type of contract, *shall* provide the other party of the contract a copy of its organizational report, stamped by the Guam Election Commission. Failure to comply with this Section *shall* result in a fine of *not less than* One Thousand Dollars ($1,000.00) to both parties.

§ 17116. Preliminary Reports. Each candidate, or authorized person in the case of a political party, or campaign treasurer in the case of a committee, *shall* file a preliminary report with the Election Commission on forms provided by the Election Commission *not later than* the tenth (10th) day prior to each election or primary, as the case may be. The report *shall* be certified pursuant to § 17103 of this Chapter and *shall* contain the following

information, which is to be current through the fifteenth (15th) calendar day prior to the election or primary:

(a) the aggregate sum of all contributions received;

(b) the amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than One Hundred Dollars ($100.00);

(c) all expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and

(d) a current statement of the balance on hand or deficit.

§ 17117. Registration and Taxation of Campaign Funds. Any political candidate, committee, or party, which raises contributions or other things of value for campaign or political purposes, *shall not* be required to register with the Department of Revenue and Taxation nor file any tax returns with the Department of Revenue and Taxation *unless* liable for the Territorial Income Tax. There shall be no business privilege tax imposed on campaign contributions or money or things of value raised from fund-raising activities if later reported to the Election Commission, whether or not required to do so under any provision of this Title.

§ 17118. Final and Supplemental Reports.

(a) Each candidate whether or not successful in a primary or special primary election, or authorized person in the case of a party, or campaign treasurer in the case of a committee, *shall* file a final primary report *not later than* the tenth (10th) day after the primary or special primary election, certified pursuant to § 17103 of this Chapter. The report *shall* include:

(l) a statement of the total contributions received;

(2) the amount and date of deposit of the contribution, and the name and address of each donor who contributes more than One Hundred Dollars ($100.00); and

(3) a statement of all expenditures made or incurred by or for a candidate, including the name of each payee and the amount, date, and purpose of each expenditure.

(b) Each candidate, or authorized person in the case of a committee, *shall* file a final general report with the Election Commission *not later than* the twentieth (20th) day after a general or special election, certified pursuant to § 17103 of this Chapter, and reporting all items prescribed in Subsection (a) of this Section. A candidate who is unsuccessful in a primary or special primary election *need not* file a final general report.

(c) Deficit. In the event of a deficit, the candidate or authorized person in the case of a committee *shall*, every three (3) months until the deficit is eliminated, file a supplemental report, the first of which *shall* be due *not later than* sixty (60) days following the election.

(d) Surplus. In the event of a surplus, the candidate or authorized person in the case of a committee *shall*:

(l) maintain the cash surplus in a financial depository; and

(2) every six (6) months, until he or she becomes a candidate again, file supplemental reports reporting all items prescribed in Subsection (a) of this Section. The first report *shall* be due *not later than* sixty (60) days after the election.

(e) A candidate, party, or committee that receives *no* contributions or makes *no* expenditures *shall* nevertheless file preliminary, final, and supplemental reports as required by law.

§ 17119. Disposition of Funds.

(a) All candidates who withdraw or cease to be candidates, or committees directly associated with these candidates, or persons who receive contributions but fail to file for nomination, or committees or parties which discontinue their activities covered in this Chapter, *shall* return any residual contributions to the political party of the person or candidate or to the campaign committee of a person of the same party who is a candidate for the same office as the person who has ceased to receive contributions or to be a candidate.

(b) Upon dissolution, the candidate or campaign treasurer *shall* file a report with the Election Commission reporting the amounts distributed under this Section and the manner of disposition.

§ 17120. Advertising.

(a) No person shall cause or submit any advertisement in support of a candidate to be published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated and distributed, *except* under the following conditions:

(1) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated with the approval and authority of the candidate; provided, that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority *need not* be included; or

(2) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed,

canvassed or otherwise circulated without the approval and authority of the candidate.

(b) All advertisements mentioned in Subsection (a) above, and all other advertisements of a political nature, *shall* contain the true name and address of the candidate, committee, person or political party paying for same.

(c) In the case of video advertisements of a political nature for any medium, the advertisement *shall* contain an audio statement that identifies the candidate and states that the candidate either has approved the communication, or the communication is being circulated without the approval and authority of the candidate. Such statement *shall* be conveyed by the following:

(1) for approved communications, an unobscured, full-screen view of the candidate making the statement, or the candidate in voiceover, accompanied by a clearly identifiable photographic or similar image of the candidate; or

(2) for non-approved communications, a statement in voiceover that the communication is being circulated without the approval and authority of the candidate.

(d) In advertisements of a political nature, such approval or non-approval statement *shall* also appear in writing at the end of the communication in a clearly readable typeface, with a reasonable degree of color contrast between the background and the printed statement, for a period of *at least* four (4) seconds.

(e) Every person who willfully causes, produces, provides funding for, or assists in the production of a message of a political nature which the person knows to be incorrect or purposefully misleading and in which a

candidate, rather than an issue, is the target; or which is in violation of this §17120, *shall* be subject to a civil penalty of *not more than* Five Thousand Dollars ($5,000) per each separately produced message.

(f) The penalty herein *shall* be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all penalties *shall* be submitted quarterly to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan*.

§ 17121. Complaints and Investigation.

(a) Complaints of violations of this Chapter against any person *shall* be filed with the Election Commission. The complaint *shall* be in writing, signed under oath by the complainant, and *shall* be notarized.

(b) The Election Commission *shall* give notice of receipt of the complaint together with a copy of the complaint to the person cited and *shall* afford him or her an opportunity to address or otherwise respond to the complaint. The GEC may also cause an investigation to be made of the complaint, pursuant to §17102 of this Chapter.

(c) Upon hearing the response of the person cited, if he or she elects to respond to the complaint, and upon completion of any investigation, the Election Commission *shall* make a prompt determination as to whether probable cause exists that a violation has been committed.

(l) Any person who appears before the Election Commission *shall* have all of the rights, privileges, and responsibilities of a witness appearing before the courts of Guam, and *shall* testify under oath.

(2) The Election Commission *shall* cause a record to be made of all proceedings pursuant to this Subsection. At the conclusion of proceedings concerning an alleged violation or upon receiving a report from its investigating officer, the Election Commission *shall*

immediately begin deliberations and then proceed to determine by majority vote of the members whether probable cause exists that a violation has been committed.

(d) Until the determination of probable cause by the Election Commission, all proceedings, including the filing of the complaint, investigation, and hearing *shall* be confidential, *unless* the person complained against, requests an open session. In the event the Election Commission determines that probable cause does *not* exist, the complaint *shall* be dismissed and the entire records of the proceedings *shall* be kept confidential at the option of the person complained against.

(e) The Election Commission *shall* give written notice to the person complained against and to the complainant as to whether probable cause of a violation exists or whether the complaint has been dismissed.

(f) In the event a determination is made that probable cause of an unintentional violation exists, the Election Commission *shall* issue a confidential order that may require the violator to:

(l) temporarily cease and desist violation of this Chapter;

(2) file a report, statement, or other information as required by this Subsection; or

(3) pay any fines assessed by the Commission.

(g) The Commission *shall* refer matters to the Attorney General when it finds that probable cause of willful violation exists.

(h) Proof of payment of any fines assessed by the Commission *shall* be presented to the GEC within thirty (30) days of the assessment. The Guam Election Commission *shall* set fines for non-compliance with this Title, and the Public Official Financial Disclosure Act.

§ 17122. Administrative Fines; Relief.

(a) Any person willfully violating any provision of this Chapter *shall*, unless otherwise expressly stated, be punishable in the manner prescribed as follows:

(1) if a natural person, that person *shall* be guilty of a misdemeanor and *shall* be subject to fines and/or the penalties specified therefore; or

(2) if a corporation, organization or association, it *shall* be punishable by a fine *not exceeding* Ten Thousand Dollars ($10,000.00) per offense and the penalties specified therefore; and

(3) whenever a corporation, organization, or association violates this Chapter, the violation *shall* be deemed to be also that of the individual directors, officers or agents of the corporation, organization or association who have knowingly authorized, ordered or participated in any of the acts constituting the violation.

(b) any person may sue for injunctive relief to compel compliance with the Chapter.

CHAPTER 18

THE *CHAMORRO* REGISTRY

§ 18001. Definitions.

§ 18002. Affidavit of Registration.

§ 18003. Persons Entitled to Register or Be Registered.

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§ 18005. Same: Off-Island *Chamorros*.

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§ 18001. Definitions. For the purpose of this Title:

(a) *Chamorro shall* mean:

(1) all inhabitants of the Island of Guam on April 11, 1899, including those temporarily absent from the Island on that date and who were Spanish subjects; and

(2) all persons born on the Island of Guam *prior* to 1800, and their descendants, who resided on Guam on April 11, 1899, including those temporarily absent from the Island on that date, and their descendants;

(3) *descendant* means a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any *Chamorro* as defined above, and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.

§ 18002. Affidavit of Registration. No person shall be registered with the *Chamorro* Registry *except* by affidavit of registration made before the registration clerk of the district or municipality wherein such person resides, or before a registration clerk in the office of the Guam Election

Commission. The Commission *shall* prepare forms for the collection of data pertaining to registration eligibility, *Chamorro* family name, and residency. The Commission *shall* also require the submission of such additional information and proper documentation as will enable it to comply with this Chapter. The affidavit *shall* then be made in duplicate and *shall* set forth all the facts required to be set forth by this Title. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18003. Persons Entitled to Register or Be Registered. Every person who is *Chamorro*, as defined in § 18001 above, or who is descended from a *Chamorro* is entitled to register or, in the case of minors, be registered with the *Chamorro* Registry.

§ 18004. Same: Minors. Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to be registered with the *Chamorro* Registry, are considered minors and *shall* be registered by a parent or legal guardian. Such parent or guardian *shall* register such minor by affidavit of registration made before the registration of the district or municipality wherein such minor resides, or before a registration clerk in the office of the Commission. The Commission *shall* also require the submission of such additional information and proper documentation as will enable it to verify the relationship between parent/guardian and said minor and to comply with the rest of this Chapter. Any change of residency for such minor *shall* be reported to the Commission within thirty (30) days of such change.

§ 18005. Same: Off-Island *Chamorros*. Persons who are eligible under § 18003 of this Chapter to register with the *Chamorro* Registry, but who are *not* on Guam at such time as they intend to register, may complete and submit, via certified mail, a notarized affidavit of registration to the

Commission. Affidavits of registration *shall* be made available by the Commission. The Commission *shall* also require from such persons the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18006. Same: Minors. Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to register with the *Chamorro* Registry, but who are *not* on Guam at such time as they are to be registered, may be registered by a parent or legal guardian who *shall* complete and submit, via certified mail, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission *shall* require from such parent/guardian the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18007. Times for Registration. A person may register with the *Chamorro* Registry at any time during the year, *except* at such times when the Commission *shall* close the registration rolls for the purposes of conducting elections or plebiscites. At such times, the registration rolls *shall* be closed ten (10) days prior to such election or plebiscite.

§ 18008. Place of Registration. Registration for *Chamorros* with the *Chamorro* Registry *shall* be in progress at the main office of the Commission during such hours as the office is open for business, prior to any closing of the registration rolls. Upon enactment of this Act, the Commission *shall* deputize as many volunteers to serve as registration clerks in each of the villages, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons

with the *Chamorro* Registry. Such registration *shall* take place at each mayor's office or any other place within the village designated by the Commission. *Chamorros shall* also be able to register with the *Chamorro* Registry at such times and places within Guam as the Commission *shall* deem advisable and convenient, and the Commission *shall* deputize volunteers for such purposes as well.

§ 18009. Unlawful Registration as a Crime. Any person who willfully causes, procures, or allows himself or any person to be registered with the *Chamorro* Registry, while knowing that he or that other person is *not* entitled to register with the *Chamorro* Registry, is guilty of perjury as a misdemeanor. An individual who is guilty of submitting a false affidavit of registration with the *Chamorro* Registry *shall* have such affidavit of registration automatically revoked.

§ 18010. Permanence of Records. The registration of a *Chamorro* is permanent for all purposes. It *shall* be the duty of the Commission to issue to each registered *Chamorro* a card indicating that such person has been registered with the *Chamorro* Registry.

§ 18011. Qualification of Registration Clerks for the *Chamorro* Registry. The Commission may appoint any qualified adult as a registration clerk. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. Under no circumstances may a volunteer clerk deny registration to a person eligible to register or be registered with the *Chamorro* Registry.

§ 18012. Compensation for Registration Clerks.

§ 3111 of Chapter 3 of this Title applies.

§ 18013. Registration Clerks Empowered to Take Affidavits.

§ 3112 of Chapter 3 of this Title applies.

§ 18014. Registration Clerks Not to Charge Fees.

§ 3113 of Chapter 3 of this Title applies.

§ 18015. Return of Documents by Registration Clerks. All registration clerks *shall* return all affidavits of registration and all books or pads in their possession containing stubs, spoiled affidavits, or unused affidavit forms to the Commission, which *shall* file the original and copy of each affidavit separately in a securely locked container or storage space. The timetable for submission of documents by registration clerks and the organization of affidavits *shall* be determined by the Commission. The original affidavit of registration *shall* be kept, at all times, in the office of the Commission. The duplicates *shall* be bound in a suitable book or form.

§ 18016. Penalties for Acts or Omissions. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

(a) neglects or refuses to make all the entries provided for in this Title; or

(b) fails or neglects to comply with any provision of this Chapter.

§ 18017. Reports to the Attorney General. The Commission *shall* report to the Attorney General of Guam, under oath, the names of any registration clerk who has *not* complied with the provisions of this Chapter.

§ 18018. Costs to Registration Clerks.

§ 3117 of Chapter 3 of this Title applies.

§ 18019. Certified Copy of Registration as Evidence.

§ 3118 of Chapter 3 of this Title applies.

§ 18020. Report of Deaths.

§ 3122 of Chapter 3 of this Title applies.

§ 18021. Action to Compel Registration. If a registration clerk refuses to register any person eligible to register with the *Chamorro* Registry, such person may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such person may proceed by action in the Superior Court to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

§ 18022. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally. If the person whose registration is sought to be canceled is *not* a party to the action, the Court may order him to be made a party defendant. The Commission, and as many persons as there are causes of action against, may be joined as defendants.

§ 18023. Preservation of Registration Affidavits. The Commission *shall* preserve all uncanceled affidavits of registration, and the canceled duplicates, made for the purpose of procuring registration. The affidavits of registration *shall* constitute the *Chamorro* Registry required to be kept by the provisions of this Chapter.

§ 18024. Index of Registrations. The Commission *shall* prepare an index of the *Chamorro* Registry and provide sufficient copies thereof.

§ 18025. Index as Public Record; Fee. Upon written demand of any member of the public, the Commission *shall* furnish to him or her one (1) copy of the index of the *Chamorro* Registry at a charge prescribed by the Commission. All moneys so collected *shall* be covered into the Treasury of the government of Guam.

§ 18026. Establishment of *Chamorro* Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum. There is

hereby established a *Chamorro* Registry Advisory Board with the following provisions:

(a) There is within the government of Guam and under authority of the Guam Election Commission the *Chamorro* Registry Advisory Board. The Board *shall* consist of five (5) members, all of whom shall be *Chamorros*, as defined in § 18001 above. *I Maga'låhen Guåhan shall* appoint the five (5) members, who *shall* have the following qualifications:

(1) two (2) members who have had extensive work experience in the administration of a local *Chamorro* cultural agency or *Chamorro* cultural program;

(2) two (2) members who have had a strong background in *Chamorro* historical or genealogical work; and

(3) one (1) member who has a strong understanding of the issue of indigenous peoples, or has been extensively involved in the work towards the future exercise of *Chamorro* self-determination.

The members of the Board *shall* serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy *shall* be filled for the remainder of the term *only*, and by the method originally prescribed for its appointment. Every member of the Board who is not in the service of the government of Guam, for which he or she receives an annual compensation, shall be paid Twenty-Five Dollars ($25.00) for each attendance of a meeting upon his duties.

(b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (⅔) of the Members elected to *I Liheslatura* (the Legislature).

(c) The Advisory Board *shall* annually elect one (1) of its members as Chairperson. The Chairperson *shall* preside at all meetings of the Board.

(d) A majority of the members of the Board *shall* constitute a quorum. The vote of a majority of the Board *shall* be required to make any action of the Board effective. The Board *shall* promulgate all other rules and regulations as are necessary for its effective operation.

§ 18027. Same: Ex-officio and Nonvoting Members. The Executive Director of the Election Commission, the Chairperson of the Election Commission, the Executive Director of the Commission on Self-Determination, the Executive Director of the *Chamorro* Heritage Institute once established, and the Chairperson of the Committee on Federal and Foreign Affairs of *I Liheslatura* (the Legislature) *shall* serve as ex-officio members of the Board, but *shall not* be voting members thereof. The Executive Director of the Election Commission *shall* also serve as the ex-officio secretary for the Board.

§ 18028. Same: Duties and Responsibilities. The Board *shall* have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the *Chamorro* Registry. Where such duties overlap with duties relative to the conduct of elections, the Board *shall* make recommendations to the Commission relative to the supervision of said clerks, and the Commission *shall* have the final decision-making authority.

The Board *shall* recommend to the Commission the suspension from the performance of said duties any of said clerks who fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary

substitutes. Upon the recommendation of the Commission, *I Maga'låhen Guåhan* may remove any and all clerks who have been found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the *Chamorro* Registry.

§ 18029. Same: Provision of Forms. It *shall* be the responsibility of the Commission to provide all necessary forms as prescribed by the Board for the establishment of the *Chamorro* Registry.

§ 18030. Same: Informational Brochures. It *shall* be the responsibility of the Board to prepare and promulgate informational brochures providing basic information pertaining to the establishment of the *Chamorro* Registry, eligibility requirements, guidelines for registration, and any other such information as the Board shall deem necessary for the purposes of educating the general public. The content of the brochures *shall* be subject to approval by the Commission and by *I Maga'låhen Guåhan*. Such brochures *shall* be made available at the main office of the Commission, from registration clerks, and at other locations recommended by the Board and approved by the Commission.

§ 18031. Same: Powers of the Advisory Board. The Board *shall* have the power to summon the parties to a controversy pending before it, issue subpoenas *duces tecum* and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Board *shall* be tried, heard, and decided within fifteen (15) days counted from the time corresponding petition giving rise to said controversy is filed. If either party wishes to appeal the decision or ruling of the Board, appeal may be made to the Commission for further consideration of hearing. The Board *shall* have the power to certify to the Superior Court of Guam for contempt."

Section 3. The following references to Title 3 Guam Code Annotated are amended as follows:

(a) The reference in 5GCA §22435 (n) to 3GCA §17311, is hereby *amended* to read 3GCA §16311.

(b) The reference in 5GCA §22435 (n) to 3GCA § 17312, is hereby *amended* to read 3GCA §16312.

(c) The reference in 9GCA §82.15 to 3GCA §6105, is hereby *amended* to read 3 GCA §6103.

(d) The reference in 9GCA §82.15 to 3GCA §8129, is hereby *amended* to read 3 GCA §8104.

(e) The reference in 10GCA §51A842 to 3GCA §17311, is hereby *amended* to read 3GCA §16311.

(f) The reference in 10GCA §51A842 to 3GCA §17312, is hereby *amended* to read 3GCA §16312.

Section 4. The Attorney General of Guam *shall*, within thirty (30) calendar days from enactment hereof, transmit or cause to be transmitted, to the Speaker of *I Liheslaturan Guåhan*, a status report detailing the actions taken to resolve the administrative complaints submitted to his office by the Guam Election Commission in Exhibit A attached hereto.

Section 5. Amendment to Title 7 Guam Code Annotated. The last paragraph of Title 7 Guam Code Annotated §6101 is *repealed* and a *new* paragraph is *added* to read:

"The form of ballot for a Justice or Judge shall be determined as provided in Title 3 Guam Code Annotated, and shall meet the same criteria as other election ballots, including those for Voter Verified Paper Ballots."

Section 6. Severability. *If* any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

EXHIBIT A

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene O. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

_____
(Notary Signature)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN · GUAM

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

CABOT
MANTANONA LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

Attorneys for Defendants
Guam Election Commission, Joseph Mesa, Martha Ruth,
John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio,
and Robert Cruz

IN THE SUPERIOR COURT OF GUAM

CARLO J.N. BRANCH, Petitioner, vs. GUAM ELECTION COMMISSION, Joseph Mesa, Martha Ruth, John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio, and Robert Cruz, Defendants.	CIVIL CASE NO. CV123-11 **DECLARATION OF JOHN TAITANO**

I, **JOHN TAITANO,** do hereby declare and say as follows:

1. I have personal knowledge of the facts stated below and would so testify if called as a witness herein.

2. I am the Chairman of the Guam Election Commission ("GEC") Board of Directors, and a named Defendant in the above-captioned matter.

3. The GEC has duly retained Cabot Mantanona, LLP to act as legal counsel for the GEC with regard to litigation matters.

4. Cabot Mantanona, LLP represented the GEC as general legal counsel for more than ___ years.

5. Cabot Mantanona, LLP has represented the GEC in past cases heard by the Superior Court of Guam, the Supreme Court of Guam, and The District Court of Guam.

The foregoing is true and correct to the best of my knowledge and belief, under penalty of perjury under the laws of Guam, this Declaration being sworn and made in lieu of an affidavit pursuant to 6 GCA SS 4308 in the Municipality of Hagatna, Guam, this ____ day of _____, 2011.

_____
JOHN TAITANO, Chairman
Board of Directors
Guam Election Commission

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CABOT
MANTANONA LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

Attorneys for Defendants
Guam Election Commission, Joseph Mesa, Martha Ruth,
John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio,
and Robert Cruz

IN THE SUPERIOR COURT OF GUAM

CARLO J.N. BRANCH, Petitioner, vs. GUAM ELECTION COMMISSION, Joseph Mesa, Martha Ruth, John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio, and Robert Cruz, Defendants.	CIVIL CASE NO. CV123-11 **MEMORANDUM OF LAW** **RE: AUTHORITY TO ACT AS LEGAL COUNSEL FOR THE GUAM ELECTION COMMISSION**

COMES NOW Cabot Mantanona, LLP ("Cabot Mantanona") and respectfully requests that this Court recognize the authority of Cabot Mantanona to serve as legal counsel to the Guam Election Commission (GEC) without Appointment by the Attorney General of Guam as Special Assistant Attorney General.

A hearing was held in the above noted matter on April 6, 2011, and attended by Helkei Hemminger of Cabot Mantanona, counsel for the Defendants, and Gary Gumataotao, counsel for Plaintiff.

During the hearing, the court inquired whether Cabot Mantanona had been appointed Special Assistant Attorney General for the purposes of defending the Guam Election Commission ("GEC"). No such appointment has been made. The court advised that if Cabot Mantanona was not appointed as Special Assistant Attorney General, the case could not be heard.

It is true that the Attorney General of Guam has responsibility as counsel for most Government of Guam agencies. 5 GCA § 30109 outlines the duties of the Attorney General, including the responsibility to:

> (c) Conduct on behalf of the government of Guam all civil actions in which the government is an interested party; provided that those branches, departments or agencies which are authorized to employ their own legal counsel may use them instead of the Attorney General.

In the case of the GEC, however, the Guam Legislature has made special provision for the hiring of outside counsel. Pursuant to 3 GCA § 2103(b), regarding Election Commissions duties and responsibilities:

> The Board may retain an attorney who shall be admitted to practice before the courts of Guam, who shall advise the Board and its executive officer on <u>all</u> legal matters pertaining to the Commission. The designated counsel shall represent the Commission <u>in litigation</u> in which the Commission is interested or involved. (emphasis added)

Cabot Mantanona submits that it is already authorized to represent the Guam Election Commission, pursuant to its contractual relationship with the GEC, wherein the GEC has designated Cabot Mantanona as its legal counsel. See Declaration of John Taitano, Chairman of the Guam Election Commission's Board of Directors, attached hereto as Exhibit "A". Consistent with that relationship, Cabot Mantanona respectfully

requests that the court hear this case, and allow Cabot Mantanona to continue to serve as counsel for the GEC in this matter without appointment by the Attorney General of Guam as Special Assistant Attorney General.

Respectfully submitted this ____ day of _____, 2011.

CABOT MANTANONA, LLP

By: _____
CESAR C. CABOT

m:\dave g\guamelectioncommission\110609 - gec v branch - memorandum of law re spaag.docx

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 1 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo J.
Address: 107 Thomas Street
City: Tamuning State: Guam Zip Code: 96913
Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: —

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
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- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ■ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ■ Other Federal Law Violation: Observed casting of fraudulent vote
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

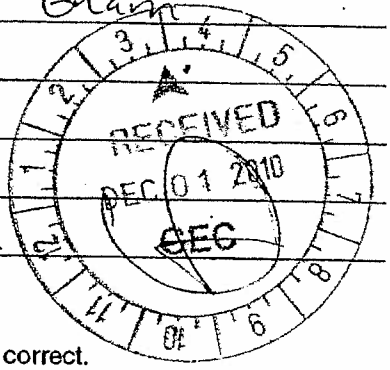
Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

– SEE ATTACHMENT –
"19 Double Voters in Guam and CNMI"



Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 12/1/10 (Date) at: Hagatna (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: December 1, 2010 (Date) before me, David P. Chargualaf Jr. (Name of Notary)

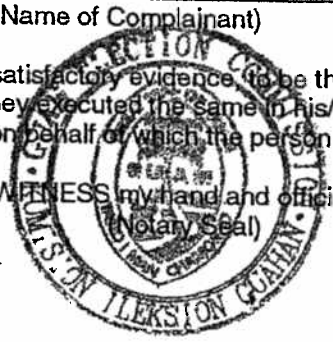
personally appeared Carlo Jude D. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____ (Notary Signature)

(Notary Seal)



Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

CNMI GUAM DOUBLE VOTERS

Name	Reg.No	DOB
1. Atalig Cliff M.	1221	3/14/1982
2.Atalig Laralyn C.	17388	7/23/1987
3. Atalig Thmas A.G	3190	1/11/1969
4.Camacho Agnes	3815	8/9/1950
5.Douglas Downna M.	3930	11/21/1971
6.Hocog Rhea B.	35439	11/16/1984
7. Lizama Jesus T.	59434	9/7/1946
8. Lizama Richard T.	19075	10/25/1954
9. Manglona Richard	4011	1/9/1988
10. Manglona Teresita M.	116942	5/17/1968
11.Manglona Zena C.	9797	3/26/1969
12. Montano Catherine V	17562	2/12/1988
13.Ogo Joaquin M.	30505	3/1/1962
14. Ogo Serevina A.	27925	11/17/1953
15. Ogo Shawn W.	1552	11/25/1972
16. Ogo Talia Meshay A.	19450	6/15/1989
17. Palacios Francisco E.	35418	8/25/1987
18. Sievers Sharon R.	58120	8/5/1985
19. Tenorio Tricia Lynn T.	19599	8/3/1972

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DEC 01 2010
GEC

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
2	Atalig	Laralyn C.	7/23/1987	17388	15	0	7 - Rota	0
3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
5	Douglas	Downna M.	11/21/1971	3930	14	0	1B - San Vicente	√
6	Hocog	Rhea B.	11/16/1984	35439	11A	0	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	12	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	11A	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
16	Ogo	Talia Meshay A	6/15/1989	19450	15B	0	7 - Rota	√
17	Palacios	Francisco E.	8/25/1987	35418	11A	0	1C - Koblerville	√
18	Seivers	Sharon R.	8/5/1985	58120	7A	0		
19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

Please note the following are the differences between the GEC and the list that Mr. Branch provided

	GEC	**Mr. Branch**
	Atalig, Thomas A.G.	Atalig Thmas A.G.
	Seivers, Sharon R.	Sievers, Sharon R.

Maria Pangelinan

From: Robert A. Guerrero [raguerrero@hotmail.com]
Sent: Monday, December 12, 2011 1:02 PM
To: Maria Pangelinan-GEC
Subject: FW: Request for Assistance
Attachments: Ltr to GEC.Ref. Alleged Names.pdf

Please see attached.

Robert A. Guerrero
Executive Director
Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

PRIVILEGED AND CONFIDENTIAL
This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and may contain confidential information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify the sender immediately, via E-mail, and promptly delete the original message.

From: raguerrero@hotmail.com
To: john.blas@gec.guam.gov
CC: francessablan@gmail.com; mhasselshearer@gmail.com
Subject: RE: Request for Assistance
Date: Mon, 20 Dec 2010 09:45:47 +1000

John:

Attached is the listing that you requested. Please let me know if there's more information that you may need.

Thanks,

Bob

Robert A. Guerrero
Executive Director

Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

PRIVILEGED AND CONFIDENTIAL
This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and may contain confidential information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify the sender immediately, via E-mail, and promptly delete the original message.

Date: Thu, 16 Dec 2010 12:28:42 +1000
Subject: Request for Assistance
From: john.blas@gec.guam.gov
To: raguerrero@hotmail.com

Hafa Adai Mr. Guerrero,

I sent you a fax about 5 minutes ago. I am requesting your assistance in verifying if the 19 names on my fax transmittal are registered voters in the CNMI, and if in fact they voted in your General Election. An Administrative Complaint has been filed with the GEC alleging that these 19 individuals are registered both in the CNMI and Guam, and that these individuals have voted in the CNMI and Guam General Elections. We have verified that the 19 individuals on the list are on the Guam Voter Registration List (please see attached). The Guam ELection Commission is investigating this complaint and I am seeking your assistance. Thank you for your assistance and I look forward to your expeditious response.

John

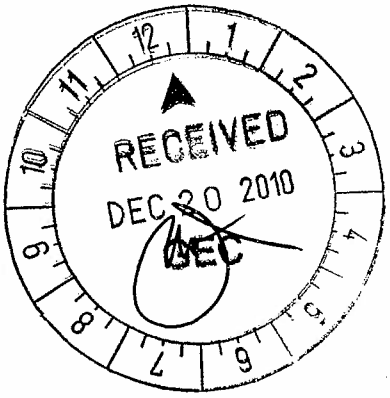
--

John F. Blas
Executive Director
Guam Election Commission
Tel: (671) 477-9791-4
Fax: (671) 477-1895
Email: director@gec.guam.gov

Website: www.gec.guam.gov

Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, foward or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply e-mail to director@gec.guam.gov, and delete the message.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH ELECTION COMMISSION



December 20, 2010

Mr. John F. Blas
P.O. Box BG
Hagatna GU 96932

Re: Certification of Registration Listing

Dear Mr. Blas:

This is in response to your email regarding the 19 names that are allegedly registered both in the CNMI and Guam. We have verified the names on our official listing and have listed their status based on the information you provided and requested. Of the 19 that you'd requested, we would need additional information, such as middle initials and date of births, for 5 of those individuals as we have multiple listing of those names and would need more information to identify them. Once you have provided us with that information, we can complete the listing based on your request.

Please refer to the attached document for the listing and information requested. I hope we have address all your concern, but should need more information or have any questions, please do not hesitate to let us know.

Sincerely,

ROBERT A. GUERRERO
Executive Director

attachment

cc: Commissioners
CEC Legal Counsel

P.O. Box 500470, Saipan, MP 96950-0470
Tel: (670) 664-8683(VOTE) Fax: (670) 664-8689
Web Page: http:www.votecnmi.gov.mp/



Verified List of CNMI/Guam Double Voters

Voter's Name	Date of Birth	Election District Registered	2010 Gen. Election
1. Atalig, Cliff M.	Mar. 14, '82	7- Rota	Yes
2. Atalig, Laralyn C.	Jul. 23, '87	7-Rota	No
3. Atalig, Thomas A.G.	Jan. 11, '69	7-Rota	No
4. Camacho, Agnes	Aug. 9, '50	7-Rota	Yes
5. Douglas, Downna M.	Nov. 21, '71	1B-San Vicente	Yes
6. Hocog, Rhea B.	Nov. 6, '84	7-Rota	Yes
7. Lizama, Jesus T.	Sept. 7, '46	3B-Garapan	Yes
8. Lizama, Richard T.	Oct. 25, '54	1B-San Vicente	No
9. Manglona, Richard	***Need Middle Name/Initial & Date of Birth***		
10. Manglona, Teresita	***Need Middle Name/Initial & Date of Birth***		
11. Manglona, Zena	Mar. 26, '69	7-Rota	No
12. Montano, Catherine V.	Feb. 12, '88	2-Chalan Kanoa	No
13. Ogo, Joaquin M.	Mar. 1, '62	7-Rota	No
14. Ogo, Severina A.	Nov. 17, '53	7-Rota	Yes
15. Ogo, Shawn W.	***Need Middle Name/Initial & Date of Birth***		
16. Ogo, Talia Neshay Atalig	June 15, '89	7-Rota	Yes
17. Palacios, Francisco	***Need Middle Name/Initial & Date of Birth***		
18. Sievers, Sharon R.	***Need Middle Name/Initial & Date of Birth***		
19. Tenorio, Tricia Lynn T.	Aug. 3, '72	5-Kagman	Yes



November 30, 2010

Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Dear Mr. Blas,

This correspondence is sent to formally notify you of my transmittal of the attached to the following:

1. Eric H Holder, Jr. Attorney General of the United States
2. Marivic David Asst. US Attorney for Guam
3. John M. Weisenberger Attorney General of Guam

Sincerely,

Carlo J.N. Branch

Attachments:

1. Letters of Criminal Complaint
2. List of CNMI/Guam Double Voters

November 30, 2010

Eric H. Holder, Jr.
Attorney General of the United States
US Department of Justice
950, Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Holder,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

Given my limited resources as an individual citizen I remain concerned that the number of "fraudulent voters" referenced above may represent only a small fraction of a much larger whole. I fear that without the pursuit of rationally based criminal charges against the named individuals I have attached hereto, everyday citizens may never fully understand the impact of double voters on this year's election. Absent the full weight of your Office, Guam's voters may be robbed of an election that is fair, accurate, and free of undue influence from outside forces.

Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

November 30, 2010

Ms. Marivic David, Asst. US Attorney
Office of the Asst. US Attorney for Guam
Suite 500, Sirena Plaza
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear Attorney David,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

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Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

US Attorney's Office
Districts of Guam & NMI
NOV 30 2010 1:05 pm
Receiving name
Date keyed in Dbase
Keyed into Dbase by:

November 30, 2010

John M. Weisenberger
Attorney General of Guam
287 West O'Brien Drive
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Weisenberger,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

Given my limited resources as an individual citizen I remain concerned that the number of "fraudulent voters" referenced above may represent only a small fraction of a much larger whole. I fear that without the pursuit of rationally based criminal charges against the named individuals I have attached hereto, everyday citizens may never fully understand the impact of double voters on this year's election. Absent the full weight of your Office, Guam's voters may be robbed of an election that is fair, accurate, and free of undue influence from outside forces.

Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

RECEIVED
NOV 30 2010
1:10PM
Office of the Attorney General of Guam
Civil/Solicitor Division

Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and may contain confidential information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify the sender immediately, via E-mail, and promptly delete the original message.

Date: Sun, 26 Dec 2010 10:13:54 +1000
Subject: Re: CNMI/Guam Registered Voters
From: john.blas@gec.guam.gov
To: raguerrero@hotmail.com

Hi Bob,

I opened up the attachment that I sent you previously and Pg 2 was attached to my email. Below is the list. The **GU** in front of the names is from our voter registration list. Thank you for your kind ssistance during this holiday season.

John

List of CNMI/Guam Alleged Dual Voter Registrations

Based on the research of the GEC, the four (4) individuals listed below require further collaboration with the Commonwealth Election Commission due to multiple variations of the *alleged* name.

No.	Name	DOB	CNMI Registration District	CNMI 2010 GE Participation	Guam Registration Precinct	Guam 2010 GE Participation
9	Manglona, Richard					
GU	Manglona, Richard R.C.	1/9/88			14A (MTM)	Yes
GU	Manglona, Richard R.	10/14/66			15B (Barrigada)	Yes
10	Manglona, Teresita					
GU	Manglona, Teresita M.	5/17/68			14A (MTM)	Yes
15	Ogo, Shawn W.					
GU	Ogo, Shawn W.	11/25/72			10A (Yona)	Yes
17	Palacios, Francisco					
GU	Palacios, Francisco E.	8/25/87			11A (Chalan	No

No.	Name	DOB	CNMI Registration District	CNMI 2010 GE Participation	Guam Registration Precinct	Guam 2010 GE Participation
9	Manglona, Richard					
GU	**Manglona, Richard R.C.**	**1/9/88**	**7-Rota**	**Yes**	**14A (MTM)**	**Yes**
GU	Manglona, Richard R.	10/14/66			15B (Barrigada)	Yes
10	Manglona, Teresita					
GU	**Manglona, Teresita M.**	**5/17/68**	**6-Tinian**	**Yes**	**14A (MTM)**	**Yes**
15	Ogo, Shawn W.					
GU	**Ogo, Shawn W.**	**11/25/72**	**7-Rota**	**Yes**	**10A (Yona)**	**Yes**
17	Palacios, Francisco					
GU	**Palacios, Francisco E.**	**8/25/87**	**1C-Koblerville**	**Yes**	**11A (Chalan Pago/Ordot)**	**No**
GU	Palacios, Francisco S.	7/5/46			18I (Dededo)	Yes

We have a **Palacios, Francisco Santos** with **DOB 7/4/36** registered in **Precinct 2-Chalan Kanoa** and voted during the 2010 CNMI General Election.

I hope this is the information you needed. If you need additional information, please let me know.

Thanks,

Bob

Robert A. Guerrero
Executive Director
Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

PRIVILEGED AND CONFIDENTIAL
This message and accompanying documents are covered by the electronic

					Pago/Ordot)	
GU	Palacios, Francisco S.	7/5/46			18l (Dededo)	Yes

On Fri, Dec 24, 2010 at 7:53 PM, Robert A. Guerrero <raguerrero@hotmail.com> wrote:
John,

Felis Pasgua to you, your family and your staff.

I didn't receive page 2 of your email attachment. Please provide the 4 names along with atleast their date of birth that you need immediate attention. Once you've provided us this information, we can start researching and provide you such certification.

Thanks and I'll await your response...

Bob

Robert Guerrero
Commonwealth Election Commission
Sent from my BlackBerry® smartphone

-----Original Message-----
From: John Blas <john.blas@gec.guam.gov>
Date: Fri, 24 Dec 2010 07:51:49
To: <raguerrero@hotmail.com>
Subject: CNMI/Guam Registered Voters

Hafa Adai Bob!

Felis Pasgua yan Biba Anu Nuebu! Attached for your information is a chart of the 19 individuals alleged to be registered in the CNMI and Guam. This chart includes all pertinent Guam information relative to voter registration and voter participation in our 2010 General Elections. Please review page 2 of the attachment... these are the 4 names that we need to verify voter registrations for. Once you're able to verify these individuals, please email me back. Thank you once again for your kind assistance and I wish you and your family a blessed Christmas and a prosperous New Year!

John

--
John F. Blas
Executive Director
Guam Election Commission
Tel: (671) 477-9791-4
Fax: (671) 477-1895
Email: director@gec.guam.gov <mailto:director@gec.guam.gov>
Website: www.gec.guam.gov <http://www.gec.guam.gov>

Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, foward or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply e-mail to director@gec.guam.gov <mailto:director@gec.guam.gov> , and delete the message.

--
John F. Blas
Executive Director

Guam Election Commission
Tel: (671) 477-9791-4
Fax: (671) 477-1895
Email: director@gec.guam.gov
Website: www.gec.guam.gov

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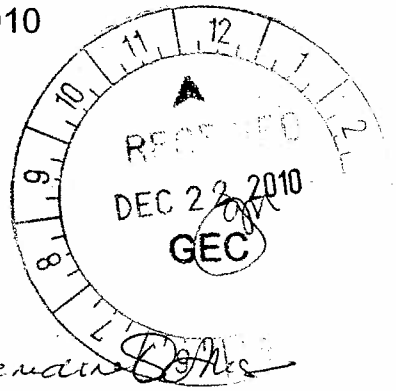
The Law Offices of
PHILLIPS & BORDALLO
A Professional Corporation

410 West O'Brien Drive, Suite 102, Hagåtña, Guam 96910-5044
Tel: (671) 477-ABCD (2223) • Fax: (671) 477-2FAX (2329)

December 27, 2010



John F. Blas, Executive Director
Kumision Ileksion Guåhan
2nd Floor, GCIC Bldg.
Hagåtña, Guam 96932

Re: Letter of December 16, 2010

Buenas!

The Administrative Complaint Form accompanying your letter referenced above and addressed to People For A New Direction requires a complainant to sign the form and to do so under penalty of perjury. The Administrative Complaint Form received is not signed and thus does not require a response from anyone.

3 GCA § 19118(a) reads in its entirety:

> (a) Complaints of violations of this Chapter against any person shall be filed with the Election Commission. The complaint shall be in writing and shall be signed under oath by the complaint. [sic]

The statute to which you refer, 3 GCA § 19118(b), states in relevant part, "The Election Commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint." I do not believe the Guam Election Commission will proceed pursuant to the contents of an unsigned and therefore unverified complaint. If the Commission's position is otherwise, please let me know at your earliest convenience and we will exercise all of our rights provided in 3 GCA Chapter 19.

Biba Ha'ånen Nuebu!

Michael F. Phillips

" I Erensia, Lina'la', Espiritu-ta "

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: director@gec.guam.gov Website: www.guamelection.org

December 16, 2010

FILE COPY

People For A New Direction (Calvo-Tenorio)
Suite 104
Chalan Machaute
Maite, Guam 96910

Subject: **Administrative Complaint**
Reference: **Election Campaign Contributions and Expenditure (Final) Report for the 2010 General Election**

Buenas yan Hafa Adai! Pursuant to §19118 (b), Chapter 19 of Title 3 Guam Code Annotated, the Guam Election Commission hereby gives notice of an Administrative Complaint filed with the Commission on Monday, December 13, 2010 relative to the above subject matter. A copy of the complaint has been attached for your review and file.

Furthermore, pursuant to the aforementioned Section, the Guam Election Commission is affording you the opportunity to explain or otherwise respond to the complaint no later than Monday, December 27, 2010.

Thank you for your attention regarding this matter. If you should have any questions or comments, please feel free to contact me at 477-9791-4. You may also email me at director@gec.guam.gov

Senseramente,

JOHN F. BLAS
Executive Director

Cc: GEC Members
GEC Legal Counsel
File

Won Sang Yoon
12/16/10.
3:12pm

FILE COPY

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

As a resident and registered voter of Guam, I am writing this letter to draw your attention to approximately 300 illegal campaign expenditures listed in the 2010 Calvo-Tenorio financial report filed with your office on November 22nd.

Specifically, Title 3, Chapter 19; Section 19108 (a) states:

"(a) A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything else of value;

(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 9913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (Date) at: _____ (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

(Notary Seal)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010
GEC

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes):

ELECTION YEAR: _____

☐ **PRIMARY ELECTION**	☒ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

RECEIVED
DEC 14 2010
GEC

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED
DEC 14 2010
GEC

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 506 Thomas Street

City: Tamuning State: Gu Zip Code: 9913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

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- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
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- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (Date) at: _____ (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

(Notary Seal)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN ·

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.
Address: 506 Thomas Street
City: Tamuning State: Gu Zip Code: 9913
Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (Date) at: _____ (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

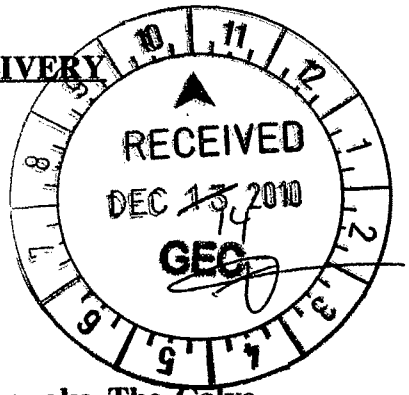
(Notary Seal)

GUAM ELECTION COMMISSION • KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

As a resident and registered voter of Guam, I am writing this letter to draw your attention to approximately 300 illegal campaign expenditures listed in the 2010 Calvo-Tenorio financial report filed with your office on November 22nd.

Specifically, Title 3, Chapter 19; Section 19108 (a) states:

"(a) A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything else of value;

(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

PRIMARY ELECTION	**GENERAL ELECTION**	**OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

RECEIVED
DEC 14 2010
GEC

Subscribed and Sworn to before me on this 17th day of November, 2010.

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED
DEC 14 2010
GEC

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 20 10.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **March 01, 2014**
P. O. Box 21404 Barrigada, Guam 96921

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

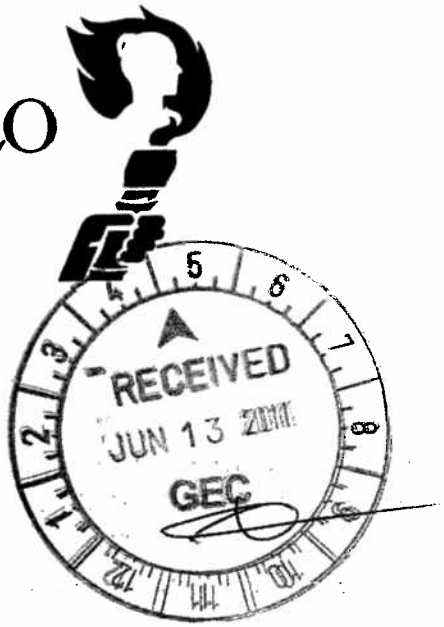
Subscribed and Sworn to before me on this 22nd day of November, 20 10.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **March 01, 2014**
P. O. Box 21404 Barrigada, Guam 96921

The Law Offices of
PHILLIPS & BORDALLO
A Professional Corporation

410 West O'Brien Drive, Suite 102, Hagåtña, Guam 96910-5044
Tel: (671) 477-ABCD (2223) • Fax: (671) 477-2FAX (2329)



June 13, 2011

Maria I.D. Pangelinan, Executive Director
Kumision Ileksion Guåhan
2nd Floor, GCIC Bldg.
Hagåtña, Guam 96932

Re: Letter of June 2, 2011

Buenas!

The Administrative Complaint Form accompanying your letter referenced above and addressed to People For A New Direction requires a complainant sign the form and to do so under penalty of perjury. The law governing this procedure, 3 GCA §19118, mandates more and requires the complainant sign his complaint under oath. It does not appear from the complainant's signature or the Certificate of Acknowledgment underneath that the complainant signed under oath (in fact the stamp appearing at the bottom of the form is not that of a Notary Public).

One obvious reason for requiring complainants to sign allegations of violations of law under oath is the Commission's threshold requirement that the complainant state what he/she believes to be a "Guam Law Violation." Neither the Commission nor its forms invite speculation or "possibilities," as referenced by the complainant. The complainant elected to leave Section 2 of the Administrative Complaint Form blank. He would not specify a single Guam Law Violation (or select any descriptions offered by the Commission). He did not select a Federal Law Violation.

In Section 3 the Commission directed the complainant to explain the details of his complaint and include names, addresses, dates, and any other information to fully describe the events put in question. This was not an option; it was a Commission mandate. The complainant wrote in part, "Illegal campaign expenses." He then referred the Commission to an attachment apparently containing hundreds of names and entitled, "Analysis of Calvo Tenorio Campaign Report Potential Violations of 3 GCA Section 19112." The complainant was very careful not to actually allege a violation of law but instead artfully crafted a document which, at best, can be said to include "potential violations." Although entitled "Analysis" the

attachment fails to include any analysis, and furthermore fails to allege any facts which would constitute a violation of any of the multiple provisions contained in §19112. Ironically, the entire report from which the complainant took limited portions is already on file with the Commission.

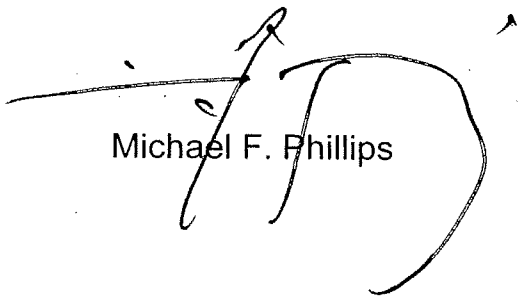
As we mentioned in our last response to the Commission, the Administrative Complaint Form received is not properly signed and thus does not require a response from anyone.

3 GCA § 19118(a) reads in its entirety:

> (a) Complaints of violations of this Chapter against any person shall be filed with the Election Commission. The complaint shall be in writing and shall be signed under oath by the complaint. [sic]

The statute to which you refer, 3 GCA § 19118(b), states in relevant part, "The Election Commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint." I do not believe the Guam Election Commission will proceed pursuant to the contents of a form that do not include a signature under oath or specific allegations of violations of law. If the Commission's position is otherwise, please let me know at your earliest convenience and we will exercise all of our rights provided in 3 GCA Chapter 19.

Si Yu'os Ma'ase',



Michael F. Phillips

May 9, 2011

Ms. Maria Pangelinan
Director
Guam Election Commission
GCIC Bldg., Suite 200
P.O. Box BG
Hagatna, Guam 96932
Tel: (671) 477-9791/3
Fax: (671) 477-1895



Re: Follow up on Campaign Spending Violations

Dear Ms. Pangelinan,

Prior to your tenure as Executive Director of the Guam Election Commission, I filed a voter complaint regarding numerous violations of Campaign spending laws on the part of the Calvo Tenorio Gubernatorial Team.

My original compliant indicates that the Republican gubernatorial team violated Guam law, based on its own financial reports, approximately 300 different times during the 2010 election.

Unfortunately, I have yet to receive any response from the GEC relative to the disposition of this complaint.

I look forward to a response. I can be reached at 687-7567 or via email at carlo.branch@gmail.com.

Senseramente,

Carlo J.N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 6877567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
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- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene D. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

_____
(Notary Signature)

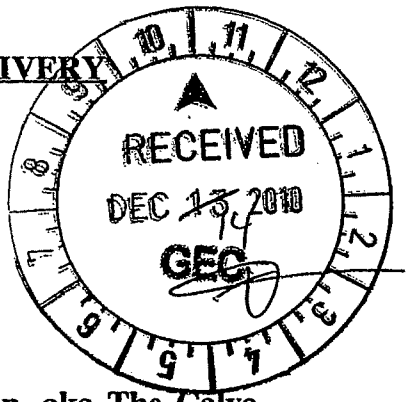
GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

FILE COPY

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

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Specifically, Title 3, Chapter 19; Section 19108 (a) states:

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(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☒ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

NOTARY PUBLIC in and for Guam

My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

RECEIVED
DEC 14 2010
GEC

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam

My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED DEC 14 2010 GEC

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

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NOTARY PUBLIC in and for Guam.
My Commission expires:

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NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

2nd Floor, Suite 200 GCIC Building
414 West Soledad Avenue, Hagåtña, Guam 96910
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: vote@gec.guam.gov Website: www.gec.guam.gov

COPY

June 2, 2011

People For A New Direction (Calvo-Tenorio)
Suite 104 Chalan Machaute
Maite, GU 96910

SUBJECT: Administrative Complaint
Reference: 2010 General Election Campaign Contributions and Expenditure Report

Bueñas yan Hafa Adai!

The Guam Election Commission hereby gives notice of an Administrative Complaint filed with the Commission, pursuant to **3GCA §19118(b).** A copy of the complaint has been attached for your review and file. Furthermore, pursuant to the aforementioned Section, the Guam Election Commission is affording you the opportunity to explain or otherwise respond to the complaint no later than Monday, June 13, 2011.

Thank you for your attention regarding this matter. If you should have any questions or comments, please feel free to contact me a 477-9791 or maria.pangelinan@gec.guam.gov. Si Yu'os ma'ase'.

Sinseramente,

MARIA D. PANGELINAN
Executive Director

Attachments
Follow up Letter from Mr. Carlo Branch dated 5.09.2011
Administrative Complaint Form dated 1.27.2011 by Mr. Carlo Branch

cc: Carlo Branch, Complainant
GEC Legal Counsel
GEC Members

RECEIVED BY: Nathan Rios
DATE: 6/2/11
TIME: 1609

May 9, 2011

Ms. Maria Pangelinan
Director
Guam Election Commission
GCIC Bldg., Suite 200
P.O. Box BG
Hagatna, Guam 96932
Tel: (671) 477-9791/3
Fax: (671) 477-1895



Re: Follow up on Campaign Spending Violations

Dear Ms. Pangelinan,

Prior to your tenure as Executive Director of the Guam Election Commission, I filed a voter complaint regarding numerous violations of Campaign spending laws on the part of the Calvo Tenorio Gubernatorial Team.

My original compliant indicates that the Republican gubernatorial team violated Guam law, based on its own financial reports, approximately 300 different times during the 2010 election.

Unfortunately, I have yet to receive any response from the GEC relative to the disposition of this complaint.

I look forward to a response. I can be reached at 687-7567 or via email at carlo.branch@gmail.com.

Senseramente,

Carlo J.N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

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- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
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- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene D. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

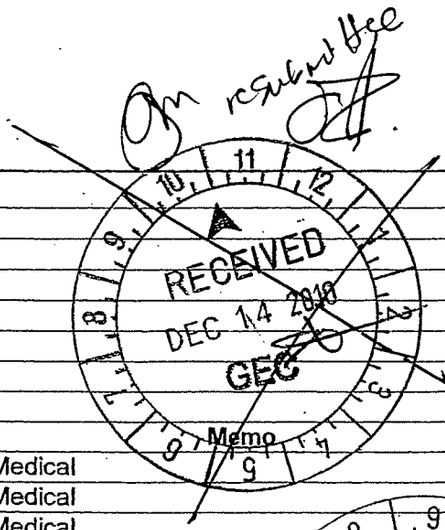
WITNESS my hand and official seal.
(Notary Seal)

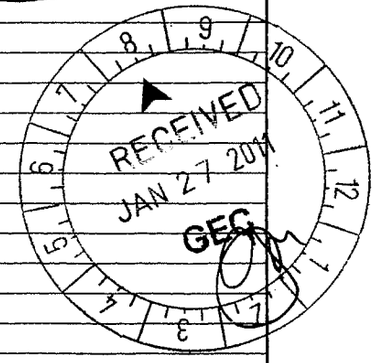
_____
(Notary Signature)

GUAM ELECTION COMMISSION • KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
8/20/09	1002	Maria Taisacan	33of 55	50.00	50.00					Medical
8/27/09	1022	Janelle Salas	25of 55	30.00	30.00					Medical
8/27/09	1024	Martin C. Aldan	34of 55	40.00	40.00					Medical
8/27/09	1026	Martin Salas	34of 55	50.00	50.00					Medical
8/27/09	1025	Rosa Hunt	43of 55	50.00	50.00					Medical
8/28/09	1028	Carmen Cabrera	6of 55	100.00	100.00					Medical
9/8/09	1042	Frank L.G. Finona	17of 55	50.00	50.00					Medical
9/8/09	1038	Joey Cepeda	27of 55	100.00	100.00					Medical
9/23/09	1068	Roland Prog	43of 55	40.00	40.00					Prescription
10/16/09	1112	Emeledcia Atoigue	15of 55	40.00	40.00					Medical
10/16/09	1118	Marie Socorro Tingson	33of 55	40.00	40.00					Medical
10/29/09	1137	Roland Prog	43of 55	50.00	50.00					Prescription
11/5/09	1152	Loise Perez-Han	32of 55	50.00	50.00					Medical
11/27/09	1031	Kirk Cruz	30of 55	40.00	40.00					Medical Fundraiser
11/27/09	1207	Ryan Camacho	44of 55	100.00	100.00					Medical Fundraiser
12/3/09	1222	Sheliene C. Duenas	46of 55	200.00	200.00					Medical
12/4/09	1224	Pete Reyes	39of 55	100.00	100.00					Medical Fundraiser
1/4/10	1046	Melissa R. Wusstig	34of 55	50.00	50.00					Medical
1/8/10	1276	Francisco C. Blas, Jr.	17of 55	20.00	20.00					Medical
1/8/10	1277	Annie B. Cabrera	2of 55	30.00	30.00					Medical
1/8/10	1263	Brenda Atalig	5of 55	40.00	40.00					Medical
1/8/10	1264	Tina M. Tainatongo	49of 55	50.00	50.00					Medical
1/12/10	1073	Monica D. Bossy	35of 55	30.00	30.00					Medical
1/12/10	1074	Trisa Ann. C. Reyes	51of 55	50.00	50.00					Medical
1/28/10	1284	Kenneth M. Naputi, Jr.	30of 55	50.00	50.00					Medical
2/4/10	1118	Joseph San Nicolas	29of 55	40.00	40.00					Medical
2/4/10	1111	Janet Camacho	25of 55	100.00	100.00					Medical
2/16/10	1137	George Siro	18of 55	50.00	50.00					Medication





Analysis of Calvo Tenorio Campaign Report										
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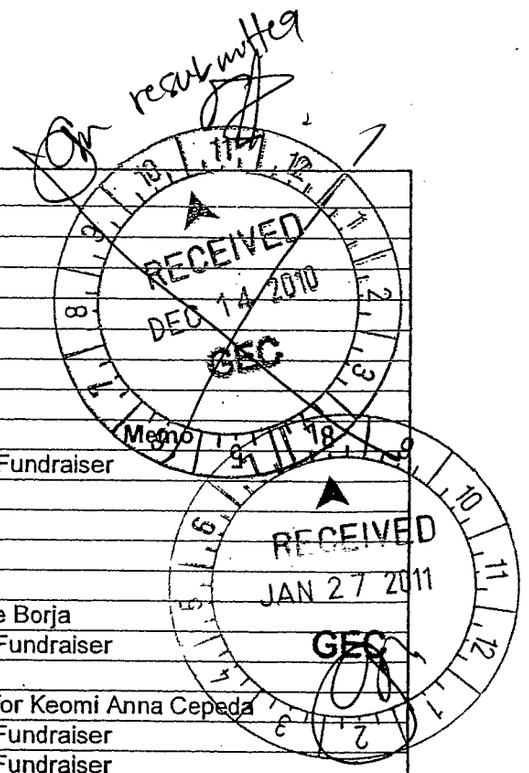
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
2/19/10	1147	George Muna	18of 55	21.00	21.00					Medical Fundraiser
2/19/10	1146	Ronald Meno	43of 55	50.00	50.00					Medical
2/22/10	1167	Candilyn Terlaje	6of 55	50.00	50.00					Medical
3/3/10	1306	George Bamba	18of 55	50.00	50.00					Medical
3/3/10	1305	Vincent Quinata	53of 55	50.00	50.00					Medical
3/18/10	1318	Jason Castro	25of 55	50.00	50.00					Jolie-Rae Borja
3/18/10	1316	Ivan Borja	25of 55	50.00	50.00					Medical Fundraiser
3/18/10	1319	Jocelyn Anderson	27of 55	50.00	50.00					Medical
3/18/10	1204	Chrystal Rosario	8of 55	100.00	100.00					Medical for Keomi Anna Cepeda
3/25/10	1235	Joseph Mendiola	29of 55	100.00	100.00					Medical Fundraiser
3/29/10	1245	Jaime Martinez	25of 55	100.00	100.00					Medical Fundraiser
4/8/10	1366	Elizabeth Tyquingco	15of 55	50.00	50.00					Medical
4/14/10	1249	Audra Reyes	3of 55	40.00	40.00					Medical Fundraiser
4/20/10	1256	Anna M. Cariaso	2of 55	50.00	50.00					Medical Fundraiser
5/10/10	1292	David Espinosa	10of 55	50.00	50.00					Medical
5/10/10	1293	Lillian Cheguina	31of 55	50.00	50.00					Medical
5/10/10	1297	Tammy Quinata	47of 55	50.00	50.00					Medical
5/14/10	1327	Dora S.N. Duco	13of 55	50.00	50.00					Medical for F.R. Jaiesha Flores
5/14/10	1326	Beatrice Lujan Salas	3of 55	50.00	50.00					Medical
5/18/10	1335	Florence M.S. Taitague	16of 55	40.00	40.00					Medical
5/18/10	1333	Jonathan B. Untalan	28of 55	50.00	50.00					Medical
5/18/10	1334	LucyMarie Ignacio Siguenza	32of 55	50.00	50.00					Medical
5/21/10	1382	Daniel Sablan	10of 55	30.00	30.00					Medication
5/21/10	1376	Shawn E. Abay Wolford	45of 55	50.00	50.00					Medical
5/21/10	1381	Daniel Sablan	10of 55	60.00	60.00					Vision
5/21/10	1362	Florence Taitague	16of 55	200.00	200.00					Medical
6/7/10	1403	William B. Salas	54of 55	50.00	50.00					Medical Fundraiser
6/15/10	1406	Joaquin Barcinas	27of 55	60.00	60.00					Medical



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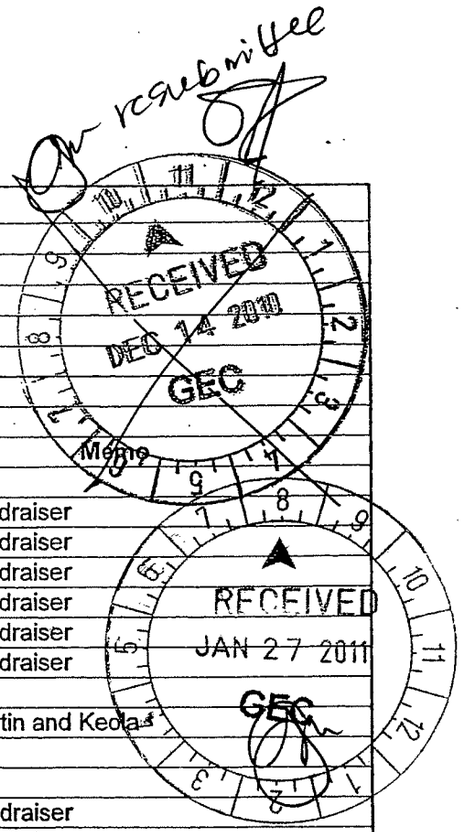
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
6/21/10	1416	David S.N Aguon	11of 55	40.00	40.00					Medication
7/12/10	1476	Joaquin Castro Duenas	27of 55	40.00	40.00					Medical Fundraiser
7/12/10	1480	Priscilliana Toves	40of 55	40.00	40.00					Medical Fundraiser
7/12/10	1478	William B. Salas	54of 55	40.00	40.00					Medical Fundraiser
7/12/10	1477	Frankie M. Rosario	17of 55	50.00	50.00					Medical Fundraiser
7/12/10	1473	Catherine Salas	7of 55	50.00	50.00					Medical Fundraiser
7/12/10	1471	Rosario Lujan	43of 55	90.00	90.00					Medical Fundraiser
8/6/10	1503	Salvador Balao	45of 55	30.00	30.00					Medical
8/6/10	1502	Therese Salas	49of 55	40.00	40.00					Medical-Martin and Keola
8/6/10	1505	Lourdes Taman Kintaro	32of 55	50.00	50.00					Medical
8/6/10	1504	Vincent B. Blas	53of 55	50.00	50.00					Medical
8/6/10	1514	Millie Mesa Asuncion	35of 55	100.00	100.00					Medical Fundraiser
8/27/10	1549	Keith A. Cepeda	30of 55	50.00	50.00					Medical Fundraiser
9/14/10	1601	Joaquin Castro Duenas	S-7	60.00	60.00					Medical Fundraiser
11/12/10	1690	Bernadita A. Toves	4of 55	50.00	50.00					Medical
9/17/09	1057	Mae Palomo Quenga	33of 55	50.00		50.00				Off-island medical
9/17/09	1060	Theodore Killdall	48of 55	50.00		50.00				Off-island medical
9/17/09	1056	Yvonne Quifunas	54of 55	100.00		100.00				Off-island medical
10/2/09	1084	John Aguon	28of 55	30.00		30.00				Off-island medical
10/2/09	1083	Andrina M. Crisostomo-Cruz	2of 55	30.00		30.00				Off-island medical
10/2/09	1082	Richard B. Miner	41of 55	30.00		30.00				Off-island medical
10/2/09	1085	Ed Benavente	14of 55	40.00		40.00				Off-island medical
10/2/09	1081	Rose N. Rabago	43of 55	50.00		50.00				Off-island medical
10/2/09	1079	Tricia Ann C. Reyes	50of 55	50.00		50.00				Off-island medical
10/9/09	1102	Trinie C. Mendiola	50of 55	50.00		50.00				Off-island medical
10/16/09	1114	Delbert G. Ofalla	11of 55	40.00		40.00				Off-island medical
10/16/09	1117	Melissa M. Benavente	34of 55	40.00		40.00				Off-island medical
10/16/09	1113	Pamela A. Benavente	38of 55	50.00		50.00				Off-island medical



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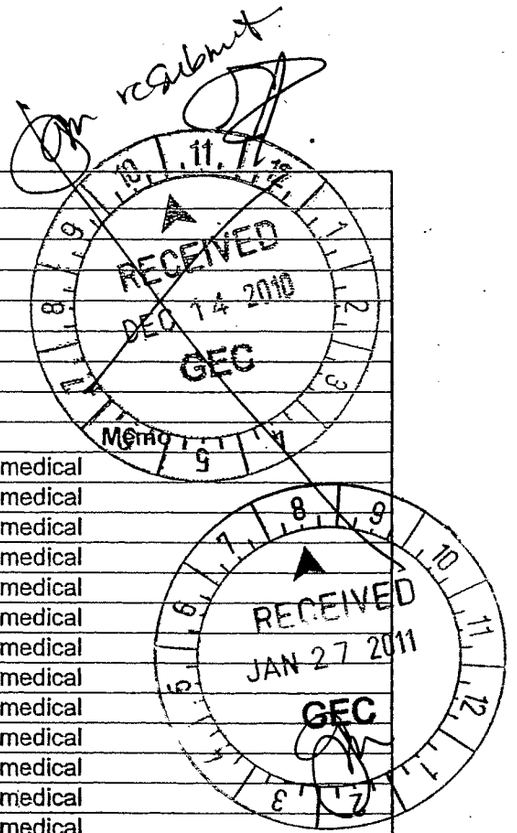
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
10/22/09	1126	Norma Jean Pinaroc	36of 55	40.00		40.00				Off-island medical
11/5/09	1143	Benita L.G. Cruz	3of 55	40.00		40.00				Off-island medical
11/16/09	1018	Doris S.A Santiago	13of 55	40.00		40.00				Off-island medical
11/16/09	1015	Regina Lujan	41of 55	40.00		40.00				Off-island medical
11/16/09	1016	Carol V. Jenkins	6of 55	40.00		40.00				Off-island medical
11/16/09	1012	Janice Taitano Quichocho	25of 55	50.00		50.00				Off-island medical
11/16/09	1019	Robert J. Fejeran	42of 55	50.00		50.00				Off-island medical
11/19/09	1029	Joseph A. Torres	29of 55	40.00		40.00				Off-island medical
11/27/09	1205	Manuela Cepeda	S-8	100.00		100.00				Off-island medical
12/3/09	1221	Gina Powell	18of 55	40.00		40.00				Off-island medical
12/3/09	1215	Lisa Aguon	32of 55	50.00		50.00				Off-island medical
1/4/10	1034	Ann Marie Meno Pelobello	2of 55	50.00		50.00				Off-island medical
1/8/10	1273	Celina D. Elmer	7of 55	30.00		30.00				Off-island medical
1/8/10	1274	John Garrido	28of 55	50.00		50.00				Off-island medical
1/28/10	1283	Enriqueta Q.M. Cacho	15of 55	40.00		40.00				Off-island medical
2/3/10	1101	Annie B. Cabrera	2of 55	50.00		50.00				Off-island medical
2/3/10	1104	Shawna L. Duenas	45of 55	50.00		50.00				Off-island medical
2/4/10	1114	Chrystal Rosario	8of 55	40.00		40.00				Off-island medical
2/4/10	1113	Joannie Siguenza	27of 55	50.00		50.00				Off-island medical
2/5/10	1122	Virginia T. Tainatongo	54of 55	50.00		50.00				Off-island medical
2/19/10	1149	Eileen Naputia Salas	15of 55	40.00		40.00				Off-island medical
2/19/10	1152	Reynold S. Alizon	41of 55	40.00		40.00				Off-island medical
2/19/10	1153	Dorna Aguon	13of 55	50.00		50.00				Off-island medical
2/22/10	1166	Georgette C. Gomez	18of 55	50.00		50.00				Off-island medical
3/3/10	1303	Herman F. Quifunas	23of 55	50.00		50.00				Off-island medical
3/11/10	1197	Deborah Gumataotao	11of 55	50.00		50.00				Off-island medical
3/18/10	1317	Rose Martinez Certeza	43of 55	50.00		50.00				Off-island medical
3/25/10	1226	Priscilla Guerrero	40of 55	30.00		30.00				Off-island medical



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Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
3/25/10	1220	Jose Q. Castro	28of 55	50.00		50.00				Off-island medical
3/25/10	1222	Mariano Mendiola	34of 55	50.00		50.00				Off-island medical
3/25/10	1218	Rebecca Mae Brown	41of 55	50.00		50.00				Off-island medical
3/31/10	1340	Priscilliana Toves	40of 55	30.00		30.00				Off-island medical
4/6/10	1356	Priscilliana Toves	40of 55	50.00		50.00				Off-island medical
4/20/10	1257	David William San Agustin	11of 55	50.00		50.00				Off-island medical
4/20/10	1258	Linda Edward	32of 55	50.00		50.00				Off-island medical
4/20/10	1259	Therese Palomo Dizon	48of 55	50.00		50.00				Off-island medical
4/20/10	1262	Carmen Baluran	6of 55	50.00		50.00				Off-island medical
4/30/10	1273	Trica Bernardo	50of 55	40.00		40.00				Off-island medical
4/30/10	1378	Dawn Andersen	11of 55	50.00		50.00				Off-island medical
5/10/10	1389	Kirk J. Cruz	30of 55	50.00		50.00				Off-island medical
5/10/10	1283	John S. San Agustin	S-7	100.00		100.00				Off-island medical
5/18/10	1340	Angel Bermudez	2of 55	50.00		50.00				Off-island medical
5/18/10	1348	Annie Babauta Mesa	2of 55	50.00		50.00				Off-island medical
5/18/10	1344	Norma Salas Guzman	36of 55	50.00		50.00				Off-island medical
5/21/10	1377	Henry N. Reyes	23of 55	50.00		50.00				Off-island medical
5/21/10	1378	Sonja L. Cruz	46of 55	50.00		50.00				Off-island medical
5/24/10	1356	Elizabeth Leon Guerrero	15of 55	50.00		50.00				Off-island medical
5/24/10	1355	Anselmo Anthony Untalan	2of 55	50.00		50.00				Off-island medical
5/24/10	1361	David R. LeFever	10of 55	150.00		150.00				Off-island medical
6/7/10	1402	Bill Mesa	5of 55	200.00		200.00				Off-island medical
6/9/10	1410	Fred C. Tyqiengco	17of 55	50.00		50.00				Off-island medical
6/21/10	1415	Joann R. Concepcion	27of 55	50.00		50.00				Off-island medical
6/21/10	1425	Mike Santos	35of 55	50.00		50.00				Off-island medical
6/21/10	1419	Nadia L. Salas	36of 55	50.00		50.00				Off-island medical
6/21/10	1417	Tanya I. Palomo	48of 55	50.00		50.00				Off-island medical
6/21/10	1418	Evelyn Taitague	S-5	50.00		50.00				Off-island medical

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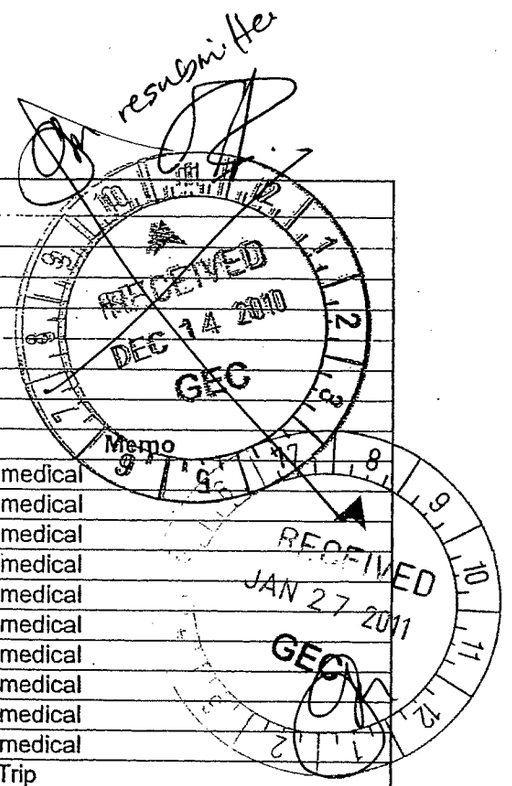
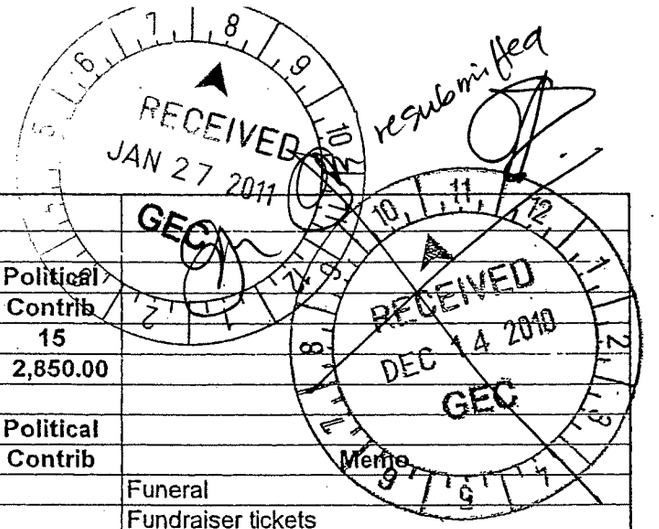
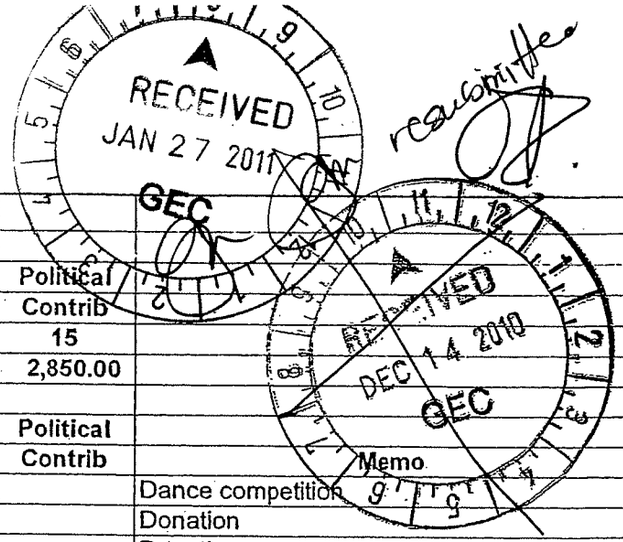
6/21/10	1428	Jemmie A. Salas	S-7	50.00		50.00				Off-island medical
7/12/10	1479	Fely M. Baza	16of 55	40.00		40.00				Off-island medical
8/6/10	1501	Jesus B. Chaco	26of 55	50.00		50.00				Off-island medical
8/16/10	1500	Robert Soria	S-12	50.00		50.00				Off-island medical
8/25/10	1547	Bernedie Charfauros	S-1	90.00		90.00				Off-island medical
9/14/10	1600	William Wusstig	54of 55	100.00		100.00				Off-island medical
9/14/10	1597	Brenda Atalig	5of 55	100.00		100.00				Off-island medical
10/7/10	1652	Tina Rose Aguon Agustin	49of 55	300.00		300.00				Off-island medical
10/25/10	1546	Angela Tenorio	2of 55	100.00		100.00				Off-island medical
10/25/10	1544	Sarafina Danis	45of 55	100.00		100.00				Off-island medical
10/9/09	1103	Catherine B. Atoigue	7of 55	40.00			40.00			NLYF/NS Trip
10/16/09	1116	Joe Benavente	27of 55	40.00			40.00			Tasi Boat Races
10/29/09	1101	Eddie Panganiban	14of 55	50.00			50.00			Parish of Sta Lucia Barangay Pastoral Council
11/16/09	1013	Notre Dame High School Inc.	37of 55	175.00			175.00			Yearbook ad-Jazzy Calvo
11/16/09	1014	Notre Dame High School Inc.	37of 55	175.00			175.00			Yearbook Ad-Elizabeth Alague
11/27/09	1240	MDM 2010 Cover Girl Search	34of 55	60.00			60.00			Monica Sherry
12/7/09	1241	Francisco C. Benavente	16of 55	50.00			50.00			None listed
12/14/09	1246	Ray Laguana	41of 55	100.00			100.00			None listed
1/6/10	1067	Tom Fejeran	50of 55	700.00			700.00			Yigo Fundraising
1/8/10	1278	Jose Rios Middle School Close Up	29of 55	25.00			25.00			DC Trip - Kevin Hocog
1/8/10	1275	Rodrigo Cruz Garcia	42of 55	50.00			50.00			Remains to PI
1/8/10	1265	Candice Ananich	6of 55	100.00			100.00			Crusaders Baseball
1/12/10	1072	Tom Fejeran	50of 55	400.00			400.00			Yigo
1/12/10	1071	Joe Taimanglo	27of 55	1,200.00			1,200.00			Sponsorship
1/15/10	1079	Ruben Munoz	44of 55	50.00			50.00			Help with rent
1/29/10	1100	Lady Islanders Basketball Club	31of 55	100.00			100.00			April Schacher
1/31/10	1296	Vincent Munoz	53of 55	50.00			50.00			None listed
2/10/10	1131	Lola's Catering	32of 55	1,500.00			1,500.00			John Vega Funeral





Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
2/19/10	1148	Michelle Atoigue	35of 55	100.00			100.00			Funeral
2/19/10	1145	Vera Garces	52of 55	450.00			450.00			Fundraiser tickets
2/25/10	1167	Zylzohni Pangelinan	55of 55	100.00			100.00			Donation
3/1/10	1294	Lady Islanders Basketball Club	31of 55	50.00			50.00			Maricar Reyes
3/3/10	1307	Ronald A. Laguana II	43of 55	100.00			100.00			Freedive Spearfishing
3/25/10	1227	Jody Babauta	27of 55	30.00			30.00			Off-island Trip - Oceanview Middle School
3/25/10	1219	Dolores A.Muna	13of 55	50.00			50.00			NYLC
3/25/10	1213	Jonathan Tuck	28of 55	50.00			50.00			Car Wash
3/31/10	1337	Ronald A. Laguana II	43of 55	100.00			100.00			Fundraiser for Spearfishing Championships
4/8/10	1363	Marie C.Q. Leon Guerrero	34of 55	50.00			50.00			National Young Leaders Conference
4/8/10	1364	Joe Tedtaotao	27of 55	100.00			100.00			Family reunion
4/20/10	1264	Joy Unpingco	29of 55	100.00			100.00			JROTC Competition
5/5/10	1383	Angelica R. Taitague	2of 55	50.00			50.00			Travel-Child Custody
5/10/10	1281	Ha'ane-Joy San Nicolas	23of 55	75.00			75.00			Junior Statesmen Summer School
5/10/10	1300	Naoko Shimizu	36of 55	600.00			600.00			Reimbursement for Saint Francis of Assisi
5/10/10	1285	John T. Mantanona	28of 55	900.00			900.00			Reimburse Entrance Fee - Basketball
5/14/10	1325	Ernie V. Rivera	15of 55	50.00			50.00			Funeral
5/18/10	1337	Dolores M. Yoshida	13of 55	50.00			50.00			Funeral expense
5/18/10	1341	Lovanelijah Santos	32of 55	50.00			50.00			Junior Statesmen Summer School
5/18/10	1338	Richard Sablan	41of 55	100.00			100.00			Bring Joe Home
5/18/10	1336	Tamieko Atalig	47of 55	100.00			100.00			Junior Statesmen Summer School
5/21/10	1370	St. Anthony School	46of 55	100.00			100.00			c/o Joe Onedera
6/9/10	1411	Charlene T. Santos	8of 55	60.00			60.00			Jude Michael Santos Babe Ruth
6/11/10	1395	Dolores Ignacio	13of 55	40.00			40.00			Funeral expense
6/15/10	1407	Brian Tuncap	5of 55	50.00			50.00			Fundraiser
6/16/10	1412	John Adams	28of 55	50.00			50.00			Travel
6/22/10	1451	Carmen Bernardo	6of 55	40.00			40.00			None listed
6/24/10	1453	Ester I. Reyes	15of 55	100.00			100.00			Replaces Check 1424 Guam Little League



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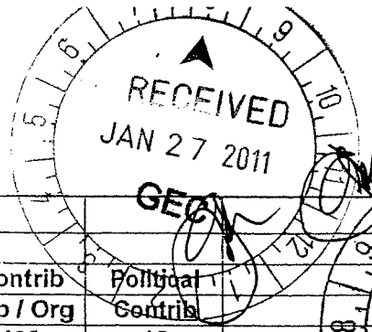
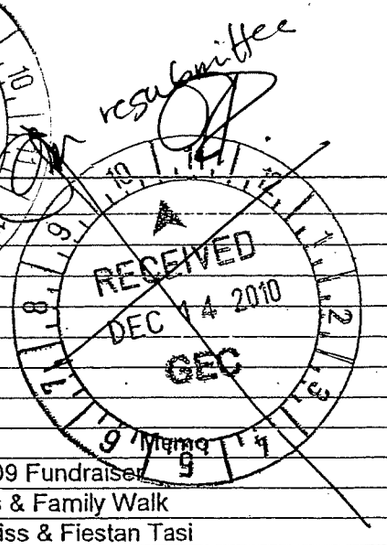
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
7/6/10	1451	Sandra Guillergan	45of 55	40.00			40.00			Dance competition
7/12/10	1472	Angela Tenorio	2of 55	30.00			30.00			Donation
7/12/10	1474	Tony Macias	50of 55	100.00			100.00			Donation
7/12/10	1467	Tina Kidd	49of 55	200.00			200.00			Fundraiser
7/23/10	1485	Tim Leon Guerrero	49of 55	25.00			25.00			Raffle Tickets
8/20/10	1531	Elaine P. Gogue	15of 55	45.66			45.66			Replaces Check 1529
8/20/10	1530	Elaine Krnjeu	15of 55	50.00			50.00			Replaces Chk 1515
8/27/10	1569	Saint Joseph Medical Transport	44of 55	144.00			144.00			Inv 2010-0101
9/14/10	1599	John G. Topasna	S-7	100.00			100.00			Umatac Girl/Boy Scouts
9/16/10	1150	San Miguel Catholic Church	45of 55	50.00			50.00			Alexandria Jo Barcinas Agustin
9/21/10	1519	Marie Tenorio	S-8	100.00			100.00			Donation
10/4/10	1647	Franklin Taitague	S-5	245.00			245.00			Rota Fishing Derby
10/19/10	1522	Tom Fejeran	S-13	500.00			500.00			Fundraising
8/25/09	1012	Youth Enhancement and Support	54of 55	100.00				100.00		Production of Fidgety Fairy Tales
8/25/09	1013	The Edward M. Calvo Cancer Foundation	48of 55	500.00				500.00		5K Run/Walk
9/8/09	1044	Vietnam Veterans of America, Guam Chapter	53of 55	100.00				100.00		Memorial Wall
9/8/09	1043	GWHS Class of 1959	23of 55	150.00				150.00		50th Reunion
9/8/09	1036	Iloilo International of Guam	24of 55	150.00				150.00		Miss Dinagyang 2009
9/8/09	1040	St. Francis Catholic	47of 55	750.00				750.00		3rd Annual $75 dinner
9/11/09	1049	United Recording Artists Association	52of 55	100.00				100.00		Fundraiser
9/14/09	1050	Youth Enhancement and Support	54of 55	1,000.00				1,000.00		Fidgety Fairy Tales
9/17/09	1059	Saint Anthony Catholic School	44of 55	250.00				250.00		5K Run/Walk
10/1/09	1089	Purebred Jiu Jitsu Academy Guam	40of 55	50.00				50.00		10-30-09 Fundraiser
10/2/09	1087	Guam Masters Basketball	22of 55	50.00				50.00		9/25/09 Fundraiser
10/2/09	1080	Class of 59 Association	9of 55	50.00				50.00		King & Queen Contest
10/5/09	1093	Merizo Municipal Planning Council	34of 55	100.00				100.00		Water Festival
10/5/09	1094	Giants Booster Club	18of 55	500.00				500.00		GYFL
10/5/09	1097	San Vicente Church	45of 55	500.00				500.00		Partnership in Renovation Luncheon





resubmittee

Analysis of Calvo Tenorio Campaign Report											
Potential Violations of 3 GCA Section 19112											
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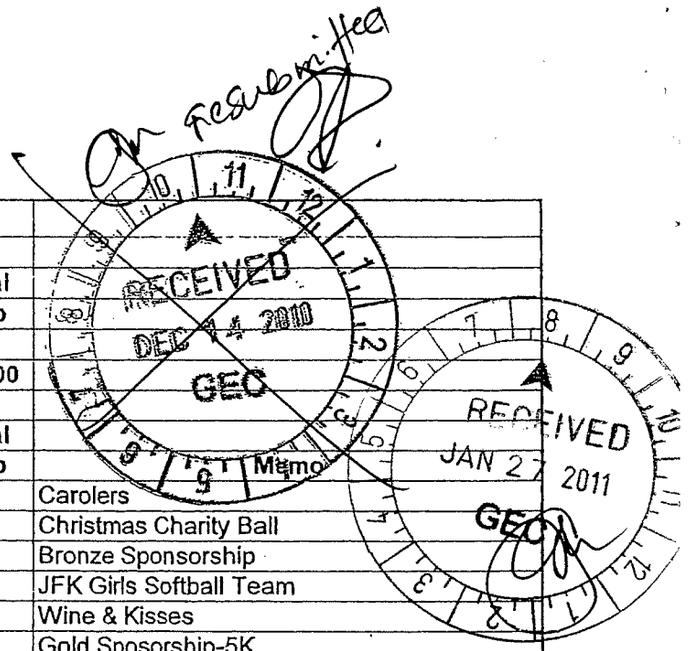
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo	
10/16/09	1115	Purebred Jiu Jitsu Academy Guam	40of 55	100.00				100.00		10-30-09 Fundraiser	
10/21/09	1122	Down Syndrome Association of Guam	14of 55	50.00				50.00		Friends & Family Walk	
10/23/09	1132	Malesso Fiestan Tasi	33of 55	105.00				105.00		Little Miss & Fiestan Tasi	
10/29/09	1139	Tamuning Elementary School PTA	47of 55	250.00				250.00		Run/Walk 11/7/09	
11/5/09	1156	Guam Island Dragons Basketball Club	21of 55	50.00				50.00		Tournaments	
11/5/09	1148	Iloilo International of Guam	24of 55	120.00				120.00		Tickets 053-058	
11/5/09	1149	Iloilo International of Guam	24of 55	180.00				180.00		Tickets 201-206	
11/5/09	1154	Saint Paul Christian School	45of 55	500.00				500.00		All-Star Shootout	
11/10/09	1165	St. Joseph Church	47of 55	100.00				100.00		Ticket 84 and 85-Fr Torres 52nd birthday	
11/16/09	1017	Guam Vollybal Association	23of 55	40.00				40.00		2009 East Asian Games	
11/17/09	1020	GMH Volunteers Association	22of 55	50.00				50.00		Raffle	
11/18/09	1023	Jayz Sportswear	25of 55	150.00				150.00		FD Alumni Tournament	
11/19/09	1027	GVB Employees Association	23of 55	50.00				50.00		Fundraiser 11/23/09	
11/19/09	1028	Mustard Seed Inc.	36of 55	64.00				64.00		Family Mystery Dinner Theater	
11/19/09	1026	Marianas Judo Association	33of 55	100.00				100.00		Hong Kong 2009	
11/20/09	1193	Father Duenas Memorial School	16of 55	100.00				100.00		Christmas concert	
11/20/09	1351	Guam National Youith Football Federation	22of 55	1,500.00				1,500.00		Invoice 09-002	
11/27/09	1204	Guam National Volleyball Team	22of 55	50.00				50.00		11/29/09 Fundraiser	
12/3/09	1223	Guam Power Authority Employees Assoc	18of 55	30.00				30.00		Christmas Celebration	
12/3/09	1217	Parsons Guam Youth Football League	38of 55	30.00				30.00		Ewa Beach, Hawaii	
12/3/09	1212	Junior Achievment of Guam	30of 55	50.00				50.00		Bowling Fundraiser	
12/3/09	1213	Barrigada Basketball Club	3of 55	50.00				50.00		World Youth Basketball Tournament	
12/3/09	1214	Inetnon Gef Pago	24of 55	100.00				100.00		Calendar fundraiser	
12/3/09	1218	San Vicente Catholic School Alumni Associati	45of 55	150.00				150.00		Golf Tournament	
12/7/09	1226	We the People	54of 55	1,000.00				1,000.00		We the people Concert	
12/9/09	1245	SKIP Entertainment	46of 55	80.00				80.00		0512-0516	
12/18/09	1247	Legislative Employees Association	31of 55	430.00				430.00		None listed	
12/21/09	1249	GMH Volunteers Association	18of 55	120.00				120.00		Hyatt Regency Fundraiser	



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1/4/10	1047	Batangas & Southern Tagalog Association	3of 55	30.00				30.00		Carolers
1/4/10	1044	Guam Medical Association	22of 55	100.00				100.00		Christmas Charity Ball
1/4/10	1039	USAG	52of 55	150.00				150.00		Bronze Sponsorship
2/4/10	1112	Hornet International	24of 55	200.00				200.00		JFK Girls Softball Team
2/16/10	1138	The Tourism Education Council	48of 55	120.00				120.00		Wine & Kisses
2/16/10	1139	Moylan;s	36of 55	2,000.00				2,000.00		Gold Sposorship-5K
2/22/10	1159	Saint Anthony Catholic School	44of 55	300.00				300.00		2010 March Madness Basketball Tournament
2/22/10	1160	Notre Dame High School Inc.	37of 55	1,000.00				1,000.00		Gala Dinner
3/2/10	1300	Guam Cal Ripken Rookie League	20of 55	200.00				200.00		Agana Heights Cougars
3/3/10	1304	John F. Kennedy High School	28of 55	125.00				125.00		"Kanton Ladera" yearbook
3/3/10	1312	University of Guam	52of 55	150.00				150.00		1/2 page ad-UOG Singers
3/3/10	1313	St. Francis Catholic	47of 55	600.00				600.00		Golf Tournament Hole Sponsor
3/9/10	1246	Guam National Youith Football Federation	22of 55	4,500.00				4,500.00		None listed
3/25/10	1335	Santa Barbara Catholic School	45of 55	30.00				30.00		Spring Production
3/25/10	1221	AIJMS PTO	1of 55	45.00				45.00		8th Grade Promotional
3/25/10	1229	Luis P. Untalan Middle School	32of 55	50.00				50.00		Special Olympics
3/25/10	1228	Southern High School	46of 55	50.00				50.00		2010 Special Olympics
3/25/10	1328	Relay for Life	41of 55	100.00				100.00		Team Calvo Ent
3/29/10	1243	American Cancer Society	2of 55	500.00				500.00		Plane Pull
3/31/10	1336	George Washington High School Math Club	18of 55	100.00				100.00		5K Run/Walk
4/8/10	1365	Catholic Social Service	7of 55	200.00				200.00		4th Annual Spring Gala
4/16/10	1253	GMH Volunteers Association	18of 55	1,000.00				1,000.00		10 tickets - Charity Ball
4/20/10	1261	2010 Talofofo Banana Festival	1of 55	50.00				50.00		Little Miss Banana
4/20/10	1263	J.Q. San Miguel Elem. School	25of 55	75.00				75.00		5th Grade Commencement
4/20/10	1260	St. Francis Catholic	47of 55	500.00				500.00		Crusade to Educate Bronze Sponsor
4/29/10	1272	Father Duenas Memorial School	16of 55	500.00				500.00		Donation
5/10/10	1295	Glass Slipper Productions	18of 55	150.00				150.00		Rosalia Cruz-2010 Guam Cinderella Scholarsh
5/10/10	1296	Liguan Elementary School	31of 55	150.00				150.00		Yearbook

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Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
5/10/10	1299	Guam Cal Ripken Baseball Association	20of 55	200.00				200.00		2010 season
5/12/10	1311	Pacific Sportswear	38of 55	1,200.00				1,200.00		2010 Monster/Gatorade Tournament
5/14/10	1322	Youth for Youth LIVE! Guam	54of 55	50.00				50.00		Club Hype
5/18/10	1342	Fusion Dance Center	17of 55	60.00				60.00		Las Vegas
5/18/10	1331	Assocition of Government Accountants	3of 55	100.00				100.00		AGA 5K
5/21/10	1351	Immaculate Heart of Mary	24of 55	500.00				500.00		Golf Tournament
5/21/10	1371	Guam Ukulele Club	22of 55	1,000.00				1,000.00		Brittni Paiva Sponsorship
5/21/10	1372	Inetnon Gef Pago	24of 55	2,500.00				2,500.00		Sponsorship
5/24/10	1354	UOG Endowment Foundation Inc.	52of 55	1,500.00				1,500.00		Inne Sotto Fashion Show 2010
6/7/10	1399	Suns Basketball Club	47of 55	75.00				75.00		Summer Youth Basketball League
6/11/10	1396	Nino Perido Y Sagradan Familia Parish	36of 55	50.00				50.00		Fundraiser
6/21/10	1426	JFK High School PTSA	27of 55	25.00				25.00		Car Wash
6/21/10	1427	Guam Cal Ripken Baseball Association	20of 55	40.00				40.00		9-10 Division
6/21/10	1414	Suns Basketball Club	47of 55	200.00				200.00		Sponsorship
6/21/10	1441	Mark's Sporting Goods	34of 55	1,498.00				1,498.00		A-6155
7/1/10	1441	Knights of Columbus	30of 55	1,000.00				1,000.00		Blessed Table Sponsorship
7/2/10	1448	Guam Junior Golf Academy	21of 55	1,000.00				1,000.00		3rd Tier Sponsor
7/8/10	1477	Guam Medical Association	22of 55	1,000.00				1,000.00		#070810
7/12/10	1465	Guam Medical Association	22of 55	1,000.00				1,000.00		Ticket 151-200
8/6/10	1499	The Blue Shield Association	48of 55	50.00				50.00		Ceremony - Torre
8/6/10	1506	Guam Amateur Softball Federation	20of 55	100.00				100.00		2010 Micronesia Games
8/6/10	1507	Guam Little League	21of 55	100.00				100.00		Softball World Series
8/6/10	1508	2010 Annual Summer Softball League	1of 55	350.00				350.00		Entrance Fee
8/6/10	1509	American Red Cross	2of 55	500.00				500.00		Hole Sponsor
8/25/10	1545	Archdiocese of Agana	3of 55	25.00				25.00		Carwash tickets
8/27/10	1576	Guam Harmony Lions Club	21of 55	150.00				150.00		Dance for a Cause
9/14/10	1603	St. Anthony - St. Victor Church	S-13	50.00				50.00		Fundraiser
9/14/10	1602	Chamorro Golf Club Association	S-2	50.00				50.00		FIL-AM Tournament

OK resubmitted

RECEIVED
DEC 14 2010
GEC

RECEIVED
JAN 27 2011
GEC

Analysis of Calvo Tenorio Campaign Report										
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Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
9/22/10	1523	St. Francis Catholic	S-13	2,000.00				2,000.00		Dinner Sponsor
8/25/09	1011	Brian M. Mendiola	5of 55	50.00					50.00	13th Rota Municipal Council
8/26/09	1021	Vic Gaza 2010	52of 55	100.00					100.00	Lunch with Vic
8/28/09	1027	Mr. Lino S. Tenorio	36of 55	50.00					50.00	Fundraiser Running for Mayor
9/15/09	1055	Senator A.B. Palacios	45of 55	100.00					100.00	Seafood Chef Fundraiser
10/29/09	1140	Committee to Elect Frank Blas Jr	9of 55	80.00					80.00	11/29/09 Ralphy's
11/5/09	1151	Friends of Telo	17of 55	200.00					200.00	Sunset Cocktail Fundraiser
11/12/09	1169	Steve Mesngon	47of 55	100.00					100.00	Rota Mayor Candidate
11/12/09	1171	Vic Gaza 2010	52of 55	100.00					100.00	11/11/09 Fundraiser
2/5/10	1120	Judith Won Pat	29of 55	100.00					100.00	We Are Guahan
2/8/10	1130	Republican Party of Guam	41of 55	1,000.00					1,000.00	None listed
2/26/10	1290	The Committee to Re-Elect Telo	48of 55	100.00					100.00	Kadu with Telo
2/26/10	1291	Friends for Tony	17of 55	150.00					150.00	Fundraiser
5/21/10	1375	Friends of Telo	17of 55	500.00					500.00	Pledge a Sign
5/26/10	1292	Friends for Chris	17of 55	120.00					120.00	Fundraiser
8/6/10	1510	Friends for Chris	17of 55	100.00					100.00	Lunch at Ralphy's

Resubmitted

RECEIVED
DEC 14 2010
GEC

RECEIVED
JAN 27 2011
GEC

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

Your VOTE is your voice. [√] BOTA ya un ma kuenta.

January 13, 2012

Alice M. Taijeron
Chairperson
Democrat

Martha C. Ruth
Vice-Chairperson
Republican

Joseph F. Mesa
Member
Republican

Johnny P. Taitano
Member
Republican

Donald I. Weakley
Member
Democrat

Christopher L. Carillo
Member
Democrat

G. Patrick Civille
Member
Independent

Maria I.D. Pangelinan
Ex Officio Secretary
Executive Director

MEMORANDUM

TO: Leonardo M. Rapadas, Attorney General of Guam

FROM: Maria I.D. Pangelinan, Executive Director

SUBJECT: 2010 General Election Administrative Complaints on Barrigada Precinct 15C and (2) CNMI Double Votes

Hafa Adai! The Guam Election Commission (GEC) respectfully submits administrative complaints from Mr. William F. Manley and Ms. Dolores C. Manley, regarding suspicious activities that occurred during the 2010 General Election at the Barrigada polling site, specifically Precinct 15C. The complaints stem from the complainants witnessing precinct officials marking the original signature roster after the closing of the polls at 8:00 p.m.

On two separate occasions November 16, 2010 and December 13, 2010 the GEC 2010 General Election Subcommittee tasked to review all administrative Complaints and discrepancies regarding the 2010 General Election, interviewed the members in Precinct 15C regarding the above complaint and other issues that occurred in their precinct. The transcriptions of these interviews are also attached.

Mr. Carlo Branch submitted an administrative complaint on fraudulent voters on the 2010 General Election dated Dec. 1, 2010. Then GEC Executive Director John F. Blas assigned GEC employee Mr. Tom San Agustin to verify the data with the GEC database of registered voters and the original signature rosters of the 2010 General Election. Together with the Commonwealth Election Commission (CNMI) Director Mr. Robert A. Guerrero, Mr. Blas was able to verify that the registration and voting status of the list of individuals provided by Mr. Branch, in regards to the CNMI Elections. As the current GEC Executive Director, I instructed Mr. Tom San Agustin together with Mr. Joseph Iseke to re-verify the list that was submitted by Mr. Branch back in December 2010. Correspondence from Commonwealth Election Commission Director Robert Guerrero that were recently re-sent to GEC are also attached.

The minutes of January 26, 2011, former Guam Election Commissioner Robert Cruz stated that the complaints had been filed. After compiling documents from the files of the Guam Election Commission on these complaints, the GEC requested that I, as the current Executive Director turn over these documents to your office for appropriate action.

Si Yu'os ma'ase' for the assistance of your office will help to ensure fair and honest elections.

Attachments

RECEIVED
FEB 09 2012
1:15 PM
Office of the Attorney General of Guam
Civil/Solicitor Division

414 W. Soledad Ave. • GCIC Bldg. Ste. 200 • Hagåtña, Guam 96910
671. 477.9791 (tel) • 671. 477.1895 (fax)
vote@gec.guam.gov (e-mail) • www.gec.guam.gov (website)

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 1 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 107 Thomas Street

City: Tamuning State: Guam Zip Code: 96913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: —

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ■ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ■ Other Federal Law Violation: Observed casting of fraudulent vote
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

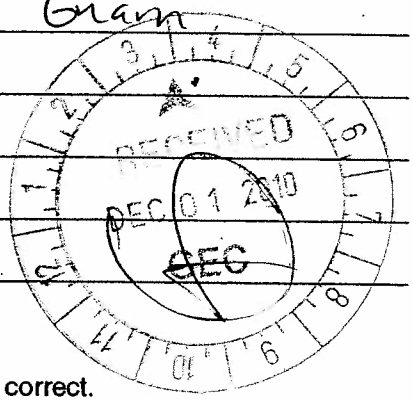
Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

– SEE ATTACHMENT –
"19 Double Voters in Guam and CNMI"



Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 12/1/10 (Date) at: Hagatna (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Guam) SS

On: December 1, 2010 (Date) before me, David P. Charguralaf Jr. (Name of Notary)

personally appeared Carlo Jude D. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

(Notary Seal)

_____
(Notary Signature)

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
√ 1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
√ 2	Atalig	Laralyn C.	7/23/1987	17388	15	√	7 - Rota	0
√ 3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
√ 4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
√ 5	Douglas	Downna M.	11/21/1971	3930	14 ~~11A~~	√	1B - San Vicente	√
X 6	Hocog	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
√ 7	Lizama	Jesus T.	9/7/1946	59434	18 ~~11A~~	√	3B - Garapan	√
√ 8	Lizama	Richard T.	10/25/1954	19075	11A ~~14A~~	√	1B - San Vicente	0
√ 9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
√ 10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
√ 11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
√ 12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
√ 13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
√ 14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
√ 15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
√ 16	Ogo	Talia Meshay A.	6/15/1989	19450	15B	0	7 - Rota	√
X 17	Palacios	Francisco E.	8/25/1987	35418	11A	√	1C - Koblerville	√
18	Sievers	Sharon R.	8/5/1985	58120	7A	√		
√ 19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

1 voted

12. voted

13. voted absentee

19. Tenorio, Tricia Lyn - no vote

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SYSTEMS LASTNAME IS SPELLED SEIVERS

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5			11/21/1971	3930	11A	√	1B - San Vicente	√
6	[illegible]og	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
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19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

Thomas A.G Atalig : Name misspelled

(9.) Voted Absentee

(10.) Absentee

(11.) Absentee

(13.) Absentee

November 30, 2010

John M. Weisenberger
Attorney General of Guam
287 West O'Brien Drive
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Weisenberger,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

Given my limited resources as an individual citizen I remain concerned that the number of "fraudulent voters" referenced above may represent only a small fraction of a much larger whole. I fear that without the pursuit of rationally based criminal charges against the named individuals I have attached hereto, everyday citizens may never fully understand the impact of double voters on this year's election. Absent the full weight of your Office, Guam's voters may be robbed of an election that is fair, accurate, and free of undue influence from outside forces.

Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

RECEIVED
NOV 30 2010
1:10 PM
Office of the Attorney General of Guam
Civil/Solicitor Division



November 30, 2010

Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Dear Mr. Blas,

This correspondence is sent to formally notify you of my transmittal of the attached to the following:

1. Eric H Holder, Jr. Attorney General of the United States
2. Marivic David Asst. US Attorney for Guam
3. John M. Weisenberger Attorney General of Guam

Sincerely,

Carlo N. Branch

Attachments:

1. Letters of Criminal Complaint
2. List of CNMI/Guam Double Voters

November 30, 2010

Eric H. Holder, Jr.
Attorney General of the United States
US Department of Justice
950, Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

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Sincerely,

Carlo Branch

November 30, 2010

Ms. Marivic David, Asst. US Attorney
Office of the Asst. US Attorney for Guam
Suite 500, Sirena Plaza
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear Attorney David,

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Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

U.S Attorney's Office
Districts of Guam & NMI
NOV 30 2010 1:05 pm
Received in Dbase

January 31, 2012

Hafa Adai,

Congratulations on your decision to seek an elected public office. The Guam Election Commission members and staff look forward to this election year and are prepared to provide you with the best possible assistance and service. The Candidate's Handbook for Elected Public Office is prepared to assist you in your campaign. It contains a compilation of information and procedures on running for elected public office in Guam.

We request your cooperation in adhering to all the policies, rules, procedures, and regulations of the Guam Election Commission, and the Election Laws of Guam. We welcome any comments, suggestions, or questions you may have on the upcoming 2012 elections. Saina ma'ase'.

Sinseramente,

MARIA I.D. PANGELINAN
Executive Director

Guam Election Commission
Ms. Alice M. Taijeron, Chairperson
Hon. Martha C. Ruth, Vice Chairperson
Mr. Joseph F. Mesa, Member
Mr. Johnny P. Taitano, Member
Mr. Christopher L. Carillo, Member
Mr. Donald I. Weakley, Member
Atty. G. Patrick Civille, Member

Legal Counsel
Atty. Jeffrey A. Cook

Guam Election Commission Staff
Mr. George L.G. Lujan, Systems and Program Admin.
Ms. Genedine Q. Moser, Administrative Assistant
Mr. Joseph P. Iseke, Program Coordinator
Mr. Thomas H. San Agustin, Program Coordinator
Ms. Helen M. Atalig, Program Coordinator

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan
P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: director@gec.guam.gov Website: www.gec.guam.gov

REGULAR BOARD MEETING MINUTES
4 p.m. Wednesday, February 23, 2011
GEC Conference Room, Suite 201, GCIC Bldg., Hagatna, Guam

The following is the minutes of the Guam Election Commission (GEC) Board Members Meeting held on Wednesday, February 23, 2011 at 4:00 p.m.:

I. CALL TO ORDER

Duly convened by Chairman John Taitano at 4:15 p.m. with the following appointed board members *present* a quorum was established:

Alice Taijeron, Vice Chairperson
Joseph F. Mesa, Member
Martha C. Ruth, Member
Robert G. P. Cruz, Member
Joshua Tenorio, Member
John Terlaje, Member

Also present were:

Atty. Cesar Cabot, Legal Counsel
Genedine Q. Moser, Administrative Asst.
David P. Chargualaf, Jr., Program Coordinator
Stephanie Chargualaf, Program Coordinator

II. APPROVAL OF AGENDA

Member Joshua Tenorio requested an amendment to the Agenda noting there is continuing *Old Business* relative to the iVotronic and Tabulating Machines. Member Tenorio also requested *Item4 iVotronic and Tabulating Machines be added to the Old Business.*

There was no further discussion Member Tenorio *moved* to approve the Agenda, *seconded* by Member Martha Ruth. There were no objection, *motion carried.*

III APPROVAL OF MINUTES

Chairman Johnny Taitano made a *motion* to approve the following Board Meeting Minutes *subject to correction*:

January 26, 2011 Regular Board Meeting
December 27, 2010 Reconvened Board Meeting
December 22, 2010 Regular Board Meeting
December 15, 2010 Reconvened Board Meeting
December 10, 2010 Reconvened Board Meeting
November 30, 2010 Reconvened Board Meeting
November 26, 2010 Reconvened Board Meeting
November 17, 2010 Regular Board Meeting
October 29, 2010 Regular Board Meeting
October 20, 2010 Regular Board Meeting

The motion was up for *discussion*.

Member Martha Ruth noted the following *correction*:
Minutes for October 29, 2010 Reconvene Board Meeting *should read* October 28, 2010.

Member Ruth requested a Status Report on unpaid bills.

Chairman Johnny Taitano requested for a follow-up task to be reported to the Board Members.

IV. ORDER OF BUSINESS

A. Executive Director's Report

Stephanie Chargualaf reported the following:
- GEC is continuing on their day to day operation;
- GEC is currently working on the informing Public Officials who are required to file their Financial Disclosure Statement which is due April 22, 2011;
- GEC has submitted the 2010 Election Administration and Voting Survey on February 21, 2011 which was due March 1, 2011;
- GEC is communicating with ES&S to replace and upgrade the CVRS (Centralized Voter Registration System). David Chargualaf reported that the hardware needs to be replaced for GEC to be current with the requirements for the voter registration system. Mr. Chargualaf also reported that the vendor servicing the CVRS is DMR (Data Management Resource); they will replace two of the hard drives which are currently on order.

Member Joshua Tenorio inquired about the status and the amount of the HAVA account.

Stephanie Chargualaf stated that she will obtain information regarding the status and make a report on the next Board meeting.

B. Old Business

1. GEC Office Space – Status Report

Stephanie Chargualaf reported that the Lease with the GCIC Management Office has been signed and submitted to BBMR. The monthly lease is $9830.00; a purchase order was issued by GSA for the months of February 2011 to the end of the fiscal year. The invoice for February has been submitted to Department of Administration awaiting payment to be disbursed.

Member Martha Ruth inquired about the keys to the office spaces that GEC is leasing. Stephanie Chargualaf informed the Board Members that the GCIC Management Office is also in possession of the keys.

Chairman Johnny Taitano reminded Stephanie Chargualaf that the GCIC Management Office has agreed to exchange storage room space with the GEC.

2. GEC Subcommittee – Status Report

   - Response Letter to Complainants

     Chairman Johnny Taitano informed the Board Members that the Response Letters have been signed and will be mailed to the Complainants.

   - Voter Absentee – Provisional Discrepancy (Spreadsheet)

     Member Joshua Tenorio *moved* to accept the Voter Absentee-Provisional Discrepancy (Spreadsheet), *seconded* by Member Joseph Mesa. There were no further discussion and no objection, *motion carried.*

3. Appointment of Independent Member

   - Cruz, Robert G.P., Esq.
   - Hoskins, John-Paul
   - O'Mallan, Robert James
   - Silos, Albert

   Chairman Johnny Taitano requested that a scheduled interview be conducted during the Board Meeting during Executive Session with the four (4) above named registered voters.

4. iVotronic and Tabulating Machine

   Member Joshua Tenorio instructed Stephanie Chargualaf to communicate with ES&S to obtain written information regarding establishing the value of the iVotronic Machines.

   Member Tenorio also reminded Mrs. Chargualaf that at the presentation conference with ES&S the GEC was given several options regarding trade-ins.

For Information Purpose Only

Chairman Johnny Taitano instructed Stephanie Chargualaf to provide a copy of the budget to the Board Members prior to submission.

C. New Business

1. Letter of Resignation GEC Executive Director

   Information Purpose Only

   Chairman Johnny Taitano signed the Acting Executive Director Appointment Letter appointing Stephanie Chargualaf.

   Member Joshua Tenorio recommended that the Board Meeting go into Executive Session to further discuss the vacancy.

2. Bill No. 50-31; Testimony

Stephanie Chargualaf reported that Bill No. 50-31 is to repeal the Early Voting Service to the community. Mrs. Chargualaf stated that she has prepared a written Testimony with the assistance of Legal Counsel Cesar Cabot.

Chairman Johnny Taitano recommended that each Board Member submit a copy of their written testimony.

3. Bill No. 54-31; Testimony

Stephanie Chargualaf reported that Bill No. 54-31 is an act to amend several sections of Title 3 Guam Code Annotated §7105, §16301(a), §16301(d), and §16301(e), and to mandate the GEC to adopt the policy and procedures in accordance with the MOVE ACT.

Member Martha Ruth inquired about separating the federal ballot.

Legal Counsel Cesar Cabot responded that if GEC should separate the Federal ballot, how would it be monitored with the cross overs. Legal Counsel stated that the intent of the Bill is to place the republican and the democrat race on either the front or the back or on a separate ballot. Legal Counsel further stated that the current coding of the ES&S ballot is Columns 1, 2, and 3, are on one side of the ballot; Columns 4, 5, and 6, are on the other side.

Chairman Johnny Taitano recommended that each Board Member submit a written testimony, and for Legal Counsel Cabot to draft a letter to the Legislative Committee indicating that the GEC Board Members are interested in working with the Committee in regards to this Bill

4. Administrative Complaint

Stephanie Chargualaf reported that the GEC has received an Administrative Complaint submitted by Lourdes Bascon Mendiola (Legal Guardian) on behalf of Clifford Bascon Wooten.

Stephanie Chargualaf also reported that Ms. Mendiola's has stated that her son is a registered voter at Tamuning, and was not allowed to vote. Upon further review and research, her son has not registered to vote.

Chairman Johnny Taitano requested for Legal Counsel Cesar Cabot to do a research and report back to the Board Members if there is a time frame for submission of Administrative Complaints. Legal Counsel acknowledged the request.

Chairman Johnny Taitano instructed Dina Moser to ensure that a Response Letter to the Complainant is addressed and mailed out.

V. PUBLIC COMMENTS

Florenzo T. Ramirez - Mr. Ramirez referenced the 2010 General Election and commented that a 50 +1 vote must be obtained to be certified a winner. Mr. Ramirez also commented on the results that the reason for 233% vote is due the three (3) separate ballots.

VI. LITIGATION UPDATES

Legal Counsel Cesar Cabot stated that Litigation Updates will be addressed during Executive Session.

VII. EXECUTIVE SESSION

Member Joshua Tenorio *moved* to proceed to Executive Session, *seconded* by Member John Terlaje. There were no objection, *motion carried.*

Items to be discussed:

- Administrative Complaint submitted by Lourdes Bascon Mendiola; and
- Current Litigation Update – no report.

VIII. ADJOURNMENT

Chairman Johnny P. Taitano called for a *motion* to recess the meeting until 4:00 p.m., Monday, February 28, 2011. *Moved* by Vice Chairperson Alice Taijeron, *seconded* by Member Joshua Tenorio. There were no objections, *motion passed.* Meeting recessed at 6:48 p.m.

Submitted by:

STEPHANIE N. CHARGUALAF
Acting
Executive Director

Approved by:

JOHNNY P. TAITANO
Chairman

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to come in to vote again. Before I was able to complete finishing all the signatures crossed off that we initialed for the	

	absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee. Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes they were in the envelope – what	We didn't have any problems with the 56 ballots. They were all accounted for.	When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there We didn't have a problem with any of the absentee ballot. We received five (5) absentee ballots at the table (at the

happens after that? Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	University) They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the classroom?	8 p.m., after the polls were closed? We were in the classroom, the windows are up high. There are no chairs on the outside. The windows were	Is this a complaint against 15C? No sir, it was not. So someone had to be standing on a chair to look in. Officer Rivera was present the remainder of the voting.

They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.	only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	

Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are four(4) people. I want to make sure that I am accounted for in each and every one of these signatures. If they say us counting –

		I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate each

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away? And then you actually heard Carmina - ...to ask or had she already called her sister and said we're short, come on down, where are you or something? To her sister? And she was the one that had received training already? Carol. And how about Carmina's	Yes. Because she said she was late. I heard her calling her sister. Well when Carol left, she picked up her cell phone and she said hurry up because you are late. Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in. She did because she worked Primary. Which one are you talking about? Carol? Yes she received training. She was here.

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here? Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures? For that one, right? Well this one, I don't know why they – ***Steff (GEC Staff)*** Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out. I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures. **Commissioner Joshua Tenorio** Ok.	guys, when we were counting it, Carmina tried getting - ????? I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back. Yes. Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional. And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Chairman Robert Cruz There must be a mix up. Q: You said this was at the University of Guam?	There was some short inside the absentee ballots, sometimes 2, sometimes only 1. Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		
Do you notice if there is a signature on Francis G. Quintanilla?		

Do you agree that there is a signature on that line?		There shouldn't be.
		That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started working on the absentee ballot. I believe he went back and verify the signature, and those that didn't

		show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
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Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
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Carmen F. – do you notice if there is a signature?		Yes.
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But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** **END OF INTERVIEW** *****		

12.11.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	**Precinct 15B** **Barrigada** **Mariquita Mafnas**	
	Commissioner Joshua Tenorio Q: Mrs. Mafnas, you were a Judge	Yes, I was one of them.
	We wanted to find out about this page – what your recollection was about this page of the signature roster?	Okay. My recollection was when we went up to turn in everything – something about it doesn't balance. Our Inspector was told that – actually she mentioned that the reason why we don't balance is because of the Provisional. So they told her – they told us that whoever writes fast can write in all those so we can balance.
	Did she come back with a list of names?	Well she had a list of names from the –
	Do you know who gave her the list?	That's from the provisional list – I don't know who got the list.
	Was it handwritten list that she came back with?	I don't remember. The only thing I remember is that somebody wrote this.
	Do you remember who it was?	It was Maeann. She was the one who wrote it because she said she can write fast. So we went back to the table and she was the one that wrote everything down. I don't know where she got the list, but I know she had a list.
	Can you tell me about this up here?	I can't because it was Mina that wrote the thing down.
	So when you signed this, the notes were there – the ones in red were already there before you signed?	That was down at the Tabulation Center.

	Was there already a tally? Do you recall when this was put in? Were you there – The one in blue. Oh okay – so you all witnessed it. I don't have anything else. Joe do you have anything else? That is it.	 The one in red? At the tabulation center.
***** **END OF INTERVIEW** *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Carmina Blas Acquininoc
	Chairman Robert Cruz ***Q:*** What was your role at the election?	I was the inspector.
	Chairman Robert Cruz ***Q:*** You served as an inspector before?	Yes, Primary.
	Commissioner Tenorio ***Q:*** Were you ever a poll watcher before?	No.
	Commissioner Tenorio: ***Q:*** So your first time would be just in the Primary, you were a precinct official also? You weren't the inspector, though?	Yes. During the Primary I was the Inspector. I volunteered; they didn't have one for 15B. Inspector is my job, so I told David that I would go ahead and take the position.
	Subcommittee Chairman Cruz: ***Q:*** We've had complaints from two (2) different people that ballots were not secured properly in the voting are. They were left stacked, I don't know if they were on the floor, or on a table. At the polling place? What village?	What we had done was as we were counting the ballots in stacks of fifty (50). There was a person issuing the ballots at the end of the table. No one had access to the ballots except for us on the other side of the table. Yes. We weren't given a room, it was a cafeteria. It was an open area so we tried to barricade it as much as we could with the materials and the furniture that we had to use it wasn't that great. Barrigada. 15B.

	Commissioner Tenorio ***Q:*** There were two (2) precincts in the cafeteria?	Yes.
	And there is also two(2) - one each in individual classrooms, or were there three (3) precincts in the cafeteria?	No, there are two (2) precincts in the cafeteria, and two (2) at individual classrooms.
	The other precinct in the cafeteria is which one with you?	I was at the right side.
	Do you know what the other precinct was? It wasn't continuous, there was a precinct in between, right?	I can't remember. I think it is ***Ck*** thru There was some people directing left or right. Asking people what their last name is.
	What letters of the alphabet do you have?	L thru P.
	Are you familiar with a situation, how many people attempted to double vote in your precinct?	I didn't have any.
	Do you recall an incident where a voter came in to vote but indicated that she wasn't there to vote but there to check on her name? Any voter come in to check if there name was crossed off because they had early voted?	No. I know there was an incident where somebody – I think so, yea. Something like that, but I was on the phone with GEC speaking about something, and then they said, yea there name is here but it is crossed out already. So I instructed them not touch the name because it is crossed out already.
	Elaborate more on that incident.	They were just asking then they left. I wasn't a big thing about it.
	They came to vote?	No. They were with other people, so those people voted & they wanted to see if their thing was in.

	They wanted to see if their ballot came through?	Yes.
	How long did it take you to clear out all the absentee ballot?	It tooks us almost two (2) hours, because we were short staff by two(2). We had one of the alternates come in.
	So you asked someone to come in, were those the two (2) clerks – MaeAnn Sonato and Tammy Vawter?	Yes.
	So MaeAnn and Tammy are the two (2) new ones that came in that day?	Yes.
	Were there the same number of cast ballots and signatures on their?	Yes.
	Do you recall?	Yes.
	They had the same number?	Yes. The only thing that I was short on was the gubernatorial. I was short one (1) ballot on that. The absentee ballots had two(2) envelopes, some would only have one (1) ballot, some would have three(3) ballots in one envelope – they were all different. At the tabulation center when we were counting the absentee ballots I guess we weren't really counting on how many ballots were in there because they were all mixed up and we wouldn't know which one it came from. That is where we figured where it came from – why we were short a ballot
	So you were short a ballot. You weren't really sure because there were so many envelopes you were sorting through– is that what you are saying?	Yes, because we didn't have an extra ballot box just for those absentee ballots – they were taking up space in the ballot boxes. They were so full that *we couldn't find the last one*

	On Election Day, when you had the absentee ballots, I think there 66 given to Precinct 15B– You said it took 2 hours to – from what you open?	About an hour and a half to two hours- something like that. Yes.
	So you processed all – all those ballots that were cast like about mid-morning?	Between those two (2) hours. We had to hold one (1) absentee ballot behind because it was either not listed on the list or it was a different last name from our precinct, so we turned that in on election night.
	That was the Ballot Transfer Sheet that you got – there were some that you got that shouldn't be in yours.	Yes.
	Tell me about when the polls closed at 8, what was your process? When was your last voter done.	My last voter was done probably about 7:55, and we were taking down the –
	So you had nobody in line at 8 to vote?	No.
	How about the other Precinct that you were with?	I'm pretty sure – yes they had some people still there. So what we were doing with our voting booths, we left one open; we took down the signs from the other booths. We tried to break it down as fast as we could. I went out side and Tracy said something like "the polls are closed", then we went inside and broke it down completely. But our first was to close up the ballot boxes and move them away to the inner section. Then we started defacing.
	Again your precinct is 15B?	Yes.
	Did you notice if Precinct 15C was taking a longer time to close than you guys?	Yes, they always take long.

	Do you mean always because of the Primary?	Always as in the Special Election. They have been working as precinct officials for a while – 15C right?
	How long have you been – how many times have you been an official?	Pretty long.
	Like many years?	Yes.
	Were you a precinct official in 2006?	Yes.
	Were you ever a poll watcher?	No.
	Chairman Robert Cruz: Q: Do you have any comments you would like to make?	The only thing that I would complain about is, as an Inspector I would like for the people to show up on time. If we could get a contact number for the people who actually sign up and try to be in sync with them instead of just waiting for them to show up. To get started – especially this time with three (3) ballots was really hard. We were short in almost every stack. It would help if we had our staff complete. And if we can get people who can count - educated people, not just people who need the money.
	Have you seen people like that?	Yes, even people who just try to procrastinate. Everyone knows when to start breaking down. You have 20 minutes left, you take away 100 ballots because guarantee you will not have 100 people walk through those doors in an hour or twenty (20) minutes. You can start closing off and start on procedures. Everyone was finish except Precinct 15C. It took them about an hour and a half – over the time that we were done .
	Commissioner Mesa Q: Did you try to help?	Yes. I actually went in to try to help. Their Inspector started yelling that she doesn't need help –

	What were they doing?	They were counting the unused ballots. The Inspector and the Judge didn't want anyone to touch anything. They were the only ones to do all the work.
	Commissioner Tenorio Q: You had the letter M –M was in your precinct? One last thing, earlier we talked about a voter who came in – was the voter a male or female? A male?, do you recall any female individual who came to check whether or not her name had been marked off as in an absentee ballot? Who was at the signature roster? Vaughtner? Tammy or MaeAnn, right?	Yes. It was a male. No, not a female, it was a male. Tammy. Yes. I don't really know her last name. Yes.
******END OF INTERVIEW******		

	Precinct 15B Barrigada	
12.11.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa GEC Chairman Johnny Taitano Commissioner Joshua Tenorio GEC Staff Dina Moser	Amber Pocaigue, Judge Tammy Vawter, Clerk	
	Subcommittee Chairman, Robert Cruz Q: What was the process used to come up with reconciliation total? We noticed that because we were running short of supplies, on the ballot envelopes. The staff was trying to make the ballot envelopes last.	We had one (1) missing ballot, right? We noticed that you know how there are supposed to be three (3) ballots, sometimes when we open the envelope, we don't have all three (3). Sometimes we don't have the gubernatorial; sometimes we don't have Madeleine's. We noticed that, but we only had one missing ballot.
	Commissioner Joshua Tenorio Q: Tammy and Amber were you officials in the Primary? You were on the original list that morning there were four (4) of you, do you recall how the fifth person was selected and what time that was? Who, the Inspector? Did you know that we received a report that there was an alternate that – Was there another person that was sworn in?	Tammy: I was Tammy: Our Inspector called her sister. I got there about 6:30. Amber: I was there before 6, she was there about 6:15. No, the sister. Yes, there was, it was a male and he was at 15C already, so we couldn't have him at 15B so our Inspector called her sister. Tammy: There was a lady wearing glasses, she's skinny, but she came late – very late.

	So MaeAnn came before that lady?	Yes. That lady, maybe she is in her mid-30's she came like way after.
	Subcommittee Chairman Robert Cruz: Q: When you say late and way after, like what time?	Everyone is supposed to be there by 6:15, if you are not there by 6:15 your alternate is supposed to be there. So when 6:15 came around and we still had no alternate that is when our Inspector called her sister Maeann to come. The older lady with glasses she came maybe – 6:40, and she had already sworn in Maeann.
	Commissioner Tenorio Q: The precincts weren't open yet? So the lady that was already sworn in, she wasn't accepted, but the other one was, right	No. Yea, she knew she was late.
	Subcommittee Chairman Robert Cruz Q: Do you what happened, did she just go home? We could have used her in another precinct. Oh so she did work?	I have no idea. I think she was at Precinct 15A. Yea, I think so. What's her name - do you remember what her last name is? I think she is a Cepeda. Skinny with glasses, maybe in her mid-30's, if I am not mistaken.
	Commissioner Tenorio Yea, I think her name is Carol Cepeda. Q: Tammy you were the Clerk, so you handled the signature roster? Can you tell us the process when the poll – both of you, can you let us know – (I think Amber you already answered this), but Tammy a bunch of early vote came in, can you –	Tammy: We weren't able to finish all of them when we first opened, but as there were no people we were able to work on them. We were also questioned by one of the voters is that your absentee ballot, "why is it that they are not all accounted for yet?"

	So you did the best you could, is what you are saying?	Yes.
	At the end when the polls closed, tell us what was your process? What was your experienced procedure? First, where were you in the classroom or in the cafeteria?	Cafeteria. I had to count of these numbers, and add them all up. Then our Inspector did a check and balance. Then we all counted all the ballots that weren't used.
	Turn to the back page, what time in the evening did you guys sign this?	Eight.
	Were you still down there?	We wrapped it up pretty quickly. But we were still at the school until about 9:30.
	Because there was still another Precinct you were waiting for?	
	The certification of the signature roster is made at the school or at UOG?	At the school.
	Where did you count the signatures? All of you signed?	Yes. At the school.
	I noticed there is a different color ink used here; do you recall this being changed?	This is not my writing. I know that we had to do it three times, because the first we counted all of this – all of our absentee, all of our provisional, all of our curbside – we had to keep on counting to make sure everything was accounted for.
	This number - do you have seven – I am not sure what that says – Seven forty plus – there is an additional red ink notes.	Seven forty. Seven forty plus ten is seven fifty. The absentees that we couldn't figure out if their names were here.
	Did you receive some ballots at UOG?	I think that's what it is. Do you remember if we received this three up there? Yea, we received some. *~I think we should all be here to answer this ~*

	Can you check if Mrs. Mafnas is here or anyone from their precinct.	
	I think here you have three ballots received at Tabulation Center. So go back to this – I guess it does say it – seven forty plus three absentee at Tabulation Center – including absentee write-in.	Yes we received these three at UOG. Its says at the Tabulation Center
	Can you tell us about this page?	That was the absentee ballots – these right here. These people were the ones that came in, they were already registered with you guys – GEC, but their names aren't on this stuff. So we are on the phone calling you guys to verify if this person is from this precinct, and yes they did vote.
	How about the other names?	These are all from the absentee ballots.
	Do you remember when the names were written? The ones with blue ink.	We wrote these in at UOG Tabulation Center.
	Who wrote these in?	Carmelita. This is not my handwriting. This here is -
	The three?	
	You were there when they wrote the blue ones in – what said during that time? Did somebody – I guess- why were they written in?	Carmelita - Carlina said the names had to be written in She just came back and said to write it in. She said one of the staff – the lady in red that night - These are the names that are not on this master list -
	Commissioner Joseph Mesa Q: Look for the name Orsini, you see the name written in the back?	Orsini, Rikki Rae Q.?
	Commissioner Joshua Tenorio Why don't you check the other names.	You would have to question Carmelita why.

	Commissioner Joseph Mesa Q: Do you have any reason why the names are written on the back? Q: So in your overall count did you count those names again? The ones written in blue. We are just trying to figure out why they were written in.	I have no idea why? I think she went to one of the stations or one of the staff, and she came back and said we have to write it in the names. They were already written in with their name and absentee. Oh that's like a double count or something?
	Commissioner Joshua Tenorio If it was counted again.	I didn't write it.
	Commissioner Joseph Mesa Q: So the Inspector wrote it?	Yea, I think it was the Inspector. That's not my handwriting.
	Commissioner Joshua Tenorio Q: Tell me about when you counted, Tammy are you the one that counted? That's when you came up with the seven forty (740). It says the number of signatures of voters who signed on the signature roster – it says 750 and there is a note on the back. We have seven fifty (750)right? Then at the back it says seven forty (740) and tabulated on election night was seven fifty one (751) which is real close. The signature roster when you did the count, did you see this Form before you signed it? Did she show you the numbers, she showed everyone. This was completed before everybody signed?	I first counted, then Maeann counted, then we both counted a third time. Yes. We didn't account for one missing ballot. Yea, it says seven forty plus the three (3) from the Tabulation Center is seven forty three (743). Our Inspector did. Yes. I think we had to get a – the first sheet we got we used as scratched – everything was wrong so we trashed it. We did one that was more visible and clean.

	Why would everybody be signing seven fifty (750)? How did you get that count? If you look at the back of the signature roster. Do have anything you could remember or want to add on?	I don't know how. The only way I could say that that could come out to seven fifty is counting the second time.
	Commissioner Joseph Mesa Q: So the Inspector is the one that wrote that at UOG? By her? Did she explain to the group as to why? The last station?	Yes. The blue ink was written at the Tabulation Center. Yes. I don't remember why, but after we went to the last station they told us – as to why I don't know. Where we bring all of our stuff – there.
	Commissioner Joshua Tenorio Q: When you crossed out for absentee, did you check it again? Meaning that each affidavit envelope you check that? So when she said to write those names down, did she show – these are the affidavit envelopes they are not on the list, so therefore we have to write the names down? Did she come with a list of names? Joe do you think you could pull that transfer sheet for 15B	Twice. I looked at the packet and double checked the date of birth. Yes, I looked at the back of the envelope. No, not that I know. We had already the list of names from the absentee sheet. There was a sheet that had all the absentee names on it. We had to check and balance, if the package was to the name. If it was correct then I would be the one to cross it out and write absentee where the signature is supposed to be. Yes that paper.

	Would you find this paper complete or incomplete?	Incomplete because it had some errors. But we figured - like for instance this lady – it was a name that had a typo – she is here on this list, if I see it, I'll let you know.
	Commissioner Joseph Mesa Q: It would throw your numbers off. And you found her?	This lady right here – Lolita – this last name we couldn't find it. But when I went through every single name, it was under something else. That was one of the absentee I didn't cross off immediately because we couldn't find where her name was. When it wasn't busy I went through every single name and every single date of birth to figure out where she is. We found her.
	Commissioner Joshua Tenorio Q: The handwriting at the back is the Inspector's? Under the certification. Yes, you know the ones in blue. What's the difference the names on the ballot transfer sheet and the signature roster. Other than typographical errors, were there missing names on the ballot transfer sheet? Meaning that you had affidavit envelopes but the names weren't there. No. vice-versa. In other words did you receive more ballots than what was given to you? So they pretty much equaled out?	The way back? Amber: I really don't know We had envelopes with the names on here but not on the roster. No. Yes.
	Commissioner Joseph Mesa Q: If you go to her name – Losongeca, Evelyn R. – she's not crossed out, right?	Yea, she didn't vote. But it says that she had an absentee ballot
	Commissioner Joshua Tenorio Q: These four names I don't know they are not on the list,	You said four, are the other three on that list?

	when they early voted. We should ask her – she should have written the names on the ballot transfer sheet and not on the roster. She mixed it up. I don't have any further questions.	 Maybe she – Yea.
	Subcommittee Chairman Robert Cruz Q: Is there anything the two of you would like to share?	One guy came in saying that he wanted to check if his name appears on the list in front of the door. When we wasn't satisfied, he came to us and you guys said he wasn't not registered.
	Commissioner Tenorio Q: Were you told that you can give him a provisional ballot? A provisional ballot is when a person comes in and their name is not on the register, there is an affidavit envelope and they fill out the precinct and the voter information they'll send it in to the Election Commission. What is supposed to happen is we are supposed to review it and make a determination on it. Did they not tell her to give him a provisional ballot?	Even though GEC said he wasn't registered? Carmen did all the procedural stuff, she's the one that calls GEC. Otherwise I would have handed it to him and wrote his name down. I only saw one lady with a provisional ballot. She said make sure it doesn't go in the box and for her to give it to me.
	Commissioner Mesa Q: Why did she have to vote provisional?	I don't know. She just told me to make sure she doesn't put it in the box.
***** **END OF INTERVIEW** *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away? And then you actually heard Carmina - ...to ask or had she already called her sister and said we're short, come on down, where are you or something? To her sister? And she was the one that had received training already? Carol. And how about Carmina's	Yes. Because she said she was late. I heard her calling her sister. Well when Carol left, she picked up her cell phone and she said hurry up because you are late. Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in. She did because she worked Primary. Which one are you talking about? Carol? Yes she received training. She was here.

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here? Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures? For that one, right? Well this one, I don't know why they – ***Steff (GEC Staff)*** Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out. I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures. **Commissioner Joshua Tenorio** Ok.	guys, when we were counting it, Carmina tried getting - ????? I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back. Yes. Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional. And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Chairman Robert Cruz There must be a mix up. Q: You said this was at the University of Guam?	There was some short inside the absentee ballots, sometimes 2, sometimes only 1. Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
NOV 05 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: MANLEY First Name: Dolores M.I.: C.
Address: P.O. Box 22604
City: GMF State: GUAM Zip Code: 96921
Day Phone: 789-7715 Evening Phone: SAme Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: activity after 8 pm at the Poll

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Dec. 06, 2012
P.O. Box 23240 Hagatna, Guam 96932

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

On Election Day I witness on Precinct 15C in Barrigada an official was writting & kept turning the roster or log book after 8 P.M. then another official blocked our view (front of the official) but kept on writting & turning the log book, they were the last to finish around 8:40 my husband & I were pollwatch

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: Nov. 5, 2010 (Date) at: Agana, Guam (City / State or Territory)

Signature of Person Filing Complaint: Dolores C. Manley

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Guam) Hagatna) SS

On: Nov. 5 2010 (Date) before me, Melissa T. Rasmussen (Name of Notary)

personally appeared Dolores C. Manley (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

Melissa T. Rasmussen
(Notary Signature)

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Oct. 05, 2012
P.O. Box 2830 Hagatna, Guam 96932

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
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E-Mail: director@gec.guam.gov Website: www.guamelection.org

FEB 23 2011

Dolores C. Manley
P.O.Box 22604
GMF 96921
DOB: 03.24.1950
AOR# 016967

Re: GEC Administrative Complaint Filed on November 5, 2010

Dear Ms. Manley,

Buenas yan Hafa Adai! This letter is written to acknowledge receipt of your complaint filed at the Guam Election Commission's office following the 2010 General Election. We fully appreciate and understand your concerns and we applaud your effort in exercising your right to bring such matters to the attention of the Commission. Acting Chair Alice Taijeron appointed a subcommittee consisting of Independent Member Attorney Robert G.P. Cruz, Member Joshua Tenorio (Democratic Party Representative), and Member Joseph Mesa (Republican Party Representative) who are investigating every complaint. This working group interviewed dozens of individuals and recommended appropriate action to the full Commission.

Please be assured that all the issues, concerns and problems that may have occurred on November 2, 2010, and brought to the attention of the Commission, are being addressed. While some complaints might be resolved through a change in Guam's established election policies, others may require action by the Guam Legislature. Still others may be referred to the Attorney General's office for prosecution or other appropriate action. The Guam Election Commission will reevaluate its procedures in order to make for smoother and more complaint-free elections in the future.

On behalf of the Members of the Guam Election Commission, thank you once again for taking the time to submit your Administrative Complaint form.

Senseramente,

JOHNNY P. TAITANO
Chairman

cc: GEC Members
GEC Legal Counsel
File

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
NOV 05 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: MANLEY First Name: William M.I.: F.

Address: P.O. Box 22604 GMF. Guam 96921

City: _____ State: _____ Zip Code: _____

Day Phone: 789-7715 Evening Phone: _____ Fax No: _____

Section 2 – Subject of your Complaint

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- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
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- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: Activity At The Pole After 8:00 P.M.

Federal Law Violations

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- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

MELISSA T. DIMAGUIBA
NOTARY PUBLIC
In and for Guam, U.S.A.

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

NOV. 2, 2010, ON Election day I observed BARR. PRINCT 15-B, and 15-C outside the Window. 15-B was completed approximately 8:1 but Princt 15-C still Flipping and writing on Roster and what Got m attention was one official was standing on half prone Position on tbl on Front blocking while one princt official continued Flipping and writing on log book. I Got the attention of officer Rivaria that was

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: NOV. 5, 2010 (Date) at: Guam (City / State or Territory)

Signature of Person Filing Complaint: William F. Manley

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Hagatna)
Guam) SS
)

On: Nov. 5, 2010 (Date) before me, Melissa T. Rasmussen (Name of Notary)

personally appeared William F. Manley (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

Melissa T. Rasmussen
(Notary Signature)

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Oct. 05, 2012
P.O. Box 2830 Hagatna, Guam 96932

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

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FEB 23 2011

William F. Manley
P.O.Box 22604
GMF 96921
DOB: 05.01.1950
AOR# 016971

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Senseramente,

JOHNNY P. TAITANO
Chairman

cc: GEC Members
GEC Legal Counsel
✓File

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Kumision Ileksion Guåhan

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Tel: (671) 477-9791/2 • Fax: (671) 477-1895

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RECEIVED
NOV 05 2010
GEC

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Please Type or Print all of the information on this form.

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Last name: MANLOY First Name: William M.I. F.

Address: P.O. Box 22604 G.M.F. Guam 96921

City: _____ State: _____ Zip Code: _____

Day Phone: 789-7795 Evening Phone: _____ Fax No: _____

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- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

MELISSA T. PINOCO-KASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires:
P.O. Box 3240 Hagatna, Guam 96932

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Was Walking around at approximately 8:25. I ask him can you check what seem to be the hold up 15-C he told me may I their Working on absnte Ballot. He then Walk in and said guys everybody is done and Writing for you then Walk out. 15-C still Flipping and writing on logbook approximately 8:40 They're are done.

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: Nov. 5, 2010 (Date) at: Guam (City / State or Territory)

Signature of Person Filing Complaint: William F. Manley

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personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
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(Notary Signature)

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Hagatna, Guam 96910

	Precinct 15C	
11.16.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio Commissioner Joseph Mesa GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to	

	come in to vote again. Before I was able to complete finishing all the signatures crossed off that we initialed for the absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee.		When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there

Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes they were in the envelope – what happens after that?	We didn't have any problems with the 56 ballots. They were all accounted for.	We didn't have a problem with any of the absentee ballot. We received five (5) absentee ballots at the table (at the University)
Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the	 8 p.m., after the polls were closed? We were in the classroom, the	 Is this a complaint against 15C? No sir, it was not. So someone had to be standing on

classroom? They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning	windows are up high. There are no chairs on the outside. The windows were only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	a chair to look in. Officer Rivera was present the remainder of the voting.

the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.		
Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are

		four(4) people. I want to make sure that I am accounted for in each and every one of these signatures. If they say us counting – I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate the signature is there.
	Right here is one. We did this at the Fieldhouse. If you notice the different color ink.	
		I tried one year with tick marks, it didn't work, so I decided to try something else. The mistake that we made on that one page was that we were only counting the male and the female I told them to stop and go back to count the signatures, so when time comes to count and add up the clerk will be the one to do it.
What are the inadequacies or the areas that you saw the Commission has to improve for the next election?		3 clerks for the absentee ballot. It takes us over an hour to validate the contents of the box. You are asking our opinion; I think it would be at the Fieldhouse.
Tell us more about that.	The security of the ballots. When we reached the last table where we turn in our ballot boxes. There were – I don't know if that's the table they were being stacked – but after working at the polls you know the color of the ballots. I noticed that the ballots were on a table.	What we saw Stephanie when we released our ballot box at Station 4, we just happen to look and noticed that there was only one back person there with over thousands of ballots that will make or change this island. There is no other person to authenticate the integrity of the ballots. Why the police officers at the front, there were should have been a police officer at each of the ballot counter.

	What is GEC doing about bringing back electronic voting?	
Chairman Cruz A: The problem is the law; it prohibits GEC from using it. The machines must be certified. We are looking at getting new machines or possibly be a tabulator at each precinct where the voter puts their ballot through.		
		Why is it that the Director unlocks the ballot boxes?
Commissioner Tenorio A: By law the director		
		What is your decision making process at hiring precinct officials?
Chairman Cruz A:		
***** END OF INTERVIEW *****		

	Precinct 15C	
12.13.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	Oath Administered by Subcommittee Chairman Robert Cruz	
	Jeremy Cepeda, Clerk	
	Commissioner Joshua Tenorio Q: Jeremy you were the Clerk	Yes, the only Clerk.
	What about Latoya Baza?	Oh, I don't know. I don't remember their names.
	When you said that you were the only Clerk, what did you mean by that?	Oh I know that there are supposed to be two clerks assigned, but it was only me doing it.
	Where was the other clerk?	Oh I don't know. There was only five (5) of us.
	There was another male aside from you, the Inspector, and two other females – Ann Marie Mesa and Latoya Baza do you know what they did, what their role was?	Yea – they were counting something on the side – I don't know. I forgot what they were counting.
	Throughout the day?	Yea. The Judges were doing their job. They were on the side counting for a few hours.
	Do you know if they were counting all the absentee envelopes?	I think so. We were one of the last ones to leave.
	You know one of the process we saw was – you know all the initials. I can give you the signature roster to look at, but tell us what time you came in and the process when you came in to work that day.	

	Were you one of the last minute –	No. It was me and my mom, but I woke up late. We were supposed to be there like 5, but we arrived about 5:15 -5:30.
	So you were there when the ballots arrived?	Yes.
	So tell us how you set up your supplies.	Well actually by the time we got there, everything was set up. The polls were across us, to the left was the poll watchers by the door.
	You were in the classroom?	Yea. Pretty much from there, the only time I left my spot was to go use the restroom.
	You were the only one handling the roster?	Yes.
	Were the others referring to the roster? – let me show you something. Have you ever seen this kind of envelope? It is not specific to the voter's name, but have you seen this during election day?	They are like the absentee?
	Right.	Yea. Everytime they are telling me to write it down. Check the names and cross it out and sign it.
	They – meaning – Mrs. Viloria, the Inspector?	No, it was the other guy. He was the one reading it to me.
	So he would take each one and read it? If you found the name – what would happen?	I would cross it out then next to where it says signature I would put absentee
	When will the initials come in? Do they do it at the same time	Oh that is from – They didn't really tell me to write my initials yet, until he was like are you sure your writing your initials. I said nobody told me to do that.
	So you had to go back –	Yeah I had to go back and knowing they had the folder – I don't know which one they went through already, so I am

		thinking like what is the last name of the voter. I would remember a few and I would write it
	Other people would get the roster and initial also?	Yes – but I think it is only –
	Would they initial where you initial?	Yea, I think it was for the absentee ballot and the curbside
	You would be the first one to initial?	Yea
	For example – Latoya Baza I have not seen this book all day I wouldn't know what the procedure is for the day. Would I look for your initials and initial next to it?	
	How did the other initials get there?	They will initial probably after - when no one is coming in they will do it.
	Where there any time when they said you forgot to initial and they told you to?	I don't recall.
	So the only ones that you initialed was after they told you?	Yes. But if I didn't know it, I just said forget I am not going to do it. It was me the other guy and the inspector.
	Do you recall if there was a voter that –. Yea, what would you tell them?	If a voter was not registered in Barrigada? I would bring it up to somebody like the Inspector. She would check. We will tell them that they are not registered in Barrigada or that precinct. I don't know, she called a few times.
	You were there when they gave provisional ballots, do you know if anybody put the ballot straight in without a provisional envelopes?	When I went through the roster, I missed two names – I didn't count. The only ones that we were counting were the ones that were crossed out. I was counting male – female and writing it on the right side.
	Oh I see -	
	GEC Chairman Johnny Taitano	

	Q: Who did this page? Do you remember writing that?	Me and our inspector. No. Maybe the first two, but the rest no.
	Commissioner Tenorio Q: When Mr. Sablan was announcing the absentee names was there ever a time someone came in to vote and their signature was crossed out? Look at this name, Julie Ulloa-Heath. This Julie Ulloa-Heath was an early voter, but there is a signature over her name. Do you recall anyone coming for that name? Well she may have come in but – I am going to show you the signatures don't look the same.	Their own? No. No. So she voted early and she came in again?
	GEC Chairman Johnny Taitano Q: When the other person started calling out absentee or in office voting – you mentioned that you would cross it out and then put – And then later on they started to initial. When did you get the bulk of that done? When? Do remember receiving anymore when you went up to the University? And then – was it the same process?	Put absentee – or put av The signature? Well every time they mentioned that to me. When there is no one coming in and in the beginning. Yes, we received a few. I don't recall. I don't remember.
	Commissioner Tenorio Q: If you look at 3409 – you can see	Julie Ulloa-Heath.

	the name – can you read that out.	
	Take a look at the signature. I want you to compare it to what is on the roster.	Maybe it was crossed out. Yea it is different.
	Take a look at Francis G. Quintanilla – there is a signature over that – there is also initials, why would there be a signature over that when it was absentee?	Absentee – yes. I don't know maybe they signed over the wrong one. Because I know that there has been quite a few times that they sign the wrong one.
	Maybe they signed the wrong one?	
	This lady – if you look at her ballot envelope the application the bottom right - you can see the voter signature.	
	How about you look at Carmela Quinata – Carmela Marie T. Quinata.	Carmela Marie?
	Do you notice there is a signature there also? This is the affidavit that came with it.	
	The other one that we called – Quintanilla, right? Take a look at – why don't you compare both signatures.	With Francis?
	Yes.	
	You don't have an idea what that would be? To your recollection, Jeremy – do you recall ever initialing next to a line that was crossed out but had a signature on it?	No. Once I crossed these out I would put av as an absentee.
	Because it should not have a signature on it, right?	
	Take a look at Carmen T. Quichocho. I'm sorry Carmen L. Is there a signature next to Carmen Quichocho?	Carmen T.? I don't know what this is.
	Carmen F. Quichocho is also an early	

	voter. I noticed there is no initial. You mentioned earlier that you missed some – by the way no other precinct had the rule that Sablan had. It is not standard, I don't want you to feel bad that – because that is not something that you are really supposed to do. It is something additional – it may or may not be a good thing. I don't want you to think that you messed up by not putting your initials it is not required and no other clerk in other precincts were asked to put their initials next to an absentee.	Yea our inspector is the one – she said to make sure I put an initial either av or absentee.
	Gregory Sanchez – it says that this voter did not bring back his ballot envelope. He put his ballot in the ballot box instead. This voter was not on the register, but indicated that he voted on the 2006 General Election. As per Stephanie treat as a cast ballot – regular voter.	
	This is a provisional voter – do remember that situation or talking about that?	No.
	That somebody got a ballot and it should have been provisional because it was sealed and it should come to us to make a decision, but they went on ahead and put the ballot in.	No. I was trying to focus on what I have to do - I was busy looking out for my job where everybody should – the box is all the way on the right side and I'm way over here in the corner near the door. Whoever is responsible for that should be looking out for that.
	That's all the questions I have.	
	So you never seen a ballot transfer receipt or a ballot transfer slip? It was a sheet of paper that had the list of all of the absentee that were received?	A sheet of paper?
	Yea it had names -	No. The people were just reading it to me – either Joe
	So you never saw it yourself? They just read out the name and you	They never really told me to go through it and check the names. They were the

	crossed them out. You wouldn't know if they were reading other names off that list? So whatever they said, you would cross out? So can you tell us about the night of tabulation, why you guys were the last ones to close up. What do you mean that you miss them? How did you identify the names? In other words you weren't counting signatures, were counting the male or female? So you weren't counting the signatures? How did you know which two you counted? Oh I see, but the signatures were there but you just figured out on the page where you accidently didn't include that on the count?	ones reading it to me. I would say it was more – when I miss that two count. How I said I miss them – I went through it I counted it. I put the numbers at the bottom. We went through it again. I guess there were some that were crossed out but didn't have a circle on them – Yea. If it wasn't crossed out then – Yes. Yes I was counting the signatures and also the ones that was crossed out. But whatever wasn't crossed out – that I didn't count. Then again, I missed two. We went through it and we saw that it wasn't – and I knew that I was counting where the circles were – Yes.
	GEC Chairman Johnny Taitano Q: Do you have any recommendations to make the process smoother?	I don't know what the others have to say, but for me – I just tried to do my job the best I can, if I had extra help it would have been better.
	Commissioner Tenorio Q: Do you know why the other clerk was not there with you at the table?	
***** **END OF INTERVIEW** *****		

	Precinct 15C	
12.13.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Chairman Johnny Taitano GEC Staff Dina Moser	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		

Do you notice if there is a signature on Francis G. Quintanilla?		
Do you agree that there is a signature on that line?		There shouldn't be. That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started

		working on the absentee ballot. I believe he went back and verify the signature, and those that didn't show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Carmina Blas Acquininoc
	Chairman Robert Cruz ***Q:*** What was your role at the election?	I was the inspector.
	Chairman Robert Cruz ***Q:*** You served as an inspector before?	Yes, Primary.
	Commissioner Tenorio ***Q:*** Were you ever a poll watcher before?	No.
	Commissioner Tenorio: ***Q:*** So your first time would be just in the Primary, you were a precinct official also? You weren't the inspector, though?	Yes. During the Primary I was the Inspector. I volunteered; they didn't have one for 15B. Inspector is my job, so I told David that I would go ahead and take the position.
	Subcommittee Chairman Cruz: ***Q:*** We've had complaints from two (2) different people that ballots were not secured properly in the voting are. They were left stacked, I don't know if they were on the floor, or on a table. At the polling place? What village?	What we had done was as we were counting the ballots in stacks of fifty (50). There was a person issuing the ballots at the end of the table. No one had access to the ballots except for us on the other side of the table. Yes. We weren't given a room, it was a cafeteria. It was an open area so we tried to barricade it as much as we could with the materials and the furniture that we had to use it wasn't that great. Barrigada. 15B.

	Commissioner Tenorio ***Q:*** There were two (2) precincts in the cafeteria?	Yes.
	And there is also two(2) - one each in individual classrooms, or were there three (3) precincts in the cafeteria?	No, there are two (2) precincts in the cafeteria, and two (2) at individual classrooms.
	The other precinct in the cafeteria is which one with you?	I was at the right side.
	Do you know what the other precinct was? It wasn't continuous, there was a precinct in between, right?	I can't remember. I think it is ***Ck*** thru There was some people directing left or right. Asking people what their last name is.
	What letters of the alphabet do you have?	L thru P.
	Are you familiar with a situation, how many people attempted to double vote in your precinct?	I didn't have any.
	Do you recall an incident where a voter came in to vote but indicated that she wasn't there to vote but there to check on her name? Any voter come in to check if there name was crossed off because they had early voted?	No. I know there was an incident where somebody – I think so, yea. Something like that, but I was on the phone with GEC speaking about something, and then they said, yea there name is here but it is crossed out already. So I instructed them not touch the name because it is crossed out already.
	Elaborate more on that incident.	They were just asking then they left. I wasn't a big thing about it.
	They came to vote?	No. They were with other people, so those people voted & they wanted to see if their thing was in.

	They wanted to see if their ballot came through?	Yes.
	How long did it take you to clear out all the absentee ballot?	It tooks us almost two (2) hours, because we were short staff by two(2). We had one of the alternates come in.
	So you asked someone to come in, were those the two (2) clerks – MaeAnn Sonato and Tammy Vawter?	Yes.
	So MaeAnn and Tammy are the two (2) new ones that came in that day?	Yes.
	Were there the same number of cast ballots and signatures on their?	Yes.
	Do you recall?	Yes.
	They had the same number?	Yes. The only thing that I was short on was the gubernatorial. I was short one (1) ballot on that. The absentee ballots had two(2) envelopes, some would only have one (1) ballot, some would have three(3) ballots in one envelope – they were all different. At the tabulation center when we were counting the absentee ballots I guess we weren't really counting on how many ballots were in there because they were all mixed up and we wouldn't know which one it came from. That is where we figured where it came from – why we were short a ballot
	So you were short a ballot. You weren't really sure because there were so many envelopes you were sorting through– is that what you are saying?	Yes, because we didn't have an extra ballot box just for those absentee ballots – they were taking up space in the ballot boxes. They were so full that *we couldn't find the last one*

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	On Election Day, when you had the absentee ballots, I think there 66 given to Precinct 15B– You said it took 2 hours to – from what you open?	About an hour and a half to two hours- something like that. Yes.
	So you processed all – all those ballots that were cast like about mid-morning?	Between those two (2) hours. We had to hold one (1) absentee ballot behind because it was either not listed on the list or it was a different last name from our precinct, so we turned that in on election night.
	That was the Ballot Transfer Sheet that you got – there were some that you got that shouldn't be in yours.	Yes.
	Tell me about when the polls closed at 8, what was your process? When was your last voter done.	My last voter was done probably about 7:55, and we were taking down the –
	So you had nobody in line at 8 to vote?	No.
	How about the other Precinct that you were with?	I'm pretty sure – yes they had some people still there. So what we were doing with our voting booths, we left one open; we took down the signs from the other booths. We tried to break it down as fast as we could. I went out side and Tracy said something like "the polls are closed", then we went inside and broke it down completely. But our first was to close up the ballot boxes and move them away to the inner section. Then we started defacing.
	Again your precinct is 15B?	Yes.
	Did you notice if Precinct 15C was taking a longer time to close than you guys?	Yes, they always take long.

	Do you mean always because of the Primary?	Always as in the Special Election. They have been working as precinct officials for a while – 15C right?
	How long have you been – how many times have you been an official?	Pretty long.
	Like many years?	Yes.
	Were you a precinct official in 2006?	Yes.
	Were you ever a poll watcher?	No.
	Chairman Robert Cruz: Q: Do you have any comments you would like to make?	The only thing that I would complain about is, as an Inspector I would like for the people to show up on time. If we could get a contact number for the people who actually sign up and try to be in sync with them instead of just waiting for them to show up. To get started – especially this time with three (3) ballots was really hard. We were short in almost every stack. It would help if we had our staff complete. And if we can get people who can count - educated people, not just people who need the money.
	Have you seen people like that?	Yes, even people who just try to procrastinate. Everyone knows when to start breaking down. You have 20 minutes left, you take away 100 ballots because guarantee you will not have 100 people walk through those doors in an hour or twenty (20) minutes. You can start closing off and start on procedures. Everyone was finish except Precinct 15C. It took them about an hour and a half – over the time that we were done .
	Commissioner Mesa Q: Did you try to help?	Yes. I actually went in to try to help. Their Inspector started yelling that she doesn't need help –

	What were they doing?	They were counting the unused ballots. The Inspector and the Judge didn't want anyone to touch anything. They were the only ones to do all the work.
	Commissioner Tenorio Q: You had the letter M –M was in your precinct? One last thing, earlier we talked about a voter who came in – was the voter a male or female? A male?, do you recall any female individual who came to check whether or not her name had been marked off as in an absentee ballot? Who was at the signature roster? Vaughtner? Tammy or MaeAnn, right?	Yes. It was a male. No, not a female, it was a male. Tammy. Yes. I don't really know her last name. Yes.
******END OF INTERVIEW******		

	Precinct 15B Barrigada	
12.11.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa GEC Chairman Johnny Taitano Commissioner Joshua Tenorio GEC Staff Dina Moser	Amber Pocaigue, Judge Tammy Vawter, Clerk	
	Subcommittee Chairman, Robert Cruz Q: What was the process used to come up with reconciliation total? We noticed that because we were running short of supplies, on the ballot envelopes. The staff was trying to make the ballot envelopes last.	We had one (1) missing ballot, right? We noticed that you know how there are supposed to be three (3) ballots, sometimes when we open the envelope, we don't have all three (3). Sometimes we don't have the gubernatorial; sometimes we don't have Madeleine's. We noticed that, but we only had one missing ballot.
	Commissioner Joshua Tenorio Q: Tammy and Amber were you officials in the Primary? You were on the original list that morning there were four (4) of you, do you recall how the fifth person was selected and what time that was? Who, the Inspector? Did you know that we received a report that there was an alternate that – Was there another person that was sworn in?	Tammy: I was Tammy: Our Inspector called her sister. I got there about 6:30. Amber: I was there before 6, she was there about 6:15. No, the sister. Yes, there was, it was a male and he was at 15C already, so we couldn't have him at 15B so our Inspector called her sister. Tammy: There was a lady wearing glasses, she's skinny, but she came late – very late.

	So MaeAnn came before that lady?	Yes. That lady, maybe she is in her mid-30's she came like way after.
	Subcommittee Chairman Robert Cruz: Q: When you say late and way after, like what time?	Everyone is supposed to be there by 6:15, if you are not there by 6:15 your alternate is supposed to be there. So when 6:15 came around and we still had no alternate that is when our Inspector called her sister Maeann to come. The older lady with glasses she came maybe – 6:40, and she had already sworn in Maeann.
	Commissioner Tenorio Q: The precincts weren't open yet? So the lady that was already sworn in, she wasn't accepted, but the other one was, right	No. Yea, she knew she was late.
	Subcommittee Chairman Robert Cruz Q: Do you what happened, did she just go home? We could have used her in another precinct. Oh so she did work?	I have no idea. I think she was at Precinct 15A. Yea, I think so. What's her name - do you remember what her last name is? I think she is a Cepeda. Skinny with glasses, maybe in her mid-30's, if I am not mistaken.
	Commissioner Tenorio Yea, I think her name is Carol Cepeda. Q: Tammy you were the Clerk, so you handled the signature roster? Can you tell us the process when the poll – both of you, can you let us know – (I think Amber you already answered this), but Tammy a bunch of early vote came in, can you –	Tammy: We weren't able to finish all of them when we first opened, but as there were no people we were able to work on them. We were also questioned by one of the voters is that your absentee ballot, "why is it that they are not all accounted for yet?"

	So you did the best you could, is what you are saying?	Yes.
	At the end when the polls closed, tell us what was your process? What was your experienced procedure? First, where were you in the classroom or in the cafeteria?	Cafeteria. I had to count of these numbers, and add them all up. Then our Inspector did a check and balance. Then we all counted all the ballots that weren't used.
	Turn to the back page, what time in the evening did you guys sign this?	Eight.
	Were you still down there?	We wrapped it up pretty quickly. But we were still at the school until about 9:30.
	Because there was still another Precinct you were waiting for?	
	The certification of the signature roster is made at the school or at UOG?	At the school.
	Where did you count the signatures? All of you signed?	Yes. At the school.
	I noticed there is a different color ink used here; do you recall this being changed?	This is not my writing. I know that we had to do it three times, because the first we counted all of this – all of our absentee, all of our provisional, all of our curbside – we had to keep on counting to make sure everything was accounted for.
	This number - do you have seven – I am not sure what that says – Seven forty plus – there is an additional red ink notes.	Seven forty. Seven forty plus ten is seven fifty. The absentees that we couldn't figure out if their names were here.
	Did you receive some ballots at UOG?	I think that's what it is. Do you remember if we received this three up there? Yea, we received some. *~I think we should all be here to answer this ~*

	Can you check if Mrs. Mafnas is here or anyone from their precinct.	
	I think here you have three ballots received at Tabulation Center. So go back to this – I guess it does say it – seven forty plus three absentee at Tabulation Center – including absentee write-in.	Yes we received these three at UOG. Its says at the Tabulation Center
	Can you tell us about this page?	That was the absentee ballots – these right here. These people were the ones that came in, they were already registered with you guys – GEC, but their names aren't on this stuff. So we are on the phone calling you guys to verify if this person is from this precinct, and yes they did vote.
	How about the other names?	These are all from the absentee ballots.
	Do you remember when the names were written? The ones with blue ink.	We wrote these in at UOG Tabulation Center.
	Who wrote these in?	Carmelita. This is not my handwriting. This here is -
	The three?	
	You were there when they wrote the blue ones in – what said during that time? Did somebody – I guess- why were they written in?	Carmelita - Carlina said the names had to be written in She just came back and said to write it in. She said one of the staff – the lady in red that night - These are the names that are not on this master list -
	Commissioner Joseph Mesa Q: Look for the name Orsini, you see the name written in the back?	Orsini, Rikki Rae Q.?
	Commissioner Joshua Tenorio Why don't you check the other names.	You would have to question Carmelita why.

	Commissioner Joseph Mesa Q: Do you have any reason why the names are written on the back? Q: So in your overall count did you count those names again? The ones written in blue. We are just trying to figure out why they were written in.	I have no idea why? I think she went to one of the stations or one of the staff, and she came back and said we have to write it in the names. They were already written in with their name and absentee. Oh that's like a double count or something?
	Commissioner Joshua Tenorio If it was counted again.	I didn't write it.
	Commissioner Joseph Mesa Q: So the Inspector wrote it?	Yea, I think it was the Inspector. That's not my handwriting.
	Commissioner Joshua Tenorio Q: Tell me about when you counted, Tammy are you the one that counted? That's when you came up with the seven forty (740). It says the number of signatures of voters who signed on the signature roster – it says 750 and there is a note on the back. We have seven fifty (750)right? Then at the back it says seven forty (740) and tabulated on election night was seven fifty one (751) which is real close. The signature roster when you did the count, did you see this Form before you signed it? Did she show you the numbers, she showed everyone. This was completed before everybody signed?	I first counted, then Maeann counted, then we both counted a third time. Yes. We didn't account for one missing ballot. Yea, it says seven forty plus the three (3) from the Tabulation Center is seven forty three (743). Our Inspector did. Yes. I think we had to get a – the first sheet we got we used as scratched – everything was wrong so we trashed it. We did one that was more visible and clean.

	Why would everybody be signing seven fifty (750)? How did you get that count? If you look at the back of the signature roster. Do have anything you could remember or want to add on?	I don't know how. The only way I could say that that could come out to seven fifty is counting the second time.
	Commissioner Joseph Mesa Q: So the Inspector is the one that wrote that at UOG? By her? Did she explain to the group as to why? The last station?	Yes. The blue ink was written at the Tabulation Center. Yes. I don't remember why, but after we went to the last station they told us – as to why I don't know. Where we bring all of our stuff – there.
	Commissioner Joshua Tenorio Q: When you crossed out for absentee, did you check it again? Meaning that each affidavit envelope you check that? So when she said to write those names down, did she show – these are the affidavit envelopes they are not on the list, so therefore we have to write the names down? Did she come with a list of names? Joe do you think you could pull that transfer sheet for 15B	Twice. I looked at the packet and double checked the date of birth. Yes, I looked at the back of the envelope. No, not that I know. We had already the list of names from the absentee sheet. There was a sheet that had all the absentee names on it. We had to check and balance, if the package was to the name. If it was correct then I would be the one to cross it out and write absentee where the signature is supposed to be. Yes that paper.

	Would you find this paper complete or incomplete?	Incomplete because it had some errors. But we figured - like for instance this lady – it was a name that had a typo – she is here on this list, if I see it, I'll let you know.
	Commissioner Joseph Mesa Q: It would throw your numbers off. And you found her?	This lady right here – Lolita – this last name we couldn't find it. But when I went through every single name, it was under something else. That was one of the absentee I didn't cross off immediately because we couldn't find where her name was. When it wasn't busy I went through every single name and every single date of birth to figure out where she is. We found her.
	Commissioner Joshua Tenorio Q: The handwriting at the back is the Inspector's? Under the certification. Yes, you know the ones in blue. What's the difference the names on the ballot transfer sheet and the signature roster. Other than typographical errors, were there missing names on the ballot transfer sheet? Meaning that you had affidavit envelopes but the names weren't there. No. vice-versa. In other words did you receive more ballots than what was given to you? So they pretty much equaled out?	The way back? Amber: I really don't know We had envelopes with the names on here but not on the roster. No. Yes.
	Commissioner Joseph Mesa Q: If you go to her name – Losongeca, Evelyn R. – she's not crossed out, right?	Yea, she didn't vote. But it says that she had an absentee ballot
	Commissioner Joshua Tenorio Q: These four names I don't know they are not on the list,	You said four, are the other three on that list?

	when they early voted. We should ask her – she should have written the names on the ballot transfer sheet and not on the roster. She mixed it up. I don't have any further questions.	 Maybe she – Yea.
	Subcommittee Chairman Robert Cruz Q: Is there anything the two of you would like to share?	One guy came in saying that he wanted to check if his name appears on the list in front of the door. When we wasn't satisfied, he came to us and you guys said he wasn't not registered.
	Commissioner Tenorio Q: Were you told that you can give him a provisional ballot? A provisional ballot is when a person comes in and their name is not on the register, there is an affidavit envelope and they fill out the precinct and the voter information they'll send it in to the Election Commission. What is supposed to happen is we are supposed to review it and make a determination on it. Did they not tell her to give him a provisional ballot?	Even though GEC said he wasn't registered? Carmen did all the procedural stuff, she's the one that calls GEC. Otherwise I would have handed it to him and wrote his name down. I only saw one lady with a provisional ballot. She said make sure it doesn't go in the box and for her to give it to me.
	Commissioner Mesa Q: Why did she have to vote provisional?	I don't know. She just told me to make sure she doesn't put it in the box.
***** END OF INTERVIEW *****		

12.11.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	**Precinct 15B** **Barrigada** **Mariquita Mafnas**	
	Commissioner Joshua Tenorio Q: Mrs. Mafnas, you were a Judge	Yes, I was one of them.
	We wanted to find out about this page – what your recollection was about this page of the signature roster?	Okay. My recollection was when we went up to turn in everything – something about it doesn't balance. Our Inspector was told that – actually she mentioned that the reason why we don't balance is because of the Provisional. So they told her – they told us that whoever writes fast can write in all those so we can balance.
	Did she come back with a list of names?	Well she had a list of names from the –
	Do you know who gave her the list?	That's from the provisional list – I don't know who got the list.
	Was it handwritten list that she came back with?	I don't remember. The only thing I remember is that somebody wrote this.
	Do you remember who it was?	It was Maeann. She was the one who wrote it because she said she can write fast. So we went back to the table and she was the one that wrote everything down. I don't know where she got the list, but I know she had a list.
	Can you tell me about this up here?	I can't because it was Mina that wrote the thing down.
	So when you signed this, the notes were there – the ones in red were already there before you signed?	That was down at the Tabulation Center.

	Was there already a tally? Do you recall when this was put in? Were you there – The one in blue. Oh okay – so you all witnessed it. I don't have anything else. Joe do you have anything else? That is it.	 The one in red? At the tabulation center.
***** END OF INTERVIEW *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away?	Yes. Because she said she was late.
	And then you actually heard Carmina -	I heard her calling her sister.
	...to ask or had she already called her sister and said we're short, come on down, where are you or something?	Well when Carol left, she picked up her cell phone and she said hurry up because you are late.
	To her sister?	Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in.
	And she was the one that had received training already?	She did because she worked Primary. Which one are you talking about? Carol?
	Carol.	Yes she received training. She was here.
	And how about Carmina's	

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here?	guys, when we were counting it, Carmina tried getting - ?????
	Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures?	I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back.
	For that one, right?	Yes.
	Well this one, I don't know why they –	Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional.
	Steff (GEC Staff) Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out.	
	I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures.	And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Commissioner Joshua Tenorio Ok.	
	Chairman Robert Cruz There must be a mix up.	There was some short inside the absentee ballots, sometimes 2, sometimes only 1.
	Q: You said this was at the University of Guam?	Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

	Precinct 15C	
12.13.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Chairman Johnny Taitano GEC Staff Dina Moser	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		

Do you notice if there is a signature on Francis G. Quintanilla?		
Do you agree that there is a signature on that line?		There shouldn't be. That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started

		working on the absentee ballot. I believe he went back and verify the signature, and those that didn't show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

	Precinct 15C	
12.13.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	Oath Administered by Subcommittee Chairman Robert Cruz	
	Jeremy Cepeda, Clerk	
	Commissioner Joshua Tenorio	
	Q: Jeremy you were the Clerk	Yes, the only Clerk.
	What about Latoya Baza?	Oh, I don't know. I don't remember their names.
	When you said that you were the only Clerk, what did you mean by that?	Oh I know that there are supposed to be two clerks assigned, but it was only me doing it.
	Where was the other clerk?	Oh I don't know. There was only five (5) of us.
	There was another male aside from you, the Inspector, and two other females – Ann Marie Mesa and Latoya Baza do you know what they did, what their role was?	Yea – they were counting something on the side – I don't know. I forgot what they were counting.
	Throughout the day?	Yea. The Judges were doing their job. They were on the side counting for a few hours.
	Do you know if they were counting all the absentee envelopes?	I think so. We were one of the last ones to leave.
	You know one of the process we saw was – you know all the initials. I can give you the signature roster to look at, but tell us what time you came in and the process when you came in to work that day.	

	Were you one of the last minute –	No. It was me and my mom, but I woke up late. We were supposed to be there like 5, but we arrived about 5:15 -5:30.
	So you were there when the ballots arrived?	Yes.
	So tell us how you set up your supplies.	Well actually by the time we got there, everything was set up. The polls were across us, to the left was the poll watchers by the door.
	You were in the classroom?	Yea. Pretty much from there, the only time I left my spot was to go use the restroom.
	You were the only one handling the roster?	Yes.
	Were the others referring to the roster? – let me show you something. Have you ever seen this kind of envelope? It is not specific to the voter's name, but have you seen this during election day?	They are like the absentee?
	Right.	Yea. Everytime they are telling me to write it down. Check the names and cross it out and sign it.
	They – meaning – Mrs. Viloria, the Inspector?	No, it was the other guy. He was the one reading it to me.
	So he would take each one and read it? If you found the name – what would happen?	I would cross it out then next to where it says signature I would put absentee
	When will the initials come in? Do they do it at the same time	Oh that is from – They didn't really tell me to write my initials yet, until he was like are you sure your writing your initials. I said nobody told me to do that.
	So you had to go back –	Yeah I had to go back and knowing they had the folder – I don't know which one they went through already, so I am

		thinking like what is the last name of the voter. I would remember a few and I would write it
	Other people would get the roster and initial also?	Yes – but I think it is only –
	Would they initial where you initial?	Yea, I think it was for the absentee ballot and the curbside
	You would be the first one to initial?	Yea
	For example – Latoya Baza I have not seen this book all day I wouldn't know what the procedure is for the day. Would I look for your initials and initial next to it?	
	How did the other initials get there?	They will initial probably after - when no one is coming in they will do it.
	Where there any time when they said you forgot to initial and they told you to?	I don't recall.
	So the only ones that you initialed was after they told you?	Yes. But if I didn't know it, I just said forget I am not going to do it. It was me the other guy and the inspector.
	Do you recall if there was a voter that – Yea, what would you tell them?	If a voter was not registered in Barrigada? I would bring it up to somebody like the Inspector. She would check. We will tell them that they are not registered in Barrigada or that precinct. I don't know, she called a few times.
	You were there when they gave provisional ballots, do you know if anybody put the ballot straight in without a provisional envelopes?	When I went through the roster, I missed two names – I didn't count. The only ones that we were counting were the ones that were crossed out. I was counting male – female and writing it on the right side.
	Oh I see -	
	GEC Chairman Johnny Taitano	

	Q: Who did this page? Do you remember writing that?	Me and our inspector. No. Maybe the first two, but the rest no.
	Commissioner Tenorio Q: When Mr. Sablan was announcing the absentee names was there ever a time someone came in to vote and their signature was crossed out? Look at this name, Julie Ulloa-Heath. This Julie Ulloa-Heath was an early voter, but there is a signature over her name. Do you recall anyone coming for that name? Well she may have come in but – I am going to show you the signatures don't look the same.	Their own? No. No. So she voted early and she came in again?
	GEC Chairman Johnny Taitano Q: When the other person started calling out absentee or in office voting – you mentioned that you would cross it out and then put – And then later on they started to initial. When did you get the bulk of that done? When? Do remember receiving anymore when you went up to the University? And then – was it the same process?	Put absentee – or put av The signature? Well every time they mentioned that to me. When there is no one coming in and in the beginning. Yes, we received a few. I don't recall. I don't remember.
	Commissioner Tenorio Q: If you look at 3409 – you can see	Julie Ulloa-Heath.

	the name – can you read that out.	
	Take a look at the signature. I want you to compare it to what is on the roster.	Maybe it was crossed out. Yea it is different.
	Take a look at Francis G. Quintanilla – there is a signature over that – there is also initials, why would there be a signature over that when it was absentee?	Absentee – yes. I don't know maybe they signed over the wrong one. Because I know that there has been quite a few times that they sign the wrong one.
	Maybe they signed the wrong one?	
	This lady – if you look at her ballot envelope the application the bottom right - you can see the voter signature.	
	How about you look at Carmela Quinata – Carmela Marie T. Quinata.	Carmela Marie?
	Do you notice there is a signature there also? This is the affidavit that came with it.	
	The other one that we called – Quintanilla, right? Take a look at – why don't you compare both signatures.	With Francis?
	Yes.	
	You don't have an idea what that would be? To your recollection, Jeremy – do you recall ever initialing next to a line that was crossed out but had a signature on it?	No. Once I crossed these out I would put av as an absentee.
	Because it should not have a signature on it, right?	
	Take a look at Carmen T. Quichocho. I'm sorry Carmen L. Is there a signature next to Carmen Quichocho?	Carmen T.? I don't know what this is.
	Carmen F. Quichocho is also an early	

	voter. I noticed there is no initial. You mentioned earlier that you missed some – by the way no other precinct had the rule that Sablan had. It is not standard, I don't want you to feel bad that – because that is not something that you are really supposed to do. It is something additional – it may or may not be a good thing. I don't want you to think that you messed up by not putting your initials it is not required and no other clerk in other precincts were asked to put their initials next to an absentee.	Yea our inspector is the one – she said to make sure I put an initial either av or absentee.
	Gregory Sanchez – it says that this voter did not bring back his ballot envelope. He put his ballot in the ballot box instead. This voter was not on the register, but indicated that he voted on the 2006 General Election. As per Stephanie treat as a cast ballot – regular voter.	
	This is a provisional voter – do remember that situation or talking about that?	No.
	That somebody got a ballot and it should have been provisional because it was sealed and it should come to us to make a decision, but they went on ahead and put the ballot in.	No. I was trying to focus on what I have to do - I was busy looking out for my job where everybody should – the box is all the way on the right side and I'm way over here in the corner near the door. Whoever is responsible for that should be looking out for that.
	That's all the questions I have.	
	So you never seen a ballot transfer receipt or a ballot transfer slip? It was a sheet of paper that had the list of all of the absentee that were received?	A sheet of paper?
	Yea it had names -	No. The people were just reading it to me – either Joe
	So you never saw it yourself? They just read out the name and you	They never really told me to go through it and check the names. They were the

	crossed them out. You wouldn't know if they were reading other names off that list? So whatever they said, you would cross out? So can you tell us about the night of tabulation, why you guys were the last ones to close up. What do you mean that you miss them? How did you identify the names? In other words you weren't counting signatures, were counting the male or female? So you weren't counting the signatures? How did you know which two you counted? Oh I see, but the signatures were there but you just figured out on the page where you accidently didn't include that on the count?	ones reading it to me. I would say it was more – when I miss that two count. How I said I miss them – I went through it I counted it. I put the numbers at the bottom. We went through it again. I guess there were some that were crossed out but didn't have a circle on them – Yea. If it wasn't crossed out then – Yes. Yes I was counting the signatures and also the ones that was crossed out. But whatever wasn't crossed out – that I didn't count. Then again, I missed two. We went through it and we saw that it wasn't – and I knew that I was counting where the circles were – Yes.
	GEC Chairman Johnny Taitano Q: Do you have any recommendations to make the process smoother?	I don't know what the others have to say, but for me – I just tried to do my job the best I can, if I had extra help it would have been better.
	Commissioner Tenorio Q: Do you know why the other clerk was not there with you at the table?	
***** END OF INTERVIEW *****		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to come in to vote again. Before I was able to complete finishing all the signatures crossed off	

	that we initialed for the absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee. Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes	We didn't have any problems with the 56 ballots. They were all accounted for.	When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there We didn't have a problem with any of the absentee ballot. We received five (5) absentee

they were in the envelope – what happens after that? Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	ballots at the table (at the University) They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the classroom?	8 p.m., after the polls were closed? We were in the classroom, the windows are up high. There are no chairs on the	Is this a complaint against 15C? No sir, it was not. So someone had to be standing on a chair to look in. Officer Rivera was present the

They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.	outside. The windows were only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	remainder of the voting.

Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are four(4) people. I want to make sure that I am accounted for in each and every one of these

		signatures. If they say us counting – I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate the signature is there.
	Right here is one. We did this at the Fieldhouse. If you notice the different color ink.	
		I tried one year with tick marks, it didn't work, so I decided to try something else. The mistake that we made on that one page was that we were only counting the male and the female I told them to stop and go back to count the signatures, so when time comes to count and add up the clerk will be the one to do it.
What are the inadequacies or the areas that you saw the Commission has to improve for the next election?		3 clerks for the absentee ballot. It takes us over an hour to validate the contents of the box. You are asking our opinion; I think it would be at the Fieldhouse.
Tell us more about that.	The security of the ballots. When we reached the last table where we turn in our ballot boxes. There were – I don't know if that's the table they were being stacked – but after working at the polls you know the color of the ballots. I noticed that the ballots were on a table.	What we saw Stephanie when we released our ballot box at Station 4, we just happen to look and noticed that there was only one back person there with over thousands of ballots that will make or change this island. There is no other person to authenticate the integrity of the ballots. Why the police officers at the front, there were should have been a police officer at each of the ballot counter.

Chairman Cruz A: The problem is the law; it prohibits GEC from using it. The machines must be certified. We are looking at getting new machines or possibly be a tabulator at each precinct where the voter puts their ballot through.	What is GEC doing about bringing back electronic voting?	
Commissioner Tenorio A: By law the director		Why is it that the Director unlocks the ballot boxes?
Chairman Cruz A:		What is your decision making process at hiring precinct officials?
***** END OF INTERVIEW *****		

Date	Present	Discussion	Action
VN620040 11.11.2010 Thursday	Chairman Robert Cruz Member Joseph Mesa Member Joshua Taitano	**DUTIES OF THE COMMITTEE:** Tasked to physically review all complaints; Decide the process with the final disposition deriving from the Commission Members as a whole;	
		COMPLAINTS REVIEWED: *Exhibit A*. Affidavit Complaint Review	Write a Letter to each Complainant
		GEC Staff David Chargualaf: Informed Committee Members he retrieved documents (Record of Poll Status) from the binder in the Precinct Supply Box. It notates which Precinct Official failed to show up and who replaced absent Officials. He stated he will maintain custody of original document to continue reviewing.	
		QUESTION: Chairman Cruz Were the early vote checklist crossed checked against the precinct official list if there were any duplicate vote? Did every precinct check off early vote listing, was this done at the precinct? At what point were the early voter list crossed checked? DAVID CHARGUALAF: At the precinct. It would be after the polls open and after it closes.	
		QUESTION: Member Tenorio On tabulation night, do you know if were there any double votes that were discovered DAVID CHARGUALAF: I think so. *QUESTION*: You think so, based on? DAVID CHARGUALAF: Based on early voting and then someone signing the roster. *QUESTION*: In other words when the number of voters were being counted DAVID CHARGUALAF: I came across one, I think in Dededo, but I forgot what precinct. *QUESTION*:	

		What is the process when a staff comes across something like that is it recorded? DAVID CHARGUALAF: Yes. It should be recorded on the EC13. *QUESTION*: Did you yourself come across any of the notes on the EC13? DAVID CHARGUALAF: I haven't really reviewed them. I know for sure MTM	

Date	Present		Discussion	Action
VN20041 11.10.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Dina Moser GEC Staff	**Complainant No. 11** » Rosalie Matanane	

Date	Present		Precinct	Discussion	Action
VN620046 11.12.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Tom San Agustin GEC Staff		**Homebound** » Consists of hospital & home visits. Voters that have not been serviced is 49, of that 43 have been contacted the remaining were not serviced due to applicant not responding to GEC follow up telephone call. **UOCAVA** » the Delegate ballot was sent first to UOCAVA voters due to the 45 day timeline. By October 1st the remainder of the ballots (partisan & nonpartisan) were mailed **Complainant No. 12** » Navarro on behalf of (Maria C. & Lugenie) GEC made several attempts to schedule date & time for homebound voting. Applicant did not vote, due to minor child answering telephone stating that parent is still asleep.	» **UOCAVA** documents will be submitted to subcommittee
				Complainant No. 16 » Chelsea Cruz (Early Vote)	

				Complainant No. 20 » Gerald Yingling. UOCAVA voter requested for his ballot to be mailed, Mr. Yingling arrived on island and voted at the precinct, he returned his Delegate ballot.	
				Complainant No. 2 (11.8.2010) Rosie Tainatongo Homebound Applicant » Tomasa Atoigue and *John Quincy* – applications have not been reviewed, and have yet to be received.	
			PRECINCT	**DISCUSSION**	**ACTION**
VN620447 11.15.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Stephanie Chargualaf GEC Staff Oscar Flores Inspector Jane Chargualaf	 **Precinct 9** **TALOFOFO** **Precinct 9** **TALOFOFO**	**Increase Count of Provisional Ballots: from 160 to 168 of that 8 were returned to precinct for tabulation** Voter failed to transfer her registration from Yigo to Talofofo. Ballot count was off by 15 ballots being combined due to ballot boxes being full. Ballot count didn't balance with voter signature.	 Subcommittee will review Precinct 9 signature rooster.
		Tiffany San Nicolas Judge	**Precinct 9** **TALOFOFO**	Due to the ballot box being full the ballots were combined, which caused confusion to balancing the count.	
		Lourdes Farfan Judge	**Precinct 9** **TALOFOFO**	Ballots were combined which caused the recounting numerous times.	
		Carmina Blas Acquininoc Inspector	**Precinct 15B** **BARRIGADA**	Procedures prior to opening and closing of polls.	Subcommittee will review Precinct 15B signature rooster.
		Mariquita S. Mafnas Judge	**Precinct 15B** **BARRIGADA**	Shortage of precinct officials & the Inspector refused to swear in a precinct official who was late from another precinct. Does she have any knowledge of a voter wanting to verify if her name was crossed off the early voter list? The voter informed the precinct official that she voted early, the official informed	

				her that there is no indication that she had early voted and asked her if she wanted to vote. Ms. Mafnas questioned why the voter's names were written on the back of the signature rooster?	
		Michael Arceo Judge	**Precinct 17A TAMUNING**	▪ Process & Procedures for closing of poll and the counting of ballots at UOG.	
		Rosalina Guzman Clerk	**Precinct 17A TAMUNING**	▪ Process & Procedures for closing of poll and the counting of ballots at UOG.	
		Elita Domingo	**Precinct 18D DEDEDO**	▪ Amount of Ballots in ballot envelope, some envelopes contained 1 or 2 ballots.	
		Adela Aguilo Judge	**Precinct 18D DEDEDO**	▪ Amount of Ballots in ballot envelope, some envelopes contained 1 or 2 ballots.	
VN620048 11.16.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Elizabeth San Nicolas Inspector	**Precinct 17A TAMUNING**	▪ Procedures for processing Ballot envelopes.	
11.16.2011		Christian Leddy Clerk	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Process & Procedures for Absentee Ballot	
11.16.2011		Jesusa Muna Judge	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Process & Procedures for Absentee Ballot	
11.16.2011		Tracey Mendiola Inspector	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Parent requesting for minor child to vote	
11.16.2011		Rudy Borja	**Precinct 18G DEDEDO**		
11.16.2011		Paz DeFlores Inspector	**Precinct 18D DEDEDO**	Procedures for processing Ballot envelopes	
11.16.2011		Teresita Balajadia Inspector	**Precinct 12 SINAJANA**	**~ Precinct to be interviewed was 12A ~**	
11.16.2011		Doris Yakoi Judge	**Precinct 12 SINAJANA**		
11.16.2011		George Quitugua	**Precinct 12**		

		Judge	**SINAJANA**		
11.16.2011		Leslie English Judge	**Precinct 12** **SINAJANA**		
		John Blas Executive Director GEC		▪ Security of Ballots ▪ Keys for: Ballot Boxes GEC Office Cabinets GEC ▪ Security of GCIC Bldg ▪ Temporary Employees	▪ Specifics of GCIC Bldg. camera ▪ Rules & Regulations RE: Provisional Ballot ▪ Brief on CVRS (Central Voter Registration System) ▪ Security of envelopes for Early Voting – signature over tape ▪ Review Campaign Contribution for Calvo-Tenorio to ensure that Cabot Mantanona LLC has no Contribution.
11.16.2011		Joseph E. Sablan Judge	**Precinct 15C** **BARRIGADA**	▪ Process of Absentee Ballots ▪ Signature Roster (Officials still marking after 8 p.m.)	Subcommittee will review Signature roster
11.16.2011		Bertha P. Viloria Inspector	**Precinct 15C** **BARRIGADA**	▪ Process of Absentee Ballots ▪ Signature Roster (officials still marking after 8 p.m.)	Subcommittee will review Signature roster
620049 11.16.2010	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	David P. Chargualaf, Jr. GEC Staff Joseph P. Iseke GEC Staff John Blas Executive Director		▪ Number of Ballots Printed ▪ Custody of Ballot Film & Template ▪ Process and /or documentation of destruction of spoiled ballots during printing ▪ Process of Absentee & Provisional Ballots at Tabulation	▪ Provide a Statement to Subcommittee RE: destruction of ballots, and custody of film and template.
20049 11.16.2010	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	Tom San Agustin GEC Staff John Blas Executive Director GEC		▪ Log Book for Early Voting (In Office) ▪ Process of Early Voting (In Office) ▪ Instruction on Ballot Envelope and GEC instruction to voters off island RE notary of envelope.	▪ Subcommittee will review Notarized Ballot Envelopes

VN620051 11.17.2011	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	Joan Swadell Inspector	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	Police Officer gave John Blas custody of ballot at Tabulation Center
11.17.2011		John Camacho Judge	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
11.17.2011		Joey Manibusan	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
11.17.2011		Anthony L.J. Toves Voter (Democrat camp)	**(Wettengel)**	NO SHOW. RE: observation of individuals from the CT Camp offering individuals from GA Camp $50 bribery for vote.	Teleconference. No observation of any money being exchanged.
11.17.2011		Cecelia C. A. Perez Judge	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
		Josephine Cruz Poll Watcher	Precinct 7	▪ Ronnie Barcinas (voter) name crossed out on her list	Subcommittee verified name on CVRS, no registered voter listed as Ronnie Barcinas.
11.17.2011				Complaint From: Gutierrez-Aguon RE: ▪ GEC Legal Counsel Cabot Mantanona LLC having a work relationship with Calvo-Tenorio; ▪ Campaign Contribution for Calvo-Tenorio if Cabot Mantanona LLC or family members made donation(s)	
VN620053		Lorinda	Precinct 18L Dededo	Voter name not on roster 2 voters attempted to vote at the polls after (Early Voting) In Office voting	
VN620054 11.20.2010	Joshua Tenorio	**SUMMARY:**			

		▪ **Discrepancies with Ballot Transfer Sheet and Absentee Voter based on signature roster;** ▪ **Review EC13 Forms – Absentee voters ballots going to Tabulation Center and not precinct;** ▪ **Review and cross check Signature Roster against ballot envelopes for possible double voting;** ▪ **Contact voter's Julie Ulloa-Heath (Precinct 15) and Rosa Bangoose (SP?) (Precinct 18A) to inquire if double voting has occurred. Forward to Attorney General's Office for further investigation;** ▪ **For Executive Director John Blas to inquire with the GGIC Management Office regarding the security camera's in the vicinity;** ▪ **For Executive Director John Blas to inquire with the GCIC Management Office regarding the issuance and custody of GEC office keys;**			
	Joseph Mesa	**SUMMARY:** ▪ Significant number of absentee voter's name crossed out but no vote was cast; ▪ Significant number of voter's name crossed out but no indication of type of vote;			
0056					
VN20057 11.26.2010(?)	Robert Cruz Joseph Mesa Joshua Tenorio	John Blas GEC Executive Director		▪ Follow-up with GCIC Management Office RE: custody of GEC office keys and security camera; ▪ Cabinet keys – ballots; ▪ Process and procedure RE in office voting – Log Book; ▪ Ballot film and template; ▪ Official signature on Voter application; ▪ Review & inspection of supply boxes - Affidavits	
				DISCUSSION	**ACTION**
VN20059 (Thursday) (date?)	Robert Cruz Joseph Mesa Johnny Taitano Joshua Tenorio	John Blas Executive Director GEC		▪ Rules and Regulations RE Provisional Voting; ▪ Inspect precinct supply boxes to verify voter Affidavits against signature roster;	▪ Contact Carlo Branch for interview RE Administrative Complaint CNMI voters; ▪ Contact CNMI Election Commission to verify if voters listed on complaint have voted; ▪ Review signature roster to verify

					If names listed on complaint have Voted; ▪ Contact Ray Rosales (Precinct Official) for teleconference RE Administrative Complaint; ▪ Submit Statement RE custody of Ballot film and template ♦ Executive Director John Blas, ♦ GEC Staff David Chargualaf, ♦ GEC Staff Joe Iseke; ▪ Submit Ballot Stock Order Receipt (copy) to Subcommittee
VN20060-20062 12.08.201	Joshua Tenorio Joseph Mesa Johnny Taitano	***EXHIBIT B.*** ***Physical Inspection of Precinct Supply Boxes – Ballot Envelopes and Signature Roster***			
				DISCUSSION	**ACTION**
VN20064 12.10.2010	Robert Cruz Joshua Tenorio	Dina Moser GEC Staff		**UPDATE** on inspection of supply boxes ▪ Provisional Ballot Envelope 8 valid votes cast at varies precincts; ▪ Off island Affidavit Envelopes Some were not notarized; ▪ GEC has not in previous elections conduct a Verification of signatures on the roster; ▪ of the 11 UOCAVA ballots 8 remain unopened and not tabulated; ▪ 12 provisional ballots cast by confirmed registered voters remain not tabulated; ▪ 36 off island ballots (mostly military personnel) received after election day that remain sealed and not tabulated; ▪ 133 provisional ballots; ▪ 9 provisional ballots with notes from GEC	▪ Schedule interview with precinct Officials from Precinct 18F RE voters signature (13) that have not been crossed out; ▪ GEC Staff verifying number of voter signature on roster; ▪ Interviewing precinct officials from Barrigada Precinct 15B; ▪ Schedule Interview for Joe Iseke GEC staff

				Indicating that the applicant has not completed the registration process lacking supporting documents; ▪ GEC staff will be sending out notices to the voters who have voted provisional encouraging them to register to vote; ▪ 8 ballots returned by the Post Office due to occupant either no longer resides at the home, or incorrect address; ▪ 12 ballots returned due to voter casting ballot at the polls on election day; ▪ there appears to be that the voter either presented themselves or someone on their behalf where it appears that double voting has taken place based on the voter affidavit and the signature roster; ▪ 4 voters who voted in office whose name was crossed out on the signature roster but also handwritten it appears that they may have been counted twice;	
VN20068	Robert Cruz Joseph Mesa Johnny Taitano Joshua Tenorio	Dina Moser		▪ Calvo-Tenorio Campaign Contributions ▪ Discrepancies within supply box	▪ Present Administrative Complaint RE Calvo-Tenorio Campaign Contributions to the GEC Commission for their disposition. ▪ Present the list of discrepancies to the GEC Commission for their disposition.

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

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District	Precincts		Polling Site	Inspection Assessment/Discrepancies	Remarks
Hagåtña	1	A-Z	Guam Legislature		
Asan-Maina	2	A-Z	Asan-Maina Mayor's Office		
Piti	3	A-Z	Jose Rios Middle School (Cafeteria)	**Parking Lot** 1. There are two (2) ADA-designated parking stalls that need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA parking signs needs to be placed on post. 4. A Van Accessible Parking stall needs to be added. 5. There are cracks along the drop off area that need to be repaired. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. The restrooms are not located near the polling area and can't be easily found. **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
Agat	4 4A 4B	A-D E-P Q-Z	Oceanview Middle School (Rooms G703,G704,G705)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA parking stalls need to be repaved. **Bathrooms (Male/Female)**	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** • The GEC found no discrepancies.	
	Santa Rita	5 5A	A-K L-Z	Harry S. Truman Elementary School (Room 2 , 3)	**Parking Lot** • The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** • There is no accessible restroom stall located near the voting place. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. The poll's main entrance needs a ramp 1:12 (one (1) inch high, twelve (12) inches in length.) **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
	Umatac	6	A-Z	F.Q. Sanchez Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. There are no tactile signs. 2. There are no accessible handles on the doors 3. There are no accessible restroom stalls. 4. Bathrooms need to have 32 inch wide entrance and more maneuvering space for wheelchairs. 5. Bathrooms need at least 36 inch wide pathway to all fixtures. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					Path of Travel The path of travel needs to be painted with non-skid paint. **Lighting** 1. The lighting needs to be replaced along the path of travel. 2. The lighting within the parking lot may need to be replaced. 3. Lighting is insufficient along the path of travel.	
	Merizo	7 7A	A-K L-Z	Merizo Martyr's Middle School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability. 4. More maneuvering space is needed for persons in wheelchairs. 5. Grab bars are needed in stalls that are designated for persons with disability. **Polling Site Entrance / Area** Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day*
	Inarajan	8 8A	A-F G-Z	Inarajan Middle School (Rooms 7 & 8)	**Parking Lot** 1. There are two (2) ADA-designated parking stalls that need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA-compliant van accessible parking is needed. **Bathrooms (Male/Female)** 1. Accessible handles are needed at the main entrance doors and stall doors. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. Poll's main entrance door pathway needs to be at least thirty-two (32) inches wide. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced.	

					2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	
	Talofofo	9 9A	A-M N-Z	Talofofo Elementary School (Cafeteria)	**Parking Lot** • The ADA parking stalls need to be repainted blue. **Bathrroms** • The restrooms are too far from the voting area. **Polling Site Entrance / Area** • Accessible handles are needed at the main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Lighting in the Parking Area needs to be replaced.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day* *The GEC will change the polling area to Rooms 20 and 21*
	Yona	10 10A 10B	A-E F-P Q-Z	M.U. Lujan Elementary School (Cafeteria)	**Parking Lot** 1. All three (3) parking stalls need to painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. Two ADA parking signs need to be replaced. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability . **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. (The following light bulbs are needed: 500K CFL BWT Compact Fluorescent) 2. Designated lights for the parking lot need to be replaced. 3. Lighting in the polling area needs to be replaced. (The following light bulbs are needed: 13 sets of 48 inch fluorescent)	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
	Ordot/Chalan Pago	11 11A	A-K L-Z	Ordot-Chalan Pago Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Accessible handles are needed at the main entrance doors and stall doors.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					2. Accessible handles are needed to operate faucets. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement. 3. Lighting within the cafeteria needs to be replaced.	
	Sinajana	12 12A	A-L M-Z	C.L. Taitano Elementary School (Cafeteria)	**Parking Lot** 1. The parking stalls and lines need to be painted blue. 2. The Accessibility Symbol needs to be painted blue within each stall. 3. The ADA-designated parking is located a great distance from the voting place. **Bathrooms (Male/Female)** • Plumbing problems were discovered at the time of inspection in the stall designated for persons with disabilities. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** • The GEC found no discrepancies in this area.	**The GEC may temporarily procure/provide portable restroom stalls for Election Day if problem is not fixed.*
	Agana Heights	13 13A	A-J K-Z	Agana Heights Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each bathroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible bathroom stalls for persons with disability. 4. More maneuvering space is needed for persons in wheelchairs. 5. The main entrance to the bathroom needs to be at least thirty-two (32) inches wide. 6. The distance between all bathrooms fixtures need to be at least thirty-six (36) inches wide. **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					Lighting 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement. 3. Light fixtures are needed in the hallway adjacent to the cafeteria (polling area).	
	MTM	14 14A	A-L M-Z	J. Q. San Miguel Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. ADA-compliant van accessible parking is needed. 3. The Universal Accessibility Symbol needs to be painted blue within each stall. 4. ADA parking signage is needed for each designated parking stall. **Bathrooms (Male/Female)** • There is no accessible restroom stall located near the voting place. **Polling Site Entrance / Area** • The GEC did not find any discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable stalls for Election Day*
	Barrigada	15 15A 15B	A-D E-O P-Z	L.P. Untalan Middle School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. The doorway needs to be widened to be at least thirty-two (32) inches wide. 3. There are no accessible handles at the main entrance doors. 4. There are no accessible handles for stalls that are designated for persons with disabilities. 5. Faucets cannot be operated with a closed fist. 6. There is insufficient maneuvering space for persons in wheelchairs. 7. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** • Accessible handles are needed at the main entrance to the polling area. **Path of Travel** 1. The path of travel needs to be painted with non-skid paint. 2. Path of travel needs resurfacing, especially at ramps. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will temporarily procure/provide portable stalls for Election Day*

	Mangilao	16 16A 16B	A-D E-O P-Z	Price Elementary School (Cafeteria)	**Parking Lot** 1. The parking stalls and lines need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. 3. There is no Universal Sign of Accessibility. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. The doorway needs to be widened to be at least thirty-two (32) inches wide. 3. There are no accessible handles at the main entrance doors. 4. There are no accessible handles for stalls that are designated for persons with disabilities. 5. There is insufficient maneuvering space for persons in wheelchairs. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Door hardware is located at a height greater than forty-eight (48) inches from the floor. **Path of Travel** • The path of travel needs to be painted with non-skid paint. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will temporarily procure/provide portable stalls for Election Day* *The GEC will move this polling facility to the University of Guam.*
	Tamuning	17 17A 17B 17C		John F. Kennedy High School (17, 18, 19, 20, 21)	**Parking Lot** 1. There are no ADA-designated parking stalls that are van accessible. 2. The parking stalls and lines need to be painted blue. 3. The Universal Accessibility Symbol needs to be painted blue within each stall **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Door hardware is located at a height greater than forty-eight (48) inches from the floor. 3. Ramp to the main entrance of the polling area is too steep. **Path of Travel** 1. The path of travel needs to be painted with non-skid paint. 2. There are noticeable cracks and bumps along the pay of travel. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will move the poll location to the Tamuning Elementary School.* **The GEC will temporarily procure/provide portable stalls for Election Day*

	Dededo	18 18A 18B 18C 18D		Wettengel Elementary School (13,14,15,16,17)	**Parking Lot** 1. The parking stalls and lines need to be painted blue and re-measured. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. 3. The entrance to the polling area has a threshold that is greater than ½ an inch. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* *The GEC will temporarily provide/procure portable* restroom stalls for Election Day. *The GEC plans to move the voting area to the Cafeteria.*
		18E 18F 18G 18H		M.A. Ulloa Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great a distance from the polling area. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions were deplorable at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting**	* The GEC will temporarily provide/procure portable restroom stalls for Election Day. The GEC will move its poll area to rooms K1,K2, K3, K4

	Dededo	18 18A 18B 18C 18D		Wettengel Elementary School (13,14,15,16,17)	**Parking Lot** 1. The parking stalls and lines need to be painted blue and re-measured. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. 3. The entrance to the polling area has a threshold that is greater than ½ an inch. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* *The GEC will temporarily provide/procure portable* restroom stalls for Election Day. *The GEC plans to move the voting area to the Cafeteria.*
		18E 18F 18G 18H		M.A. Ulloa Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great a distance from the polling area. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions were deplorable at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* The GEC will temporarily provide/procure portable restroom stalls for Election Day. The GEC will move its poll area to rooms K1,K2, K3, K4

		18I 18J 18K 18L		Astumbo Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great distance from the polling area. 2. The parking stalls and lines need to be painted blue. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions needed sanitary attention at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The path of travel needed resurfacing. **Lighting** 1. There is insufficient lighting in the polling area. 2. Light fixtures/bulbs need replacement.	* The GEC will temporarily provide/procure portable restroom stalls for Election Day.
	Yigo	19 19A 19B 19C		Simon Sanchez High School (Cafeteria)	**Parking Lot** 1. ADA parking stalls need to be painted blue. 2. A blue Universal Accessibility Symbol needs to be painted within each stall. 3. One (1) ADA parking sign needs to be replaced **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. The entrance needs a ramp with the following ratio measurement; 1:12. (One (1) inch high, Twelve (12) inches in length) **Path of Travel** • Path of travel beginning from the ADA parking stalls to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures/bulbs in the parking need to be addressed and/or replaced.	`**The GEC will temporarily procure/provide portable stalls for Election Day.*

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 3/21/12

VOTING SHEET

A Bill No. 413-31 (COR)

Resolution No. _____

Question: _____

_____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony		✓			
BLAS, Frank F., Jr.		✓			
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.		✓			
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam		✓			
MUNA-BARNES, Tina Rose					EA
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana		✓			
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.		✓			
TOTAL	8	6	0	0	1

CERTIFIED TRUE AND CORRECT:

Patricia C. Stanford

Clerk of the Legislature

*3 Passes = No vote

EA = Excused Absence

FILE COPY

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 413-31 (COR), "AN ACT TO *REPEAL AND REENACT* CHAPTERS 1 THROUGH 20, OF TITLE 3, GUAM CODE ANNOTATED [ELECTIONS]"**, was on the 21st day of March, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 22nd day of March, 2012, at 3:15 o'clock P.M.

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 GUAHAN
2012 (SECOND) Regular Session

Bill No. 413-31 (COR)
As amended in the Committee of the Whole,
and further amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL AND REENACT* CHAPTERS 1 THROUGH 20, OF TITLE 3, GUAM CODE ANNOTATED [ELECTIONS].

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds and takes due note that Section 2 of this Act has been submitted by the Guam Election Commission, as provided pursuant to Section 3 of P.L. 31- 61, "An Act To Direct The Guam Election Commission To Review And Update Procedures And Policies Contained In Title 6 (Elections) Of the Guam Administrative Rules And Regulations (GARR); And To Recommend To *I Liheslaturan Guåhan* Any

Necessary Changes To Title 3 (Elections) Of The Guam Code Annotated (GCA); All In Advance Of The 2012 Elections."

It is the intent of *I Liheslaturan Guåhan* that pursuant to this Act, Title 3, Guam Code Annotated [Elections], *shall* be repealed and reenacted so as to address and resolve the problems encountered in the 2010 Election, as well as in other prior elections.

I Liheslaturan Guåhan further finds that administrative complaints regarding the conduct of the 2010 General Election were filed after the certification of results by numerous voters and precinct officials; and that the Guam Election Commission established a Subcommittee, comprised of an Independent Member, a Republican Member and a Democratic Member, to review and investigate the administrative complaints.

I Liheslaturan Guåhan acknowledges that the Guam Election Commission Subcommittee conducted an extensive investigation and received sworn testimonies from precinct officials, complainants and Commission staff; and that the Guam Election Commission Subcommittee identified and reported findings, attached hereto as Exhibit A, relative to the suspicion or discovery of fraud in various precincts to the Guam Election Commission.

I Liheslaturan Guåhan further acknowledges that the Guam Election Commission voted to refer several matters for criminal investigation to the Attorney General's Office and United States Attorney's Office for Guam and the Northern Marianas. These findings included, but are *not* limited to, the following:

(a) Confirmation of voters that participated in both the 2010 Guam General Election and the 2010 Commonwealth of the Northern Mariana Islands General Election contrary to local and federal law;

(b) The appearance of fraud in *Barrigada* Precincts 15B and 15C;

(c) The inability of the Guam Election Commission to reconcile the

number of ballot stock sent to print general election ballots with the actual amount of ballots printed;

(d) The majority of precincts cannot reconcile the number of ballots issued with the number of ballots received;

(e) At least eight (8) ballots were found in supply boxes that were *not* counted and should have been;

(f) Thirty-six (36) military service members' ballots were received after election day and were *not* counted;

(g) One hundred thirty-eight (138) provisional ballots were unaccounted for;

(h) Sixty-six (66) absentee ballots were never sent out; and

(i) Seventy-one homebound voters were never serviced.

Section 2. Chapters 1 through 20 of Title 3, Guam Code Annotated [Elections], are hereby *repealed* and *reenacted* to read:

"**TITLE 3**

ELECTIONS

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CHAPTER 1

GENERAL PROVISIONS

§ 1101. Title.
§ 1102. Definitions and Rules of Construction.
§ 1103. Commission.
§ 1104. Elector.
§ 1105. Voter.
§ 1106. General Election.
§ 1107. Primary Election.
§ 1108. Local Election.
§ 1109. Regular Election.
§ 1110. Special Election.
§ 1111. Runoff Election.
§ 1112. Recognized Political Party.
§ 1113. Same: Rights.
§ 1114. Formation of New Political Parties.
§ 1115. Definition: Candidate.
§ 1116. Same: Nominee.
§ 1117. Same: Precinct.
§ 1118. Same: Vote Tabulating Device.
§ 1119. Same: Marking of Ballot.
§ 1120. Same: Voter Verified Paper Ballot (VVPB).
§ 1121. Recall of Elected Officials.

§ 1101. Title. This Title *shall* be known and may be cited as the Election Code.

§ 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.

§ 1103. Commission. *Commission* means the Guam Election Commission (GEC).

§ 1104. Elector. *Elector* means any person who is entitled to register under § 3101, Chapter 3 of this Title.

§ 1105. Voter. *Voter* means any elector who is registered under the provisions of this Title.

§ 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.

§ 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.

§ 1108. Local Election. *Local Election* means a municipal, division or district election.

§ 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.

§ 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.

§ 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.

§ 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, 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.

§ 1113. Same: Rights. 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. 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.

§ 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 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).

§ 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.

§ 1116. Same: Nominee. A *nominee* is a candidate who has become entitled to a place on the ballot under the provisions of this Title.

§ 1117. Same: Precinct. Each district of Guam, as defined in Title 1 GCA § 403, *shall* constitute a precinct.

§ 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.

§ 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.

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

§ 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 (⅔) 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 (⅔) 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.

CHAPTER 2
ELECTION COMMISSION

§ 2101. Election Commission: Composition; Removal of Members; Chairperson; Quorum.

§ 2102. Executive Director: Appointment; Ex-officio Secretary; Compensation.

§ 2103. Election Commission, Duties and Responsibilities of; Audit Report; Rule-Making Authority.

§ 2104. Election Manual.

§ 2105. Same: Provisions of Forms.

§ 2106. Powers of the Commission.

§ 2107. Placement on Ballot.

§ 2108. *Chamorro* Registry; Advisory Board.

§ 2109 Guam Decolonization Registry; Advisory Board.

§ 2110. Detailed Budget Requests.

§ 2101. Election Commission: Composition; Removal of Members; Chairperson; Quorum.

(a) There is within, as an autonomous instrumentality and an independent commission of the government of Guam, the Election Commission. The Commission *shall* consist of seven (7) members, all of whom *shall* be eligible voters on the date of their appointment. *I Maga'lahen Guåhan* (the Governor) *shall* appoint six (6) members from recommendations made by the recognized political parties of Guam. Each of the recognized political parties, via a duly passed resolution, *shall* recommend an equal number of names to *I Maga'lahen Guåhan* and the six (6) members appointed by *I Maga'lahen Guåhan shall* be appointed so that the recognized political parties are equally represented. If at any time there are more than three (3) recognized political parties, the six (6) members appointed by *I Maga'lahen Guåhan shall* be appointed so that no

more than two (2) of such members shall be members of the same recognized political party.

One (1) member *shall* be selected and appointed by the six (6) members appointed by *I Maga'lahen Guåhan*. The appointment of the seventh (7th) member of the Commission *shall* be ratified by *at least* four (4) members.

Each member *shall* serve for a term of two (2) years, or until his or her successor is duly qualified and appointed. If a vacancy should occur on the Commission, said vacancy *shall* be filled for the remainder of the term only, and by the method originally prescribed for its appointment. No member may be an elected official of the government nor a candidate or nominee for an elected office within the government.

(b) Each member of the Commission *shall* be paid in accordance with Title 5 GCA § 43104, Uniform Compensation for Boards and Commissions.

(c) Any appointed member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (2/3) of the Members elected and serving in *I Liheslaturan Guåhan*. At the written request via a duly passed resolution of the state central committee of any political party that has recommended the appointment of a member, *I Maga'lahen Guåhan* immediately *shall* remove such member from the Commission. The seventh (7th) member chosen by the six (6) politically recommended members may be removed upon a vote by five (5) of the politically appointed members. Any vacancy resulting from the provisions of this

Subsection *shall* be filled as provided in Subsection (a) of this Section.

(d) A majority of the members of the Commission *shall* constitute a quorum and no action of the Commission *shall* be authorized except upon a vote of four (4) of the members.

(e) By majority vote the Commission *shall* elect annually a Chairperson from among its members. The term of the Chairperson *shall* expire on the last day of March.

§ 2102. Executive Director: Appointment; Ex-officio Secretary; Compensation.

(a) The Commission *shall* appoint an Executive Director who *shall* administer the election laws of Guam and *shall* perform and discharge all of the powers, duties, purposes, functions and jurisdiction hereunder, or which hereafter by law may be vested in the Commission in accordance with the rules of the Commission, and subject to the right of appeal to the Commission.

(b) The Executive Director *shall* be the ex-officio secretary for the Commission, but *shall not* be a voting member thereof. As such secretary, the Executive Director *shall* keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe.

(c) The Executive Director *shall* be a member of the unclassified service and *shall* receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director *shall* serve at the pleasure of the Commission; provided, *however*, that the Executive

Director may *not* be removed unless that person's removal is ratified by four (4) Commission members.

§ 2103. Election Commission, Duties and Responsibilities of; Audit Report; Rule-Making Authority.

(a) The Commission *shall* have direct and immediate supervision over the municipal and district officials designated in accordance with the laws of Guam to perform duties relative to the conduct of elections. The Commission may suspend from the performance of said duties any of said officials who fail to comply with its instructions, orders, decisions or rulings, and appoint substitutes; and the Commission *shall* remove any such officials who have been found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the conduct of elections.

(b) The Commission *shall* designate such subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, each of whom, if not already employed by the government, *shall* receive a salary to be determined in accordance with the laws of Guam.

The Commission may retain one (1) or more attorneys, who *shall* be admitted to practice before the courts of Guam, who *shall* advise the Commission and its Executive Director on all legal matters pertaining to the Commission. The designated counsel *shall* represent the Commission in litigation in which the Commission is interested or involved. The terms, conditions and compensation of employment of any such attorney *shall* be determined by the Commission, and the attorney *shall* serve at the pleasure of the Commission.

(c) As early as is reasonably possible, but *not later than* June 30 in each odd-numbered year, the Commission *shall* prepare and deliver an annual report to *I Maga'lahen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the chairperson of the legislative committee with jurisdiction over matters of elections, showing, with respect to the preceding fiscal year:

(1) recommendations of the Commission as to amendments or supplementation of laws affecting elections or the office of the Commission; and

(2) statistical information regarding the elections conducted during the fiscal year.

(d) The Commission *shall* promulgate rules, pursuant to Title 5 GCA Chapter 9, necessary and convenient to carry out the provisions of this Title.

(e) Relative to electronic voting machines, the Commission *shall:*

(1) determine, through extensive testing and development of comprehensive training procedures, that all duly authorized election officials stationed at all polling sites on each election day are properly trained to demonstrate, operate and monitor the operations of the machines;

(2) develop an island-wide education program to inform and demonstrate to voters the proper use of such machines, and *shall* ensure such education program is tested prior to an actual election day or days to determine the education program's effectiveness;

(3) facilitate the conduct of tests to determine the integrity of the machines with an independent entity or organization as deemed appropriate by the Commission; and

(4) provide the results and analysis of such testing, training and education required in this Subsection (e) to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan*, and wherever necessary *shall* promulgate rules as required in Subsection (d) of this § 2103.

§ 2104. Election Manual. It *shall* be the duty and responsibility of the Commission to prepare an Election Manual of administrative procedures, rules, regulations and forms to be used in the conduct of elections. All manuals and publications *shall* be prepared pursuant to the Administrative Adjudication Law. The manual *shall* set forth the regulations to be followed by all election officials, as well as the descriptions of the necessary equipment and forms to be used in election procedures.

§ 2105. Same: Provisions of Forms. The Commission *shall* provide all necessary forms as described in the Election Manual for the conduct of elections.

§ 2106. Powers of the Commission.

(a) The Commission *shall* have the authority to summon the parties or any relevant witnesses to a controversy pending before it, issue subpoenas *duces tecum*, and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Commission *shall* be tried, heard and decided within ten (10) days, counted from the time the corresponding petition giving rise to said controversy is filed. The Commission *shall* have the power to certify to the Superior Court of

Guam for contempt. No witness fee shall be paid to a person subpoenaed in that person's capacity as a government employee or agent of the Commission.

(b) The Commission may sue and be sued in its name.

(c) The Commission may take such action as is necessary or appropriate to the carrying out of its powers and duties as specified in this Title, or as may be otherwise imposed upon the Commission by law.

§ 2107. Placement on Ballot.

(a) No person shall be placed on the ballot for election to any public office *unless* the Commission has determined that said person has met the qualifications and submits all required documents for the office for which that person is a candidate.

(b) The name of every candidate who has been certified *shall* be printed on or adjacent to the appropriate ballot.

(c) The Commission *shall* determine the appropriate method of casting ballots, method of tabulating ballots, the appropriate vote tabulating device, if such a device is to be used, and the form of ballot to be used in any election on Guam. The Commission may authorize manual tabulation for all or part of ballots cast in any election.

§ 2108. *Chamorro* Registry; Advisory Board. It *shall* be the responsibility of the Election Commission to administer the *Chamorro* Registry with the advice of the *Chamorro* Registry Advisory Board. It *shall* also be the duty of the Commission to approve the content of informational materials issued by the *Chamorro* Registry Advisory Board. When a complaint is filed and heard before the *Chamorro* Registry Advisory Board, the Commission *shall* serve as an appellate panel for any ruling rendered by

the *Chamorro* Registry Advisory Board, and the Commission's ruling *shall* be final.

§ 2109. Guam Decolonization Registry; Advisory Board. It *shall* be the responsibility of the Election Commission to administer the Guam Decolonization Registry, with the advice of the Decolonization Registry Advisory Board. It *shall* also be the duty of the Commission to approve the content of all materials relating to registration issued by the Decolonization Registry Advisory Board. When a complaint relating to registration is filed and heard before the Decolonization Registry Advisory Board, the Commission *shall* serve as an appellate panel for any ruling rendered by the Decolonization Registry Advisory Board, and the Commission's ruling *shall* be final.

§ 2110. Detailed Budget Requests. GEC's annual budget submission for election years *shall* include a detailed breakdown of the funding level necessary to meet all of its statutory requirements and abide by all policies and procedures set forth in its rules and regulations.

CHAPTER 3

VOTER REGISTRATION

§ 3101. Persons Entitled to Vote: Compliance With Registration Provisions.

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

§ 3103. Political Party.

§ 3104. Times for Registration.

§ 3105. Place of Registration.

§ 3106. Other Designated Places of Registration: High Schools, the Guam Community College, and schools and colleges of the University of Guam

§ 3107. Transfer of Registration.
§ 3108. Application Constitutes Registration.
§ 3109. Appointment of Registration Clerks.
§ 3110. Qualifications of Registration Clerks; Term of Appointment.
§ 3111. Compensation of Registration Clerks.
§ 3112. Registration Clerks Empowered to Take Affidavits.
§ 3113. Registration Clerks Not to Charge Fees.
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§ 3115. Reports to Attorney General.
§ 3116. Action to Compel Registration.
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§ 3118. Certified Copy of Registration as Evidence.
§ 3119. Cancellation of Registration.
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§ 3121. Grounds for Cancellation of Registration.
§ 3122. Report of Deaths.
§ 3123. Cancellation of Non-voting Registrants.
§ 3124. Reports of Adjudged Incompetents.
§ 3125. Action to Compel Cancellation.
§ 3126. Preservation of Registration Affidavits.
§ 3127. Compilation of Registration Affidavits.
§ 3128. Index of Registrations.
§ 3129. Copies of Index to Candidates.
§ 3130. Original Roster of Electors.

§ 3101. Persons Entitled to Vote: Compliance With Registration Provisions. Every person not confined to a mental institution,

nor judicially declared incompetent , nor incarcerated under a sentence of imprisonment, who is a citizen of the United States over eighteen (18) years of age, or who *shall* have reached his or her eighteenth (18th) birthday by the day set for election, who is a resident of Guam, as defined in §9123, Chapter 9 of this Title, and who complies with the provisions of this Title governing the registration of electors is entitled to vote at any general election held within Guam; provided, that in the election of municipal, division or district officers *only* those otherwise qualified electors who reside within the municipality, division or district concerned *shall* have the right to vote for such municipal, division or district officers.

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

(a) No person shall be registered as a voter, except by affidavit of registration made before an authorized registration clerk or, in the case of an absentee voter, pursuant to the provisions of Chapter 10 of this Title. Before such affidavit shall be made, the person *shall* state if he or she is currently registered to vote in any other jurisdiction. If that person answers affirmatively, that person *shall* identify said jurisdiction and complete and sign an attested statement on a form provided by the Commission which requests the cancellation of that person's registration, and which *shall* be forthwith forwarded by the Commission to that jurisdiction. If that person answers negatively, that person *shall* nonetheless identify the jurisdiction in which that person last voted. No registration clerk shall register any person *except* upon presentation by the person applying for registration of written evidence that the person is a citizen of the United States who will be *at least* eighteen (18) years of age upon the

date of the next election to be conducted by the Commission, and that the person is a resident of Guam.

A copy of the evidence of citizenship and residency submitted by the applicant *shall* be attached to the registration form or absentee ballot application. No person shall be registered *except* upon that person's declaration under penalty of perjury of the street name and number, municipality or lot number, and municipality where that person resides on Guam, and that the person has been a resident of Guam for *not less than* thirty (30) days immediately preceding the date on which the next election will be held.

The GEC Executive Director *shall* determine whether the evidence provided by an applicant establishes the person's eligibility to be registered. The Executive Director *shall* give written notice of any denial of registration within five (5) working days upon the receipt of the application. Any person whose affidavit or application for an absentee ballot is rejected may appeal the decision to the Commission and, if again rejected, to the Superior Court of Guam. No person shall be required to disclose that person's Social Security number as a condition of registration or voting. The Commission *shall* prepare forms for the collection of this data, and may require the submission of such additional information as will enable it to comply with this Section. The affidavit *shall* then be made in triplicate, and *shall* set forth all the facts required to be shown by this Title and the Election Manual.

(b) Written evidence of U.S. citizenship for purposes of this Section *shall* include:

(1) U.S. Passport;

(2) Certificate of U.S. Citizenship; Certificate of Naturalization;

(3) A combination of one (1) document from list (A) and one (1) document from list (B) as follows:

(A) (i) certification of birth abroad issued by the Department of State;

(ii) original or certified copy of a birth certificate issued by a state, county, municipal authority, commonwealth district or possession of the United States bearing an official seal;

(iii) Native American tribal document;

(iv) U.S. citizen identification card (ID); or

(v) government of Guam Cedula identification (CI);

(B) (i) driver's license or ID card issued by a state or possession of the United States; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;

(ii) ID card issued by federal, state or local government agencies or entities; provided, that it contains a photograph and information showing name, date of birth, sex, height, eye color and address;

(iii) school ID card with a photograph;

(iv) voter registration card; U.S. Military ID card or draft record; military dependent's ID card;

(v) U.S. Coast Guard Merchant Mariner card; or

(vi) an identification card that is compliant with the provisions of the Real ID Act of 2005.

§ 3103. Political Party. Affidavits of registration *shall* be provided with space wherein the registrant may indicate the party to which he or she belongs or desires to belong. However, at the option of the voter this space may be left blank.

§ 3104. Times for Registration. Ten (10) days prior to any election, the registration rolls *shall* be closed and no further affidavits of registration shall be accepted by the Commission.

§ 3105. Place of Registration. The registration of electors *shall* be in progress at all times at the main office of the Commission during such hours as the office is open for business until the closing of the registration rolls. Electors may also be registered at such times and places within Guam as the Commission shall deem advisable and convenient from the time registration is open until ten (10) days prior to an election.

§ 3106. Other Designated Places of Registration: High Schools, the Guam Community College, and schools and colleges of the University of Guam. All public high schools, the Guam Community College, and schools and colleges of the University of Guam are designated as places of registration of electors. Registration *shall* take place during the normal business hours of each school or college. Each principal of a public high school *shall* designate *at least* one (1) permanent twelve (12)-month employee to act as a registration clerk on behalf of the high school. The President of the Guam Community College *shall* designate *at least* one (1) permanent twelve (12)-month employee to act as a registration clerk on

behalf of the Guam Community College. Each Dean of a school or college of the University of Guam *shall* designate at least one (1) permanent twelve (12)-month employee to act as a registration clerk on behalf of the University of Guam. Private high schools may, at their option, be designated as places of registration. All employees designated to act as registration clerks *shall* meet all the qualifications of this Chapter and *shall* comply with all laws, rules, regulations and procedures governing the conduct of registration clerks. The Commission *shall* develop rules, regulations and procedures for the appointment and training of registration clerks.

§ 3107. Transfer of Registration.

(a) The transfer of registration from one (1) precinct to another precinct *shall* be in progress *only* at those times and at those places that the registration of electors is taking place.

(b) No registered voter may be transferred from one (1) village or district to another village or district for voting purposes during the registration period between any primary and general election held in the same calendar year, but *shall* be allowed to vote in the precinct where the voter is registered. The transfer *shall* then become effective after the general election. This Subsection *does not* apply to unregistered persons who were *not* registered in the primary election but who seek to register for the general election.

§ 3108. Application Constitutes Registration. The application for an absentee ballot *shall* constitute a sufficient registration of the voter in the municipality, municipal division or district in which the voter resides; provided, that the application is received by the Commission prior to the closing of the registration rolls, and provided, that the provisions of § 3102

of this Title pertaining to citizenship, age and residency on Guam are complied with to the same degree as by a person registering under this Section. Such application constituting registration *shall* be preserved and used by the Commission in the same manner as it preserves and uses affidavits of registration.

§ 3109. Appointment of Registration Clerks. The Commission *shall* appoint *at least* one (1) registration clerk for each district.

§ 3110. Qualifications of Registration Clerks; Term of Appointment.

(a) The Commission may appoint any qualified elector as a district or volunteer registration clerk. The Commission *shall* establish by regulation the minimum qualifications for appointment as a registration clerk. The Commission, pursuant to the Administrative Adjudication Law, *shall* set forth a training program for registration clerks which *shall* include passage of a standardized examination of the applicant's knowledge of the election laws necessary to perform the registration clerk's duties. No person holding an elective office or who is a candidate, or nominee for elective office, shall be appointed or serve as a registration clerk.

(b) Any elector appointed as a registration clerk *shall* serve a limited term, which *shall* begin from the date of appointment until midnight on the day that is ten (10) days before the next scheduled general election. The Commission *shall* promulgate policies and procedures to carry out the intent of this Section. The Commission may also establish other terms of appointment, consistent with the intent of this Section, for special elections, plebiscites, initiatives and any other non-general elections as they deem necessary to allow for

voter registration to be conducted by duly appointed registration clerks.

§ 3111. Compensation of Registration Clerks. Any person who is appointed as a district registration clerk *shall* receive compensation at a rate set by the Commission. Any employee of the government of Guam who is appointed to be a district registration clerk, and who performs such duties as a part of that person's government employment, *shall not* be entitled to receive the compensation authorized by this Section. Volunteer registration clerks *shall not* be paid by the Commission.

§ 3112. Registration Clerks Empowered to Take Affidavits. All registration clerks are empowered to take affidavits of registration, and it *shall* be his or her duty to register the same in an appropriate book of registration furnished by the Commission.

§ 3113. Registration Clerks Not to Charge Fees. No fees may be charged for registration or for the taking of affidavits of registration.

§ 3114. Return of Documents by Registration Clerks. When the registration for any election is closed, all registration clerks *shall*, immediately thereafter, return all affidavits of registration and all books or pads in their possession containing stubs, spoiled or unused affidavit blanks to the Commission, which *shall* as soon thereafter as practicable, file the original and copy of each affidavit separately in securely locked cabinets according to precincts. The original affidavit of registration *shall* be kept, at all times, in the office of the Commission. The duplicates *shall* be bound in suitable book form for each precinct so that they may be utilized in conformity with the provisions of this Chapter.

§ 3115. Reports to Attorney General. Within five (5) days after the close of registration, the Commission *shall* report to the Attorney

General of Guam, under oath, the name(s) of the registration clerk or clerks who have *not* complied with the provisions of this Title.

§ 3116. Action to Compel Registration. If a registration clerk refuses to register any qualified elector on Guam, the elector may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such qualified elector may proceed by action in the Superior Court to compel his or her registration. In an action under this Section, as many persons may join as plaintiffs as there are causes of action.

§ 3117. Costs. Costs *shall not* be recovered against the registration clerk in any action under this Chapter, *unless* it is alleged in the complaint, and established in the trial, that the registration clerk knowingly and willfully violated his or her duty.

§ 3118. Certified Copy of Registration as Evidence. Upon the personal or written application of any person, the Election Commission *shall* provide him or her a certified copy of the entries upon the register relating to the applicant.

§ 3119. Cancellation of Registration. Cancellation *shall* be made by writing in indelible ink or stamping on the affidavit of registration the word "cancelled," the reason therefore, the signature of the cancelling official and the date of cancellation.

§ 3120. Permanence of Records. The registration of a voter is permanent for all purposes during that person's life, *unless* and until the affidavit of registration is cancelled by the Commission for any of the causes specified in this Chapter.

§ 3121. Grounds for Cancellation of Registration. The Commission *shall* cancel the registration of an elector in the following cases:

(a) at the request of the person registered;

(b) when the mental incompetence of a person registered is legally declared;

(c) upon the production of a certification from the Guam Police Department, or other local or federal government instrumentality, that the person is confined pursuant to a local or federal criminal sentence;

(d) upon the death of the person registered;

(e) upon the production of a certified copy of a judgment directing the cancellation;

(f) if the person registered has *not* voted in two (2) consecutive general elections, *unless* such person mailed an absentee ballot that was postmarked on or before the last general election day, but was received after the closing of the polls; provided, *however*, that in the case of a runoff election, those registered to vote for the general election *shall* remain eligible to vote in the runoff election, regardless of whether they voted at the immediately preceding general election; or

(g) upon receipt from any other election agency, domestic or foreign, that the person has registered to vote in that jurisdiction.

§ 3122. Report of Deaths. *No later than* the fifteenth (15th) day of each month, the Director of Public Health and Social Services *shall* furnish the Commission with an abstract of the register of deaths for all decedents eighteen (18) years of age and over, showing the:

(a) full name;

(b) sex;

(c) date of birth;

(d) nativity/place of birth;

(e) home address; and

(f) month, day and year of death.

§ 3123. Cancellation of Non-Voting Registrants. Within ninety (90) days of the certification of the returns of any general election or a runoff election subsequent thereto, the Commission *shall* cancel the registration of any person who failed to vote in the general election pursuant to § 3121(f). Prior to the cancellation of registration for any voter who has failed to vote in two (2) consecutive general elections, the Commission *shall* first notify by mail its intention to such voter, and publish in a newspaper of general circulation a list of individuals whose registration will be cancelled *at least* thirty (30) days prior to cancellation. The registration of a person who mailed an absentee ballot that was postmarked on or before the general election, but whose ballot was *not* received by the Commission prior to the closing of the polls at the general election; *or* a person who votes in a general election, but who fails to vote in any runoff election held subsequent thereto; *or* a person who failed to vote in the general election, but did vote in a runoff election held subsequent to such general election, *shall not* be considered a person who failed to vote.

The Commission *shall* notify by mail each person whose registration is cancelled of that fact, and that the person is *no* longer eligible to vote until that person again has registered as provided in this Title. The Commission *shall* establish by rule a procedure for a person who believes that that person's registration has been cancelled erroneously to challenge such cancellation.

§ 3124. Reports of Adjudged Incompetents. Every judge before whom proceedings are held which result in any person being declared

incapable of managing or taking care of either himself or herself, or property, or both, and for whom a guardian of his or her person, or estate, or both, is accordingly appointed, or which results in his or her being declared mentally incompetent or committed to a mental facility as an incompetent person, *shall* file with the Commission a certificate of that fact, and thereupon the Commission *shall* cancel the name of that person upon the register.

§ 3125. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally, or which should be cancelled by reason of facts that have occurred subsequent to the registration. If the voter whose registration is sought to be cancelled is *not* a party to the action, the Court may order him or her to be made a party defendant.

The Commission, and as many persons as there are causes of action against, may be joined as defendants.

§ 3126. Preservation of Registration Affidavits. The Commission *shall* preserve all uncancelled affidavits of registration, and the cancelled duplicates, made for the purpose of procuring registration. The affidavits of registration *shall* constitute the register of voters required to be maintained by the provisions of this Title.

§ 3127. Compilation of Registration Affidavits. Within ten (10) days after the last day of registration for any election, the Commission *shall* compile the original and duplicate affidavits of registration for each precinct in which the election is to be held in such manner as the Commission may prescribe in the Election Manual.

§ 3128. Index of Registrations. The Commission *shall* prepare an index of the registration of voters and provide sufficient copies thereof

for use in any election. *No later than* July 1 of each odd-numbered year, the Commission *shall* distribute a copy of the index for each municipality to the mayor and vice-mayors thereof. To the extent of their ability, the mayors and vice-mayors *shall* notify the Commission of any discrepancies they may discover in the index.

§ 3129. Copies of Index to Candidates. Upon written demand of any candidate in any forthcoming election or upon written demand of a candidate's campaign committee, the Commission *shall* furnish one (1) copy of the index of the registration of voters for such election, subject to a charge as may be prescribed in the Election Manual. All moneys so collected *shall* be deposited in the Treasury of the government of Guam.

§ 3130. Original Roster of Electors. On the day of any election, the Commission *shall* maintain in its office, or at the Election Return Center in an easily accessible and organized form, the original affidavits of registration with supporting documentation to assist it in disposing of any challenges or questions that may occur during the election.

CHAPTER 4

PRECINCTS AND PRECINCT BOARDS

§ 4101. Designation of Polling Place.
§ 4102. Number of Voters Per Polling Place.
§ 4103. Appointment of Precinct Boards.
§ 4104. Members and Compensation of Precinct Boards.
§ 4105. Qualifications of Precinct Board Members.
§ 4106. Oath of Precinct Board Members.
§ 4107. Notice of Appointment of Precinct Board Members.
§ 4108. Publication of Names of Precinct Board Members.
§ 4109. Excusing and Replacing Appointees.

§ 4110. Failure to Appear.

§ 4111. Change of Designated Polling Place.

§ 4112. Incapacitation of Precinct Leader.

§ 4113. Incapacitation of Precinct Clerks.

§ 4114. Administration of Oath to Substitute.

§ 4115. No Fee for Oath.

§ 4116. No Loss of Wages for Precinct Board Member.

§ 4101. Designation of Polling Place. The Commission *shall*, *not less than* thirty (30) days prior to the date set for any election, designate, announce and publish the official polling sites and the official precincts, along with the alphabetical range assigned to each precinct where the ballots are to be cast in such election. In the case of a runoff election, the polling places and precincts *shall* be the same as in the election precipitating the need for a runoff, *unless* determined otherwise by the Commission.

§ 4102. Number of Voters Per Polling Place. The Commission may fix and designate precincts within each polling place in such a manner that the total number of voters estimated at each polling place will *not* substantially exceed eight hundred (800).

§ 4103. Appointment of Precinct Boards. The Commission *shall*, *not more than* ninety (90) days prior to any election, appoint the members of precinct boards. In the case of a runoff election, the precinct boards *shall* be the same as in the election precipitating the need for a runoff, *unless* determined otherwise by the Commission.

§ 4104. Members and Compensation of Precinct Boards. To every precinct designated for any election, the Commission *shall* appoint five (5) members, consisting of one (1) precinct leader and four (4) precinct

clerks. The concurrence of any three (3) members *shall* be necessary for any ruling of the precinct board.

Each member of a precinct board *shall* be paid Three Hundred Fifty Dollars ($350.00) for services rendered for each election.

For pay purposes, a runoff election is a separate election from the election that precipitates the runoff.

Notwithstanding for any election, the GEC may conduct an election utilizing only one (1) precinct leader and two (2) precinct clerks, should the Commission determine that it is necessary or appropriate.

§ 4105. Qualifications of Precinct Board Members. Each member of a precinct board *shall* be a registered voter of the district in which they are appointed and *shall* serve *only* in the precinct for which they are appointed; *however*, the Commission may appoint any individual to serve regardless of his or her voting precinct, as the Commission deems necessary. The Commission, pursuant to the Administrative Adjudication Act, *shall* set forth a training program for precinct board members which *shall* include passage of a standardized examination of the precinct board members' knowledge of the election laws necessary to perform their duties.

The Commission may establish by regulation such additional minimum qualifications for appointment as a member of a precinct board as it deems necessary.

§ 4106. Oath of Precinct Board Members. No person shall act as a member of a precinct board until he or she has taken the oath prescribed in the Election Manual.

§ 4107. Notice of Appointment of Precinct Board Members. The Commission, immediately after appointing the members of the precinct boards, *shall* maintain and file in its office a list of the full names and

addresses of those appointed, and *shall* mail or deliver to each appointee a notice of such appointment, stating the position and precinct board to which he or she has been appointed and the penalty for failure to be present, and to serve, and such other information as the Commission may determine.

§ 4108. Publication of Names of Precinct Board Members. The Commission *shall* publish the names of the members of the precinct boards in a newspaper of general circulation published in Guam *at least* two (2) times, the last publication to be *not less than* one (1) day before the day of any election.

§ 4109. Excusing and Replacing Appointees. In constituting precinct boards, the Commission may in its discretion excuse or replace persons appointed and appoint substitutes, regardless of whether such person has taken the oath prescribed in the Election Manual.

§ 4110. Failure to Appear. If any member of a precinct board *does not* appear at the opening of the polls, the precinct leader, if present, *shall* appoint a substitute to fill the vacancy. The precinct leader *shall* immediately notify the Commission, which *shall* either ratify the appointment or make another appointment. If the precinct leader is *not* present or fails to appear, the members present *shall* immediately notify the Commission. Any voter who has been appointed as a member of a precinct board, and having taken the oath of office and fails to act as such without lawful excuse, is guilty of a misdemeanor.

§ 4111. Change of Designated Polling Place. If, for any valid reason, the polling place designated for any precinct cannot be utilized, the Commission *shall* designate another polling place as near thereto as possible, post notice of the change at or near the place first designated, and conduct the election at the place substituted.

§ 4112. Incapacitation of Precinct Leader. If, during the progress of an election, the precinct leader ceases to act or becomes incapacitated, a member of the precinct board *shall* at once notify the Commission for action to appoint a new precinct leader.

§ 4113. Incapacitation of Precinct Clerks. The precinct leader *shall* appoint substitute precinct clerks if, during the progress of an election, any clerk ceases to act or becomes incapacitated, and *shall* immediately inform the Commission which *shall* ratify the appointment or make another appointment.

§ 4114. Administration of Oath to Substitute. If at any time on election day a substitute is appointed to fill a vacancy on any precinct board, the precinct leader, or if absent, a precinct clerk *shall* administer and certify oaths required to be administered during the progress of an election, which certified oath *shall* be forwarded to the Commission at the Election Return Center.

§ 4115. No Fee for Oath. There shall be *no* fee or charge for administering an oath to a member of a precinct board.

§ 4116. No Loss of Wages for Precinct Board Members. Any member of a precinct board may, on the day of an election in which he or she is serving, absent himself or herself from any service or employment in which he or she is then engaged or employed. The precinct board member *shall not* be liable to any penalty, nor shall any deduction be made from his or her usual salary or wages, nor shall he or she be suspended or discharged from his or her service or employment. Any violation of this provision *shall* be reported by the precinct board member to the Guam Department of Labor for enforcement and may subject an employer to pay a fine.

CHAPTER 5

ELECTION DAYS AND DATES

§ 5101. General Election for *Liheslatura* (Legislature).
§ 5102. Regular Election for Other Officials.
§ 5103. Postponement of Election.
§ 5104. Proclamation for Special Election.
§ 5105. Publication and Posting of Notices for Special Election.

§ 5101. General Election for *I Liheslatura* (the Legislature). The general election for *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be held on the Tuesday next after the first Monday in November, biennially in even numbered years. Those elected at such a general election *shall* be eligible to take office from the day the Commission certifies their due election, which *shall* be within the ten (10) calendar days following such election, to the next election held in accordance with the laws of Guam and until their successors have been duly qualified.

§ 5102. Regular Election for Other Officials. On the Tuesday next after the first Monday in November, in every even numbered year, a regular election *shall* be held to elect municipal and other public officials at large as heretofore or hereafter may be required by law in accordance with this Title. The terms of office for such officials *shall* be in accordance with the laws creating such elective offices.

§ 5103. Postponement of Election. If for serious cause resulting from any natural phenomenon, or act of God, or of public enemy, it becomes reasonably impossible to hold any election duly scheduled on Guam as a whole, or in any municipality or municipal division, *I Maga'låhen Guåhan* ~~or *I Liheslaturan Guåhan*~~ with the advice and consent of *I Liheslatura* (the Legislature), upon the recommendation of the Commission, may postpone any such election therein for such time as they may deem necessary, but in

no event shall such postponement exceed thirty (30) days from the date when such election should have been held.

If additional time is necessary, the election may be postponed pursuant to the manner described in this Section.

§ 5104. Proclamation for Special Election. *At least* thirty (30) days before any special election, *I Maga'låhen Guåhan shall* publish an election proclamation, and transmit copies to the Commission. The proclamation *shall* contain a statement of the date and time of election, and of the office or offices to be filled.

§ 5105. Publication and Posting of Notices for Special Election. Upon receipt of the special election proclamation, the Commission *shall* cause a copy to be published in a newspaper of general circulation, and to be posted in each municipality where such special election will take place, *at least* twenty (20) days before the scheduled date of the election.

CHAPTER 6

CANDIDATES FOR OFFICE

§ 6101. *Liheslaturan Guåhan* (Guam Legislature), Description.
§ 6102. Terms of Office.
§ 6103. Qualifications of Members.
§ 6104. Candidacy: Disqualification of Election Officials.
§ 6105. Person Eligible for Only One (1) Office.
§ 6106. Declaration by Sponsors.
§ 6107. Candidacy Decline.
§ 6108. Filing of Nominating Petitions.
§ 6109. Official Record of Candidacy.
§ 6110. Convicted Felons and Others *Shall Not* be Candidates.

§ 6101. *Liheslaturan Guåhan* (Guam Legislature), Description. *I Liheslaturan Guåhan shall* be a unicameral body consisting of fifteen (15) Members who are elected at large and as provided by law.

§ 6102. Terms of Office. Members of *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be elected for terms of two (2) years.

§ 6103. Qualifications of Members. No person shall be a Member of *I Liheslaturan Guåhan* (the Guam Legislature) who is not a citizen of the United States, who has not attained the age of twenty-five (25) years, and who has not been domiciled in Guam for *at least* five (5) consecutive years immediately preceding the sitting of *I Liheslatura* (the Legislature) in which he or she seeks to qualify as a Member.

§ 6104. Candidacy: Disqualification of Election Officials. In the event a Commissioner of the GEC or any member of any precinct board of election becomes a candidate for office in any election, he or she *shall* automatically be disqualified from further Guam Election Commission service, or precinct board, which *shall* thereupon become vacant.

§ 6105. Person Eligible for Only One (1) Office.

(a) No person shall be eligible for more than one (1) elective office to be filled in the same election. The term "election" as used in this Section includes a general and a local election held on the same date, so as to prohibit a person from running for office in a local election and in a general election at the same time.

(b) No person shall be eligible for an office to be filled in an election if sixty (60) days prior to the primary he or she is holding another elective office, the term of which will not expire on or prior to the date of commencement of the term of office for which he or she is running.

§ 6106. Declaration by Sponsors. A declaration of candidacy may be filed with the Commission by any five (5) registered voters of Guam who jointly propose a candidate for *I Liheslaturan Guåhan*, or for any office, without the signature of that candidate. If the office to be filled is for a municipality or division thereof, *only* registered voters of the municipality or division concerned may so file a declaration of candidacy.

§ 6107. Candidacy Decline or Acceptance. Any candidate for whom a declaration of candidacy has been filed either by a political party or by sponsors may decline or accept to be a candidate by making known such declination or acceptance in writing to the Commission within two (2) workings days following the submission of nomination petition papers and all other required documents to the Commission by the sponsor(s).

§ 6108. Filing of Nominating Petitions. Notwithstanding any other provision of law, candidates for *I Liheslaturan Guåhan*, offices of *I Maga'lahen Guåhan* [Governor] and *I Segundu Na Maga'lahen Guåhan* [Lieutenant Governor], Washington Representative, Mayor and Vice-Mayor, the Public Auditor and the Attorney General *shall* file their nomination petition papers and all other required documents with the Commission *no earlier than* one hundred thirty (130) days before the primary election, and *no later than* sixty (60) days before the primary election.

Notwithstanding any other provision of law, candidates for the Guam Education Board and the Consolidated Commission on Utilities *shall* file their declarations of candidacy with the Commission *no earlier than* one hundred thirty (130) days before the general election, and *no later than* sixty (60) days before the general election.

The Commission *shall* publish in a newspaper of general circulation the names of all candidates and the offices for which they have declared their candidacy after each filing deadline.

§ 6109. Official Record of Candidacy. The Commission, with which declarations of candidacies and nominating petition papers are required to be filed, *shall* keep a record in which *shall* be entered the name of the candidate or nominee, the title of the office, the party, if applicable, and time of filing.

It *shall* maintain in its office, for a period of ten (10) years, all declarations and nominating papers filed in accordance with this Chapter.

§ 6110. Convicted Felons and Others *Shall Not* be Candidates. Notwithstanding any other provision of law, all candidates for any elected public office, board or commission *shall not* have been convicted of a felony, and *shall not* have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, a candidate *shall* submit:

(a) a clearance from the Guam Police Department;

(b) a clearance from the Judiciary of Guam; and

(c) a signed affidavit attesting that the candidate has *not* been convicted of a felony or misdemeanor, as described in this Section, in any state or territory of the United States, or foreign country.

The cost for any clearance required by this Section *shall* be borne by the person seeking the public office.

CHAPTER 7
BALLOTS

§ 7101. Election Expenses.

§ 7102. Use of Imitation or Unauthorized Ballots Forbidden.
§ 7103. Electronic Voting Machines and Voter Verified Paper Ballots (VVPB).
§ 7104. Sample Ballots.
§ 7105. Order of Names on Ballot - *Liheslatura* (Legislature).
§ 7106. Order of Names for Other Offices.
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§ 7108. Space for Marking Ballot; Space for Write-in Candidates.
§ 7109. Ballots Furnished to Precincts.
§ 7110. Correction of Error or Omission.
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§ 7112. Receipts for Ballots.
§ 7113. Loss or Destruction of Ballots.
§ 7114. Instructions to Voters.
§ 7115. Nicknames, Other Identifiers on Ballot.
§ 7116. Security of Ballots.
§ 7117. Ballot Audit.
§ 7118. 2010 General Election Ballot Review.

§ 7101. Election Expenses. All expenses authorized and necessarily incurred in the preparation or the conducting of elections as provided in this Title, *shall* be paid from appropriations by *I Liheslaturan Guåhan* (the Guam Legislature). All payments *shall* be made in the same manner as are other public expenditures.

§ 7102. Use of Imitation or Unauthorized Ballots Forbidden. No person shall make, use, keep or furnish to others any paper in imitation of official ballots.

§ 7103. 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 *shall* be printed for verification of accuracy by voters before casting, *shall* be permitted for use in Guam elections, provided:

(a) that the electronic voting machines used in Guam elections are warranted to be accurate by the manufacturer prior to each election wherein the electronic voting machines are to be used;

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

(c) that precinct officials have been properly trained in procedures, which *shall* be established by the Commission:

(1) to inform voters about the proper use of the electronic voting machines;

(2) to verify that a voter's ballot has been printed correctly based on each voter's choices;

(3) to properly handle spoiled ballots associated with the machines; and

(4) to place correctly printed ballots in ballot boxes;

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

(e) that tallies from individual electronic voting machines be recorded by hand, entered into a log, and signed by the precinct board. Such tallies *shall* be either included with the ballots in the ballot boxes

to be delivered to the Election Return Center, or if tabulated on-site, be placed with the counted ballots when delivered to storage;

(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 electronic voting machines; and

(g) that no electronic voting machine that prints paper ballots and also counts votes shall be procured or utilized by the Commission in any election.

§ 7104. Sample Ballots. *At least* twenty (20) days before any election, the Commission *shall* certify to the printer the sample ballot with the names of the nominees thereon in the same order and manner as they will appear on the official ballot, and immediately thereafter cause a true copy of the same to be published *at least* once in a daily paper of general circulation. The ballot, as published, *shall* be identical to that used for voting, *except* for the substitution of the word "Sample" where the word "Official" *shall* appear upon the election ballot, and may be reproduced for voter instruction in colors contrasting with official ballots.

§ 7105. Order of Names on Ballot - *Liheslatura* (Legislature). The Commission *shall* prepare the ballot in such a manner that a nominee's name appears under the name of the political party, if any, sponsoring such nominee.

Each candidate for any office under a party or independent designation *shall* be listed according to lots drawn and conducted by the Election Commission. All drawings for ballot position *shall* be done publicly, and persons appearing on the ballot *shall* be specifically invited to attend. The drawings for ballot placement *shall* be conducted after the

deadline to file candidacy and the identities of the persons to appear on the ballot is known to the Election Commission.

The names of the nominees *shall* appear in columns vertically in such order as determined by the lots drawn. Those nominees already holding the office for which they are seeking re-election *shall* have the word "Incumbent" printed immediately after their names.

§ 7106. Order of Names for Other Offices. The Commission *shall* prepare all ballots for all elections on Guam. All such ballots *shall* contain the names of nominees for other offices in a similar manner as for *I Liheslaturan Guåhan* (the Guam Legislature).

§ 7107. Presidential Election. The ballot for the general election in each year evenly divisible by four (4) *shall* contain the names of the nominees for President and Vice-President of the United States of each national political party which has made such nominations. In addition, any team of candidates which has been placed on the ballot of any state of the United States may have their names placed on the ballot as independent candidates, or as candidates of the party for which they are on the ballot in that state. If the candidates wish to be placed on the ballot, they may request such placement *no later than* September 1 of each election year.

§ 7108. Space for Marking Ballot; Space for Write-in Candidates.

(a) Immediately adjacent to the name of each nominee or adjacent to the word "Incumbent," as the case may be, *shall* be placed ovals or other defined spaces of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or other space provided adjacent to the name of any nominee or candidate *shall* be counted as a vote for that nominee or candidate.

(b) For each office on a ballot, *except* the Guam Education Board, the Commission *shall* provide a line, or lines, with an oval or other defined space to mark to permit votes to be cast for write-in candidates. If the name written in by a voter adequately identifies the write-in candidate, the vote *shall* be valid for that candidate; provided, that the voter has also filled in or darkened the adjacent oval or other defined space that is to be marked.

§ 7109. Ballots Furnished to Precincts. For each election, the Commission *shall* determine the number of ballots to be provided to each precinct.

§ 7110. Correction of Error or Omission. Whenever it appears by affidavit of a voter or nominee that an error or omission has occurred in the publication of the name or description of any nominee or in the printing of the ballot, the Superior Court of Guam, or a judge thereof, *shall*, upon application of the affiant, by order, require the Commission to correct the error, or to show cause why the error should not be corrected.

§ 7111. Delivery of Ballots, Machines and Supplies. The Commission *shall*, before the opening of the polls at any election, cause to be delivered to the precinct board of each precinct where an election is to be held, the proper number of ballots, voting machines if they are to be utilized, the voter registration roster for that precinct, and all other documents and supplies to be used in that precinct. The ballots *shall* be delivered in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed.

§ 7112. Receipts for Ballots. The Commission *shall* cause to be prepared a receipt for each polling place, enumerating the packages and stating the time, day and date when they were delivered to the precinct board

leader. The precinct leader *shall* sign the receipt upon receiving the packages, which *shall* forthwith be returned and filed. The Commission may employ such persons as may be necessary to ensure the security and safe and expeditious delivery of the ballots to the precinct boards and fix a reasonable compensation for their services, to be paid as other election expenses are paid.

§ 7113. Loss or Destruction of Ballots. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the precinct leader or other member of the board for that precinct, *shall* prepare an affidavit stating forth the fact, and *shall* immediately transmit it to the Commission. Upon receipt of the affidavit, the Commission may, and upon the application of any nominee for any office to be voted for by the electors of that precinct, order a new election in that precinct.

§ 7114. Instructions to Voters. At the top of the ballot, there *shall* be printed instructions to the voters as to the number of nominees to vote for, the marks to be used, including a sample of the marks, and other such instructions as the Commission deems necessary.

§ 7115. Nicknames, Other Identifiers on Ballot. Any person who is a candidate for any office may, at the time of filing his or her nominating petition, or, thereafter, as the Commission by uniform regulations may prescribe, file with the Commission a request that his or her name be further identified on the ballot by the addition of an identifying word or phrase *not* derogatory or obscene and *not* exceeding twenty (20) letters, in which event it *shall* be the duty of the Commission to so comply. The Commission *shall* have the authority on its own motion and in its

discretion to so identify names on the ballot in accordance with regulations set forth in the Election Manual.

§ 7116. Security of Ballots. The Commission *shall* promulgate and publish in the Election Manual rules and regulations pursuant to the Administrative Adjudication Law to ensure maximum security of the ballots and assure the integrity of the election process.

The rules *shall* provide, at the minimum:

(1) that the boxes that will contain cast ballots be locked and sealed from the time the ballot boxes are transported from the Commission until their opening at the Election Return Center after polls close;

(2) that all precinct board members accompany the ballot boxes at all times to the Election Return Center after the polls close, and also accompanied by *at least* one (1) ~~Peace~~ Police Officer; ~~and~~

(3) that government of Guam buses be utilized to transport the ballot boxes, the precinct board members and the ~~Peace~~Police Officers to the Election Return Center; and

(4) that any private security services hired by the Commission *shall not* be with a security company which employs an individual who is a sibling or related in the first degree of consanguinity, or has any business ownership relation with a nominee who is seeking an elected public office.

Only an official designated by the Commission may unlock and open ballot boxes at the Election Return Center.

§ 7117. Ballot Audit. Within forty-five (45) days from the enactment of this Act, the Guam Election Commission *shall* conduct an audit ~~and reconciliation~~ of the ballot stock ordered, printed, utilized, retained, and

destroyed in the conduct of the 2010 General Election, and subsequent Primary and General Elections. The results of the audit *shall* be posted on the Commission's website.

§ 7118. 2010 General Election Ballot Review. (a) The Guam Election Commission *shall* conduct a review of all absentee ballots received, and all provisional ballots for the 2010 General Election, within forty-five (45) days of the enactment of this Act. In conducting this review the Commission *shall*:

(1) Determine which provisional ballots were not accepted in the 2010 election because the voter was not on the registration rolls, but should have been counted because the voter was purged from the rolls without due process as required by statute, and then conduct a count of the votes cast if those ballots had been accepted.

(2) Count the votes cast in all absentee ballots received by the Guam Election Commission for local elections that were received in the same manner and timeframe as applied to federal elections in accordance with 42 U.S.C. §§ 19673ff-1(a) (8).

(3) Determine the impact of the results on the counts of provisional and absentee ballots required by this Section on all 2010 election races for all offices, including a determination as to whether any candidate meets the "50% plus 1" requirement stipulated in the Organic Act of Guam.

(b) Inasmuch as the Guam Election Commission has recognized that there were machine errors in the count of the 2010 General Election Results, within thirty (30) days from the enactment of this Act, the Guam Election Commission *shall* conduct an audit of all the results of the 2010 General Election.

(c) All results obtained from audits of the 2010 General Election *shall* be published on the Guam Election Commission website and distributed to all island media outlets.

CHAPTER 8

ELECTION CAMPAIGN AND CAMPAIGN OFFENSES

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ARTICLE 1

GENERAL PROVISIONS

§ 8101. Application of Chapter. All the provisions of this Chapter apply to every election in Guam.

§ 8102. Willful Violation of Election Laws. Any person who willfully violates any provision of any law on Guam relating to any election, unless a different classification is prescribed by this Title, is guilty of a misdemeanor.

§ 8103. Disqualification. Any candidate convicted for any violation under the provisions of this Chapter is disqualified from holding the office for which he was a candidate or nominee at the time of violating the provisions aforesaid.

§ 8104. Complaints. Any person who alleges or claims a violation of any provision of this Chapter has occurred may file a complaint with the Commission. The Commission *shall* expeditiously investigate the matter in accordance with §2106 of Chapter 2 of this Title. Whenever any person, in the judgment of the majority of Commission members, has

engaged in any acts or practices which constitute a violation of this Chapter, the Commission *shall* refer the record of said investigation to the Attorney General of Guam, who *shall* institute a criminal prosecution, and, in the event the person is convicted of the violation prior to the election in question, the Commission *shall* strike his or her name from the ballot. In the event the person is convicted of the violation subsequent to the election in question and was elected to the office for which he or she was a candidate, the Attorney General *shall* take necessary civil action to effect the candidate's disqualification from office.

ARTICLE 2

DISHONESTY AND FRAUD IN ELECTIONS

§ 8201. Bribery. Any person who offers any bribe or makes promise of gain, or with knowledge of the same, permits any person to offer any bribe or make any promise of gain for that person's benefit, to any voter to induce that person to sign an election paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after signing, *shall* be guilty of a felony of the third degree.

§ 8202. Payment of Value to Induce Candidate to Withdraw. A person *shall not*, directly or indirectly, by himself or herself or through any other person or persons, advance or pay, or cause to be paid, any money or other valuable offer to, or, for the use of any other person, in consideration of a person withdrawing as a candidate for a public office. Any person who violates this provision is guilty of a felony.

§ 8203. Unlawful Registration as Crime. Any person who willfully causes, procures or allows himself or herself or any person to be registered as a voter, knowing himself or herself or the other person *not* to be entitled to registration, is guilty of a felony of the third degree.

§ 8204. Receipt of Value: To Vote or Not Vote. A person *shall not*, directly, by himself or herself or through any other person, receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or herself or any other person, for:

(a) voting or agreeing not to vote;

(b) coming to or agreeing to come to the polls;

(c) refraining or agreeing to refrain from voting;

(d) voting or agreeing to vote for any particular person;

(e) refraining or agreeing to refrain from voting, for any particular person; and

(f) inducing any other person to:

(1) vote or refrain from voting;

(2) vote or refrain from voting for any particular person; and

(3) come to or remain away from the polls.

Any person who violates any part of this provision is guilty of a felony.

§ 8205. To Vote or Aid in Securing Nomination for Another. A person *shall not*, directly or indirectly, by himself or herself or through any other person, give or receive any money or other valuable offer, before, during or after an election because he or any other person either:

(a) voted to secure the election or endorsement of any other person as the nominee or candidate of any convention, organized assemblage of electors or voters, or other body representing or claiming to represent a political party or principal, or any club, society or association; or

(b) aided in securing the selection or endorsement of any other person as a nominee or candidate as provided in Subsection (a) of this Section.

Any person who violates any part of this provision is guilty of a felony.

§ 8206. Payment to Promote Election. Any person who, with the intent to promote the election of himself or herself or any other person, furnishes or engages to pay or deliver any money or property for any purpose~~s~~ intended to promote the election of any nominee or candidate,

except as to the expenses of holding and conducting public meetings for the discussion of questions, and of printing and circulating handbills and other papers prior to an election, is guilty of a misdemeanor.

§ 8207. Promising Appointment to Office. Any person, who being a nominee or candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for or to procure, or aid in procuring, the election of any nominee or candidate, is guilty of a misdemeanor.

§ 8208. Communication of Promise. Every person is guilty of a misdemeanor who communicates any offer made in violation of the preceding § 8207 to any person with intent to induce him or her to vote for, or to procure or aid in procuring the election of, the nominee or candidate making the offer.

§ 8209. Adding or Removing Votes; Altering Returns. Every person who willfully adds to or subtracts from the votes actually cast at an election in any official or unofficial returns, or who alters the returns, is guilty of a felony.

§ 8210. Illegally Influencing Voter. Any person who, by force, threat, menace, bribery or any corrupt means, either directly or indirectly, attempts to influence any voter in giving his or her vote, or to deter him or her from giving it, or attempts by any means to threaten, restrain, hinder, or disturb any voter in the exercise of the right of suffrage, is guilty of a felony.

§ 8211. Intimidation of Voters. Any person, association or corporation who, directly or indirectly, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction, directly or indirectly, any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person in order to induce or

compel that person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person at any election or because any person voted or refrained from voting at any election, is guilty of a felony of the third degree.

§ 8212. Wrongful Interference With Voting. Any person, association or corporation who, by abduction, duress or any forcible or fraudulent device or contrivance whatsoever, impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or who compels, induces or prevails through any forcible or fraudulent means upon any voter either to give or refrain from giving that person's vote at any election, or to give or refrain from giving that person's vote to any particular person or initiative, referendum or legislative submission at any election, is guilty of a felony of the third degree.

§ 8213. Unlawful Influence by Employer. Any employer, whether a corporation, association or a natural person, who within ninety (90) days of any election displays or otherwise exhibits in any workplace under his or her control or management any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party or organization or candidate is elected, work in the employer's place or establishment will be closed or the salaries or wages of the employees will or may be reduced, or makes or communicates other threats, express or implied, intended or calculated to influence the political opinions or actions of the employees, is guilty of a misdemeanor.

§ 8214. Deceiving Illiterate Voter. Any person who furnishes any blind or illiterate voter with a ballot, informing or giving that voter to understand that it contains a name written or printed thereon that is different from the name which is written or printed thereon, or, defrauds any voter at

any election by deceiving and causing that person to vote for a different person for any office other than for whom the voter intended or desired to vote, is guilty of a felony of the third degree.

§ 8215. Aiding and Abetting Unlawful Voting. Any person who procures, assists, counsels or advises another to give or offer that person's vote at any election, knowing that the person is *not* qualified to vote, is guilty of a misdemeanor.

§ 8216. Fraudulent Voting. Any person who:

(a) *not* being entitled to vote at an election, votes or fraudulently attempts to vote at that election is guilty of a felony of the third degree;

(b) being entitled to vote, attempts to vote more than once at the same election is guilty of a felony of the third degree;

(c) impersonates or attempts to impersonate a voter is guilty of a felony of the third degree; or

(d) votes or attempts to vote while knowing that the person is registered to vote in a jurisdiction other than Guam, is guilty of a felony of the third degree.

§ 8217. Giving, Offering or Receiving Bribe. Any person who:

(a) gives or offers a bribe to any officer or member of any legislative caucus, political convention, committee or political gathering of any kind held for the purpose of nominating candidates for offices of honor, trust or profit on Guam with intent to influence the person to whom the bribe is given or offered to be more favorable to one (1) candidate than another is guilty of a felony of the third degree; or

(b) being a member of any of the entities outlined in Subsection (a), receives or offers to receive any such bribe, is guilty of a felony of the third degree.

§ 8218. Payment of Value: To Vote, Not Vote or Reward for Same.

A person *shall not*, directly or indirectly, by himself or herself or through any other person pay, lend or contribute or offer or promise to pay, lend or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to either:

(a) induce a voter to:

(1) vote or refrain from voting at any election;

(2) vote or refrain from voting at any election for any particular person;

(3) come to the polls at an election; or

(4) remain away from the polls at an election; or

(b) reward a voter for having either:

(1) voted;

(2) refrained from voting;

(3) voted for any particular person;

(4) refrained from voting for any particular person;

(5) come to the polls at an election; or

(6) remain away from the polls at an election.

§ 8219. Receipt of Value: To Procure Election or Vote. A person *shall not*, directly or indirectly, by himself or herself or through any other person procure, engage, promise or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at an election.

ARTICLE 3

BALLOT RELATED OFFENSES

§ 8301. Adding to Ballots in Box. Any person who changes or attempts to alter any ballot after it has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulent placement of a ballot into the ballot box either before or after ballots have been counted is guilty of a felony.

§ 8302. Adding Ballots During Count. Any person who adds or aids to add to, or mixes with or attempts to add to or mix with the ballots lawfully polled, any other ballots with intent to change the result of an election is guilty of a felony.

§ 8303. Taking or Destroying Ballots. Any person who carries away or destroys, or attempts to carry away or destroy, any poll list or ballot, or ballot box for the purpose of preventing, affecting the result of, or invalidating any election, or willfully detains, mutilates or destroys any election return, is guilty of a felony.

§ 8304. Delivery of Other Than Received Ballot Prohibited. A voter *shall not* deliver to the precinct board, or to any of its members, or deposit in the ballot box any ballot other than the one he or she has received from the member authorized by law to furnish the ballot. Violation of this Section *shall* constitute a felony.

§ 8305. Two (2) or More Ballots Deposited. Any person who knowingly deposits or attempts to deposit in any ballot box two (2) or more of the same ballot, is guilty of a felony.

§ 8306. Neglect or Failure to Return Ballot. Any person who, having procured an official ballot, willfully neglects or fails to cast or return the same in the manner as provided for in this Title, *shall*, unless otherwise

provided, be guilty of a violation and be fined an amount *not to exceed* One Hundred Dollars ($100.00). Any person who applies for an absent voter's ballot and willfully neglects or fails to return the same *shall* also be deemed to have committed such an offense on Guam, and *shall* be guilty of a violation and be fined an amount *not to exceed* One Hundred Dollars ($100.00).

§ 8307. Forging or Counterfeiting Returns. Every person is guilty of a felony who willfully substitutes forged or counterfeited election ballot returns in the place of true, official returns for a precinct where an election is held.

§ 8308. Unlawful Acts as to Poll List, Ballots and Ballot Boxes. Every person is guilty of a felony who:

(a) aids in changing or destroying any poll list or official ballot; or

(b) aids in wrongly placing any ballot in the box, or taking any therefrom; or

(c) adds, or attempts to add, any ballots to those legally polled at any election by fraudulently placing them into the ballot box, either before or after the ballots therein have been counted; or

(d) adds to or mixes with, or attempts to add to or mix with the ballots polled, any other ballots while tabulation is in progress or canvassed, or at any other time, with intent to change the result of the election, or aids and knowingly allows another to do so without effort to prevent or to report the illegal act; or

(e) carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot box or ballots lawfully polled.

ARTICLE 4

ELECTION OFFICERS

§ 8401. Prohibited Acts by Officers. Every precinct official of a precinct board is guilty of a misdemeanor who:

(a) attempts to find out any candidate's name voted for on the ballot; or

(b) *except* as otherwise authorized by this Title, examines, exhibits or discloses the ballot choice or choices of any voter; or

(c) makes or places any mark or device mark on any ballot with a view of ascertaining the name of any person for whom the voter has voted; or

(d) opens or permits to be opened the ballot box during the time of voting.

§ 8402. Offenses by Officers. Any precinct board member, Commission member, or other election official charged with any duty prescribed by this Chapter who refuses or neglects to perform any such duty, or violates any of the provisions of this Chapter, *shall* be guilty of a petty misdemeanor, *unless* otherwise specified.

§ 8403. Interference with Precinct Board, Commission or Voters. Every person who in any manner so interferes with the precinct board, or the Commission or any members thereof, holding an election or conducting a canvass, or with the voters lawfully exercising their right of voting at an election, as to prevent or attempt to prevent the election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

§ 8404. Failure to Act as Precinct Board Member. Any voter who has been appointed as a member of a precinct board, and having taken

the oath of office, who fails to act as such without lawful or sufficient reason approved by the Commission is guilty of a misdemeanor.

§ 8405. Fraud. Every person charged with the performance of any duty under the provisions of the laws of Guam relating to elections, who, in his or her official capacity, knowingly acts in contravention or in violation of any of the provisions of such laws, unless a different classification is prescribed by this Title, is guilty of a misdemeanor.

§ 8406. Unlawful Influence of Voters by Election Officers. Every precinct officer of any election, who, while acting as such, induces or attempts to induce any voter, either by menace or reward, or promise thereof, to vote for any particular person or to refrain from so voting, is guilty of a felony.

§ 8407. Acting Without Authority. Any person is guilty of a felony of the third degree who at any election:

(a) knows that a person who *has not* been appointed and qualified acts as a member of a precinct board; or

(b) knows that a person is *not* a member of a precinct board but who performs or discharges any of the duties of a member of a precinct board in regards to the handling, counting or canvassing of any ballots.

§ 8408. Penalties for Acts or Omissions.

(a) Any person authorized by the Commission, having charge of affidavits of registration, or absentee ballot applications submitted in lieu of affidavits of registration, who:

(1) neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) neglects or refuses to perform such duty in the manner required by voter registration provisions of this Title; or

(3) enters, or causes or permits to be entered, on the voter registration records the name of any person in any other manner or at any other time that is prescribed by voter registration laws, or enters, or causes or permits to be entered, on such records the name of any person *not* entitled to be thereon; or

(4) destroys, mutilates, conceals, changes or alters any registration record in connection therewith, *except* as authorized by voter registration provisions of this Title, is guilty of a felony of the third degree. Each and every omission herein constitutes a separate offense.

(b) Any person who:

(1) knowingly provides false information on an application for voter registration under any provision of this Title; or

(2) knowingly makes or attests to a false declaration as to that person’s qualifications as a voter; or

(3) knowingly causes or permits oneself to be registered using the name of another person; or

(4) knowingly causes oneself to be registered under two (2) or more different names; or

(5) knowingly causes oneself to be registered in two (2) or more precincts; or

(6) offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration; or

(7) accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or

(8) knowingly causes any person to be registered or causes any registration to be transferred or canceled, *except* as authorized under this Title, is guilty of a felony of the third degree. Each and every violation herein constitutes a separate offense.

ARTICLE 5

OTHER PROVISIONS

§ 8501. Removing or Defacing Results Posted. Every person who removes or defaces any posted copy of the results of the votes cast is guilty of a misdemeanor.

§ 8502. Refusal to Appear and Testify. Any person summoned to appear and testify before any precinct board or the Election Commission who willfully ignores or disobeys the summons is guilty of a misdemeanor.

§ 8503. Violation of Overseas Voter Rules. Any person who violates the prohibitions relative to overseas voters as contained in §9124, Chapter 9 of this Title *shall* be guilty of a misdemeanor.

§ 8504. Publications Reflecting on Character of Candidate. Every person *shall* be subject to a civil penalty of *not more than* Five Thousand Dollars ($5,000) per each separately produced message who intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, any circular, pamphlet, letter or poster which

is designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political actions, *unless* there appears upon the circular, pamphlet, letter or poster, in a conspicuous place, either:

(a) the names of the chairman and secretary, or the names of two (2) officers of the political party or any other organization issuing it; or

(b) the name and residence, with the street and number thereof if any, of the person responsible therefore.

§ 8505. Refusal to Testify on Another's Right to Vote. Every person who, after being required to do so by the precinct board at an election, refuses to be sworn, or being sworn, refuses to answer any pertinent question propounded by the board concerning the right of another to vote, is guilty of a misdemeanor.

§ 8506. Subversive Activities Prohibited. No person who advocates, or who aids or belongs to any party, organization or association which advocates the overthrow by force or violence against the government of Guam or of the United States, shall be qualified to hold any public office of trust or profit within the government of Guam; and furthermore, no such person shall be entitled to a place on the ballot in any election held within Guam, and if elected *shall* be disqualified from holding office.

§ 8507. Severability. If any provision of this Chapter, or the application thereof, to any person or circumstance is held invalid, the remainder of the Chapter and the application of the provision to other persons not similarly situated, or to other circumstances, *shall not* be affected.

CHAPTER 9

CONDUCT OF ELECTIONS

§ 9101. Procedures in Election Manual.

§ 9102. Copies of Manual Furnished.

§ 9103. Polling Places.

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

§ 9105. Destruction or Removal of Instruction Cards.

§ 9106. Posting Instruction Cards.

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§ 9142. Removal of Ballots Before Polls Closed Prohibited.
§ 9143. Closing Polls.
§ 9144. Late Arrivals Rejected.
§ 9145. Defacement of Unused Ballots.
§ 9146. Destruction of Unused Defaced Ballots.

§ 9101. Procedures in Election Manual. The Election Manual *shall* prescribe in detail the procedures to be followed in the conduct of elections.

§ 9102. Copies of Manual Furnished. The Commission *shall* furnish each precinct board with a copy of the Election Manual.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 9114. Persons Permitted Within Barricade. *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. 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.

§ 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.

§ 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.

§ 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.

§ 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;

(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.

§ 9119. Examination of Person Challenged. 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.

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.

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

§ 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.

§ 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.

§ 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.

§ 9123. Rules for Determining Residency. 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.

The following rules *shall* determine the residency of voters, candidates and nominees:

(a) 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.

(b) 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.

(c) 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.

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

(e) 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.

(f) 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.

(g) 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.

§ 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.

(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.

§ 9125. Leave of Absence From Employment to Vote. 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.

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.

§ 9126. Reporting of Name and Signing Roster. A person desiring to vote *shall* state his or her full name and address to the precinct officials at the polling place. 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.

§ 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.

§ 9128. One (1) Ballot to Each Voter. *Only* one (1) ballot or one (1) set of ballots shall be given to each voter.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 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.

§ 9135. Revealing Ballot Prohibited. After a ballot is marked, a voter *shall not* show it to any person in such a way as to reveal its contents.

§ 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.

§ 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).

§ 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.

§ 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.

§ 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.

§ 9141. Asking Voter's Intention at Polls Prohibited. No person shall ask another at a polling place for whom he intends to vote.

§ 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.

§ 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.

§ 9144. Late Arrivals Rejected. Anyone who arrives at the polling place after the polls have closed *shall not* be entitled to vote.

§ 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.

§ 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.

CHAPTER 10

ABSENT VOTING

§ 10101. Conditions Upon the Right to Vote.
§ 10102. Application for Ballot.
§ 10103. Application Form for Absentee Ballot.
§ 10104. Absent Voting – Federal Requirements.
§ 10105. Penalty Clause Added.
§ 10106. Applicant Outside of Guam.
§ 10107. Personal Delivery of Ballot.
§ 10108. Form of Absentee Ballot.
§ 10109. Furnishing of Envelopes and Affidavit With Ballot.
§ 10110. Voter's Affidavit on Envelope.
§ 10111. Marking Ballot.
§ 10112. Taking and Subscribing Oath.
§ 10113. Officers Before Whom Voter May Appear.

§ 10114. Mailing or Delivering Ballot(s).
§ 10115. Disposition of Ballot by Commission.
§ 10116. Ballots Rejected by the Commission.
§ 10117. Casting Ballots.
§ 10118. Causes for Rejecting Ballots.
§ 10119. Rejected Ballots.
§ 10120. Addition to Registration Index.
§ 10121. Challenges.
§ 10122. Ballot of Deceased Voter.
§ 10123. Penalty for False Affidavit.

§ 10101. Conditions Upon the Right to Vote. Any qualified voter of Guam may, as provided in this Chapter and subject to the conditions of this Section, vote in any election by absentee ballot if he or she will be prevented from personally going to the polls and voting on election day because of:

(a) the conduct of his or her business or necessary travel;

(b) illness or physical disability;

(c) service in the Armed Forces or Merchant Marine of the United States;

(d) employment with the government of Guam;

(e) attendance at an institution of learning;

(f) employment in the service of the United States or any federal agency; or

(g) accompanying a spouse who is engaged in any activity listed herein.

§ 10102. Application for Ballot.

(a) *Except* as provided herein under Subsection (b), any voter, under any of the circumstances specified in § 10101 may, *not less than* three (3) days, or, if application is made in person, *not later than* during the regular office hours of the day prior to any election, make application to the Commission for an official ballot to be voted at such election. Any such application *shall* be made in writing on a form furnished by the Commission.

(b) A person classified under § 10101(b) may request an application for absentee ballot, and the absentee ballot, by telephone any time prior to the closing of the polls on election day.

(c) An application submitted for the primary election *shall* be considered an application for the subsequent general election.

§ 10103. Application Form for Absentee Ballot.

(a) Application for an absentee ballot *shall* be made substantially in the following form:

"**APPLICATION FOR ABSENTEE BALLOT TO BE VOTED AT THE ELECTION ON GUAM ON THE _____ DAY OF _____, 20 _____**

District or Municipality _____.

I, (Print or type full name) _____, do solemnly swear that I am a resident of Guam and of the district or municipality of _____, and that I am a duly qualified elector entitled to vote at said election; that I am not voting in any other jurisdiction; that I understand the prohibitions against and the penalty for voting in any election of Guam if I vote in another U.S. jurisdiction; that my occupation is _____; and that on account of _____, I cannot be at the polls on election day; I hereby make application for an official ballot to be voted by me at such election,

and that I will return said ballot to the office of the Guam Election Commission before the time of the closing of the polls on election day.

SIGNED _____

DATED this _____ day of _____, 20_____.

(Permanent Mailing Address)

Full Name: _____

Address: _____

_____

Date of Birth: _____

(Present Mailing Address)

Full Name: _____

Address: _____

_____

Date of Birth: _____

Subscribed and sworn to before me this ____ day of _____, 20___.

_____

Print or Type Full Name

_____

Signature

_____

Title or Rank

Mailing Address _____

_____

_____"

(b) Any application from elsewhere other than Guam *shall* be fully completed and documented in accordance with Election

Commission regulations that applicant is entitled to vote under the provisions of this Chapter.

(c) Any applicant who fails to complete and document his or her application for a ballot in accordance with Commission regulations *shall* be denied a ballot, and his or her name will be stricken from the register of qualified voters in accordance with Chapter 3 of this Title.

§ 10104. Absent Voting - Federal Requirements.

(a) Armed Forces or absentee application. A voter who (1) is eligible for an absentee ballot; (2) wants to execute an affidavit or form for voter registration; and (3) is absent from Guam or is an active member of the Armed Forces of the United States, including National Guard or Reserve Units, or an overseas voter as defined by the Federal Uniformed and Overseas Citizens Absentee Voting Act, is *not* required to sign the affidavit or form in the presence of a person authorized to administer an oath, and the affidavit or form need *not* be signed by such an oath administrator. The Commission *shall* inform the voter that no signature other than that of the voter is required on the affidavit or form and that a voter who makes a false statement on the affidavit or form is subject to the penalties of perjury.

(b) Federal postcard application. In lieu of the application form prescribed in this Title, any person serving in the U.S. Armed Forces or the United States Merchant Marine, or who is a spouse or dependent of such a person, and any person who temporarily resides outside the territorial limits of the United States and its territories, may apply for registration and enrollment on the Federal postcard application form provided pursuant to the Uniformed and Overseas

Citizens Absentee Voting Act (100 Stat. 924; 42 U.S.C. 1973 F.F. et seq., as amended) or any other applicable law. The failure of an applicant to take the elector's oath on such Federal postcard application *shall not* invalidate such application.

§ 10105. Penalty Clause Added. Immediately below the form prescribed by § 10103, there *shall* be printed in full §10124 of this Chapter, and §8306 of Chapter 8.

§ 10106. Applicant Outside of Guam. When the Commission is requested to mail an absent voter's ballot to an elector, and the address to which said ballot is to be mailed is a point outside of Guam, the Commission *shall* mail the absent voter's ballot to the elector by airmail as soon as the request is received, provided that the ballots are printed, and, if by any law of the United States official election ballots may be mailed without the payment of postage, it *shall* so comply.

Absentee ballots *shall* be mailed or transmitted by email to absentee voters in the manner requested, within forty-eight (48) hours of request or within forty-eight (48) hours, except Sundays, of certification of the ballots, whichever is later.

§ 10107. Personal Delivery of Ballot. The Commission *shall* deliver a ballot to any qualified elector applying in person at the office of said Commission; provided, *however*, that such applicant *shall* complete and subscribe the application heretofore prescribed by this Chapter; provided further, that said application *shall* be made *not more than* thirty (30) days *nor less than* one (1) day before the date of the election for which the vote is being cast. It is provided further, that said ballot *shall* be immediately marked, enclosed in the ballot envelope, placed in the return envelope with the proper affidavit enclosed, and immediately returned to the Commission.

§ 10108. Form of Absentee Ballot. The absentee ballot may, but need not be, in the same form as the regular ballot used in the election. For off-island absentee voters, uniformed and overseas citizens voting absentee, the Commission *shall* inform such absentee voters of the option to request to receive an absentee ballot electronically by email transmission and provide electronic mail and cost-free telephonic contact information to such voters so that those voters may make the request to the Guam Election Commission.

Absentee ballots *shall* be mailed or transmitted by email to absentee voters in the manner requested, within forty-eight (48) hours of request or within forty-eight (48) hours, except Sundays, of certification of the ballots, whichever is later.

§ 10109. Furnishing of Envelopes and Affidavit With Ballot. It *shall* be the duty of the Commission to furnish the absentee voter with a blank ballot in an unmarked ballot envelope. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, the Commission *shall* also furnish the absentee voter with a voter's affidavit and an unsealed return envelope, bearing upon its face the following:

"Guam Election Commission
Government of Guam
P.O. Box BG
Hagåtña, Guam 96932"

On the reverse side of the return envelope *shall* be printed the voter's full name and the municipality in which the absentee voter is a resident.

§ 10110. Voter's Affidavit on Envelope. On the reverse side of the envelope prescribed in §10109 *shall* be printed a blank form of an affidavit in substantially the following form:

"**AFFIDAVIT**

District or Municipalityof_____, Guam

I, _____, do solemnly swear that the
(Print or type full name) following matters relating to my qualifications for registration and voting are true:

Place of Residence: _____ (municipality, municipal, division or district), Guam.

Date of Birth: _____ (Month/Day/Year)

Place of Birth: _____

Method of which United States citizenship was attained: _____

Qualified voter: _____ (yes or no)

That I am not confined to a mental institution or judicially declared incompetent; that I am not serving a criminal sentence; that I am not voting in any other U.S. jurisdiction; that I am in the business/work of _____; and that I shall be absent from the polls on the day of election on account of _____.

_____
Signature

Subscribed and sworn to before me this ____ day of _____, 20___, and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that the affiant then in my presence and of no other person, and in such manner that I could not see his vote, mark such ballot and enclosed and sealed same in this envelope; and that the affiant was not solicited or advised

by me for or against any candidate or measure.

_____

Print or type full name

_____

Signature

_____

Title or Rank”

§ 10111. Marking Ballot. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, the voter, on receipt of said ballot, *shall*, in the presence of the officer administering the oath and of no other person, mark such ballot or set of ballots, but in such manner that said officer would not see or know how said ballot is marked.

§ 10112. Taking and Subscribing Oath. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, after marking said ballot the voter *shall*, before said officer, mark and subscribe to the voter’s affidavit, and, in the presence of said officer, place said ballot in the ballot envelope so as to conceal the marks thereon and deposit the same along with the affidavit in the return envelope which *shall* then be securely sealed.

§ 10113. Officers Before Whom Voter May Appear. *Except* for a uniformed or overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act, at any time on or before the day of an election an absentee voter may appear before the Commission, or any person appointed or designated by the Commission may go to any voter on Guam if he or she is incapacitated, or any Notary Public or any officer of Guam, or before any Notary Public or any officer of any state, territory or municipality

within the United States or in the District of Columbia, at the time of receiving his or her ballot to mark and secure his or her ballot.

§ 10114. Mailing or Delivering Ballot(s). The sealed returned envelope containing the ballot or set of ballots may be delivered to the Commission at its main office or its postal address at any time prior to the closing of the polls, and within ten (10) days after any election and by 5:00 p.m. on the tenth (10th) day after any election.

§ 10115. Disposition of Ballot by Commission. The returned envelope containing the ballot or set of ballots and affidavit, together with the voter's application, *shall* be delivered by the Commission on election day to the precinct board or member thereof of the precinct in which the voter is qualified to vote. The Commission staff *shall* ensure that the affidavit fully meets the criteria for absent voting prior to delivery to the precincts. The member of the precinct board receiving such ballot and application *shall* acknowledge to the Commission receipt thereof in writing.

§ 10116. Ballots Rejected by the Commission. All ballots forwarded to absent voters and *not* physically received by the Commission at its main office prior to the closing of the polls, or within ten (10) days after any other election day or by 5:00 p.m. on the tenth (10th) day after any election *shall* be rejected.

§ 10117. Casting Ballots. At any time between the opening and closing of the polls on election day, the precinct board *shall* announce the absent voter's name, and compare the signature between that shown upon the application and the signature upon the affidavit. The precinct board *shall* determine if the affidavit is sufficiently executed, that the signatures correspond, that the applicant is a duly qualified elector of the precinct, and that the applicant *has not* voted in person at such election, and open the outer

or carrier envelope and the return envelope. The board *shall* then deposit the unopened ballot envelope in the ballot box. Upon depositing the unopened ballot envelope in the ballot box, the board *shall* indicate on the signature roster next to the voter's name that such voter has voted absentee.

§ 10118. Causes for Rejecting Ballots. In the event the affidavit is found to be insufficient, or the signature on the affidavit and the application do *not* correspond, or the applicant is *not* a duly qualified elector in such precinct, or the ballot envelope or return envelope is open or has been opened and resealed, or the return envelope contains *more than* one (1) ballot envelope with ballots enclosed, or that said voter has voted in person, such ballot *shall not* be accepted or deposited in the ballot box.

§ 10119. Rejected Ballots. Every ballot *not* accepted *shall* be endorsed on the back of the ballot envelope "Rejected because _____ (giving reason therefore)." All such rejected ballots *shall* be enclosed and securely sealed in an envelope on which the precinct board members *shall* endorse "Defective Ballots," with a statement of the precinct in which, and the date of the election at which, the ballots were cast. Said envelope *shall* be signed by the members of the precinct board and returned to the Commission at the Election Return Center after the polls close.

§ 10120. Addition to Registration Index. The precinct board *shall*, when the absentee ballot envelope is deposited in the ballot box, enter the absentee voter's name on the registration index if *not* already shown on the roster.

§ 10121. Challenges. The vote of any absent voter may be challenged for cause, and the precinct board *shall* determine, in accordance with the provisions of this Title, the legality of such ballot.

§ 10122. Ballot of Deceased Voter. When it shall be made to appear by due proof to the precinct board that any absent voter who has submitted his or her ballot in accordance with the provisions of this Chapter has died before the ballot is deposited in the ballot box, the ballot envelope of such deceased voter *shall* be endorsed, "Rejected: Voter Deceased" and *shall* be returned unopened with the ballot enclosed by the precinct board to the Commission. The casting of a ballot of a deceased voter *shall not* invalidate the election.

§ 10123. Penalty for False Affidavit. Any person who willfully swears falsely to any affidavit prescribed in this Chapter *shall* be punishable in accordance with the provisions of Chapter 8 of this Title.

CHAPTER 11

CANVASS, VOTE TABULATION & DECLARATION OF RESULTS

§ 11101. Application of Chapter.
§ 11102. Officials Present at Close of Polls.
§ 11103. Two (2) Ballots in One (1) Envelope.
§ 11104. Ballots Exceeding Number on Roster.
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§ 11123. Election Center Open Until Tabulation Complete.
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§ 11125. Incomplete or Ambiguous Precinct Forms.
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§ 11128. Certificate of Election.
§ 11129. Death of Candidate After Certification.
§ 11130. Special Provision for Presidential Election.
§ 11131. Recount.
§ 11132. Review of Ballots.
§ 11133. Entry of Results on Record.
§ 11134. Preservation of Ballots.

§ 11101. Application of Chapter. *Unless* otherwise indicated, the provisions of this Chapter *shall* apply to all elections held on Guam.

§ 11102. Officials Present at Close of Polls. All members of the precinct boards *shall* be present at the closing of the polls.

§ 11103. Two (2) Ballots in One (1) Envelope. If a precinct board finds two (2) or more of the same ballots upon opening an absentee voter's envelope, it *shall* lay them aside until the count of the ballots is complete. If, upon comparison of the count between ballots cast in that precinct and the number of voters on the roster who voted, it appears that two (2) ballots were cast by one (1) voter, the precinct board *shall* reject both ballots.

§ 11104. Ballots Exceeding Number on Roster. If the ballots in the box exceed in number the names on the roster who voted, 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 a number of ballots equal to such excess. The precinct board *shall* make a record upon the roster of the number of ballots so drawn and place those ballots in a sealed envelope marked "Excess Ballots Drawn". All precinct board members *shall* affix their name on the envelope seal along with their precinct number from which the excess ballots were drawn. The Commission *shall* determine the method of destroying those ballots drawn.

§ 11105. Signing Roster. When the number of ballots equal or made thus to equal with the number of names on the roster who voted, the precinct board *shall* document the totals by writing in words and figures at the foot of the roster, and signed by those precinct board members who counted the ballots and attested to by the remaining precinct board members. All members of the precinct board *shall* sign the roster.

§ 11106. Rejected Ballots. All rejected ballots *shall* be endorsed on the back of the ballot envelope "Rejected because (giving reason therefore)." Said envelope *shall* be signed by the members of the precinct

board and returned to the Commission at the Election Return Center after the polls close.

§ 11107. Delivery of Ballots to Election Return Center. The locked ballot box, accompanied by the roster, all documents, all endorsements, and all ballots, including spoiled ballots, unused and defaced ballots, and rejected defective ballots *shall* be brought to the Election Return Center for tabulation. A representative of each political party, as authorized by the Commission, may accompany the locked ballot boxes and all other documents, supplies and materials from the precinct to the Election Return Center.

§ 11108. Election Return Center. The Commission *shall* maintain within Guam an Election Return Center for the tabulation of votes and publication of returns.

§ 11109. Vote Tabulating Device: Mode of Tallying. The Commission may appoint such persons as may be necessary for the manual tabulation of ballots and/or for the operation of the vote tabulating device, and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device.

§ 11110. Tabulating at Precincts. Notwithstanding any other provision of law, the Guam Election Commission may authorize ballots to be tabulated at the precincts. Tabulating of ballots by the precinct board *shall* be a cross-check of the tabulating of ballots by the Election Commission at the Election Return Center.

§ 11111. Imperfectly Marked Ballots Void. At any election, any ballot which is *not* marked as provided by law *shall* be void, but the ballot *shall* be preserved. Two (2) or more markings in one (1) voting oval or other

defined space provided, or a mark made partly within and partly without a voting oval or other defined space, *does not* make a ballot void.

§ 11112. Defective Ballots. If a ballot is folded, torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by a vote tabulating machine, the Commission may cause a duplicate to be punched, slotted or otherwise marked in the presence of *at least* two (2) Commission members, one (1) from each party. Both the new ballot and the defective ballot *shall* be marked with a serial number and the new ballot *shall* bear the words "Duplicate - Serial Number _____".

§ 11113. Ballot Not Rejected for Technical Error. At any election a ballot *shall not* be rejected for any technical error which does *not* render it impossible to determine the voter's choice, even though the ballot may be soiled or defaced.

§ 11114. Only Invalid Portions of Ballot Rejected; Blank Ballots and Improperly Marked Ballots are Not "Votes Cast" for Calculating a Majority. If a voter indicates either:

(a) by placing the voter's marks in the voting ovals or other defined spaces provided adjacent to the names of any candidates or nominees; or

(b) by writing the names of persons for an office in the blank line spaces provided; or

(c) by a combination of both, the choice of more than there are candidates or nominees to be elected or certified for any office, or if for any reason it is impossible to determine the voter's choice for any office, the voter's ballot *shall not* be counted for that office, but the remainder of the voter's ballot, if properly marked, *shall* be counted. A ballot that is blank, or that is marked with more candidates or nominees than are to be nominated or elected, *shall not* be included as part of the base for determining what

constitutes a majority in each election requiring a candidate or nominee to garner a majority of votes in order to be nominated or elected.

§ 11115. Write-in Votes. If the write-in voting oval or other defined space provided is marked, a write-in vote *shall* be counted for the office under which it is marked, provided a name is written alongside the voting oval or other defined space shown. The write-in names appearing next to the marked write-in voting ovals or other defined space provided for that office *shall* be tabulated and published.

§ 11116. Unauthorized Marks on Ballot. No mark upon a ballot which is unauthorized by this Title invalidates a ballot, *unless* it appears that the mark was placed there by the voter for the purpose of identifying the ballot.

§ 11117. Sealing and Reviewing Counted Ballots. As soon as the valid votes marked on the ballots are tabulated and the Commission is satisfied as to the accuracy of the tabulation, such ballots *shall not* thereafter be examined by any person, *except* upon a recount or audit as provided in this Chapter. The counted ballots *shall* be carefully sealed in a sturdy envelope with the name of the precinct thereon, and a majority of the members of the Commission *shall* certify that all counted ballots have been secured consistent with this Section.

The Commission may *not*, earlier than thirty (30) days from the date that the election results are certified, and provided that no election contest is pending resolution, unseal the ballot envelope to extract statistical data of which data will be made available to the general public. Upon the completion of the extraction, the ballot envelope *shall* be resealed and the Commission's seal and the date *shall* be affixed across the envelope's sealed portion.

§ 11118. Certification of Election. In every election, *except* the primary election, the Guam Election Commission *shall not* certify the election results until the GEC makes a determination on all election complaints or causes for contest brought to the attention of the GEC within fifteen (15) calendar days of the election. Thereafter, as soon as all the votes are counted and the ballots are sealed, the Election Commission *shall* certify the results of the election. The final certification and the seal on the ballot envelopes *shall* be signed by a majority of the Commission.

§ 11119. Delivery of Certification of Election. As soon as the Election Commission certifies the results of the election, it *shall* cause to be posted on the outside of the Election Return Center or the Commission's office a certificate showing the results of the votes cast. The final certificates *shall* be signed by a majority of the members of the Election Commission.

§ 11120. Disregard of Technical Error. Neither list, tally, paper or certificate return from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the directions of this Title if it is agreed upon by a majority of the members of the Commission.

§ 11121. Tabulation and Publication of Election Results. Upon tabulation of all election ballots, the Commission *shall* tabulate or cause to be tabulated the cumulative results and make these results known to the public.

§ 11122. Unofficial Results Open to Public Inspection. Immediately upon completion of the tabulation by the Commission of all of the ballots from all of the precincts, the unofficial election results *shall* be declared and available for public inspection.

§ 11123. Election Return Center Open Until Tabulation Complete. The Commission *shall*, on the day of the closing of the polls,

keep the Election Return Center open for the tabulation of election results until each and every ballot has been received and tabulated and the results thereof made public.

§ 11124. Clerical Assistance and Expenses. The Commission may incur expenses for all clerical assistance and other necessary expenses, including the transportation of precinct boards between their respective precincts and the Election Return Center.

§ 11125. Incomplete or Ambiguous Precinct Forms. If the rosters, certificates or other forms from any precinct are incomplete or ambiguous, or *not* properly authenticated, or are otherwise defective, the Commission, by a majority vote, may order issued and served subpoenas requiring the attendance of such persons and records before the Commission.

§ 11126. Correction or Completion. The Commission may require a precinct board to correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon.

§ 11127. Declaration of Results. Immediately after the certification of all election results, the Commission *shall* declare elected to each office those persons having the highest number of votes for that office.

§ 11128. Certificate of Election. Immediately after declaring certification of the results of any election, the Commission *shall* make, or cause to be made, a “Certificate of Election” for every person elected to office. The form of such certificates *shall* be prescribed in the Election Manual. The Commission *shall* cause to be placed in the hands of the elected person the original certificate which *shall* constitute evidence of the person’s right to office. The Election Commission *shall* preserve a copy of

such certificate for a period of five (5) years, and then may transfer the copies to the University of Guam Micronesian Area Research Center.

§ 11129. Death of Candidate After Certification. *Except* in the case of the office of *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhen Guåhan*, in the event that a candidate dies after he or she has been certified as elected and prior to the commencement of his or her term, the Commission *shall* certify as elected the person who received the next highest number of votes in that election. If no other person had fewer votes than the candidate whose election was certified, the vacancy *shall* be filled as otherwise provided by law. In the case of a person who has been certified as being elected *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhen Guåhan* and who dies prior to the commencement of his or her term, the vacancy *shall* be filled as provided by law.

§ 11130. Special Provision for Presidential Election. In those years when the ballot contains the names of candidates for President and Vice-President of the United States, the Commission *shall* declare the results of said election and *shall*, by written direction, order the Chairperson of the Election Commission to act as the elector for Guam, as such term is used in Article II, Section 1 of the United States Constitution, to cast his ballot for the candidates for President and Vice-President receiving the highest number of votes and to transmit said results to the President of the Senate of the United States.

§ 11131. Recount. If the tabulation indicates that a difference in votes is two percent (2%) or less, the Commission *shall* conduct a recount of the votes. At the end of the recount all ballots *shall* be returned to the precinct envelopes and resealed with the majority of the Commission writing

their names across the seal. The result of the recount *shall* immediately be made public as a recount.

§ 11132. Review of Ballots. The Commission *shall not* review any ballots *except* as permitted on a recount.

§ 11133. Entry of Results on Record. Immediately upon the completion of the tabulation of all ballots, the Commission *shall* enter on its record a statement of the results, which *shall* show:

(a) the total number of votes cast on Guam;

(b) the names of the persons and the total number of votes tabulated for each candidate; and

(c) for which office each person was voted.

§ 11134. Preservation of Ballots. The Commission *shall* be responsible for the preservation of all the ballots cast and all rosters and certificates delivered to it by the precinct boards for a period of five (5) years after the date of the election. The Commission *shall* be required to produce such ballots upon the order of a court of competent jurisdiction, and *shall* obtain a receipt for any release from its custody.

CHAPTER 12

ELECTION CONTESTS

§ 12101. Contestant and Defendant Defined.

§ 12102. Causes for Contest.

§ 12103. Irregularity or Misconduct Not Affecting Result.

§ 12104. Where Illegal Votes Not Necessary to Majority.

§ 12105. Complaint by Contestant.

§ 12106. Same: Verification.

§ 12107. Allegation of Illegal Votes.

§ 12108. Technical Errors in Allegations Disregarded.

§ 12109. Special Session.
§ 12110. Citation to Defendant.
§ 12111. Subpoena and Attachment.
§ 12112. Trial.
§ 12113. Recount at Trial.
§ 12114. Applicable Rules of Law and Evidence.
§ 12115. Findings and Conclusions: Judgment.
§ 12116. Declaration of Election by Court.
§ 12117. Certificate of Election.
§ 12118. Annulment of Prior Certificate.
§ 12119. Costs of Contest Proceedings.
§ 12120. Apportionment of Costs of Contest.
§ 12121. Appeal From Judgment.
§ 12122. Effect of Judgment Setting Aside Election.
§ 12123. Determination of Tie.

§ 12101. Contestant and Defendant Defined. When used in this Chapter, *contestant* means any person initiating an election contest. *Defendant* means that person whose election or qualification is contested or those persons receiving an equal or higher number of votes, other than the contestant, when the body canvassing the returns declares that no one (1) person has received the highest number of votes for the contested office.

§ 12102. Causes for Contest. Any voter of Guam in a general election, or of a municipality or precinct in a municipal election, may contest any election held therein for any of the following causes:

(a) that the person who has been declared elected to an office other than as a Member of *I Liheslaturan Guåhan* (the Guam Legislature) was *not*, at the time of the election, eligible to that office;

(b) that the precinct board or any member thereof was guilty of misconduct;

(c) that the defendant has given to any elector or precinct board member of the election, any bribe or reward or has offered any bribe or reward for the purpose of procuring his or her election, or has committed any other offense against the elective franchise of Guam;

(d) that illegal votes were cast;

(e) that the precinct board, in conducting the election or in counting the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected; or

(f) that the Election Commission, in conducting the election or in canvassing the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected.

§ 12103. Irregularity or Misconduct Not Affecting Result. No irregularity or improper conduct in the proceedings of any precinct board shall void an election result *unless* such irregularity or misconduct resulted in a defendant being declared either elected or tied for election.

§ 12104. Where Illegal Votes Not Necessary to Majority. An election *shall not* be set aside on account of illegal votes *unless* the Commission determines that such number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from the candidate, would reduce the number of his or her legal votes to below the number of votes given to another person for the same office.

§ 12105. Complaint by Contestant. When a voter contests any election, he or she *shall* file with the Superior Court of Guam a written complaint, setting forth specifically:

(a) the name of the contestant, and that he or she is a registered voter of a municipality or precinct of Guam, as the case may be, in which the contested election was held;

(b) the name of the defendant;

(c) the office;

(d) the particular grounds of the contest; and

(e) whether a demand for jury trial is requested.

§ 12106. Same: Verification. The contestant *shall* verify the statement of contest and *shall* file it in the Superior Court of Guam within fifteen (15) days after the declaration of the result of the election by the body canvassing the returns thereof.

§ 12107. Allegation of Illegal Votes. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that in one (1) or more specific voting precinct votes were given to the defendant, which, if taken from him or her would reduce the number of his or her legal votes below the number of legal votes given to some other person for the same office.

The Superior Court of Guam *shall* cause to be delivered to the defendant a copy of the complaint filed by the contestant.

§ 12108. Technical Errors in Allegations Disregarded. A statement of the grounds of contest *shall not* be rejected, nor the proceedings dismissed by any court for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular ground or cause for which the election is contested.

§ 12109. Special Session. Within five (5) days after the end of time allowed for filing statements of contest, the Superior Court of Guam *shall* thereupon order a special session to be held on some day to be declared

by the Court, *not less than* ten (10) or *more than* twenty (20) days from the date of its order.

§ 12110. Citation to Defendant. The Clerk of the Court *shall* thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation *shall* be delivered and served upon the parties *at least* five (5) days before the time so specified, either:

(a) personally; or

(b) if the party cannot be found, by leaving a copy at the home address where he or she last resided.

§ 12111. Subpoena and Attachment. The Clerk of the Court *shall* issue subpoenas for witnesses at the request of any party, which *shall* be served as are other subpoenas. The Superior Court may issue body attachments to compel the attendance of witnesses who have been subpoenaed to attend the Court.

§ 12112. Trial. The Superior Court of Guam *shall* meet at the time and place designated, to determine the contested election, and *shall* have all the powers necessary to the determination thereof. It may adjourn from day to day until the trial is ended, and may also continue the trial, before its commencement, for any time *not exceeding* twenty (20) days, for good cause shown by any party upon affidavit, *unless* the Court otherwise finds just cause to provide for additional time frames. Either party *shall* have the right to request for a jury trial of six (6) jurors either in the complaint or at their first appearance.

§ 12113. Recount at Trial. At the trial the ballots *shall* be opened and a recount taken, in the presence of all parties, of the votes cast for the various candidates in all contests where it appears from the statements filed that a recount is necessary for the proper determination of the contest.

The Superior Court may, where two (2) or more statements of contest are filed requiring a recount, join together the actions of the contestant for the purpose of recounting the votes.

§ 12114. Applicable Rules of Law and Evidence. In the trial and determination of election contests, the Court *shall* be governed by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable. It may dismiss the proceedings if the statement of the cause of the contest is insufficient, or for want of prosecution.

The Guam Election Commission is authorized to void any already certified election results if it determines through its own investigation the need to certify anew upon recount, retabulation, or following an investigation of an election.

§ 12115. Findings and Conclusions: Judgment. The Court *shall* continue in special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties, and within ten (10) days after the submission thereof, the Superior Court *shall* file its findings of fact and conclusions of law, and immediately thereafter *shall* announce judgment in the case, either confirming or annulling and setting aside the election. The judgment *shall* be entered immediately thereafter.

§ 12116. Declaration of Election by Court. If in any election contest it appears that another person than the defendant has the highest number of legal votes, the Court *shall* declare that person elected.

§ 12117. Certificate of Election. The person declared elected by the Superior Court is entitled to a certificate of election. If a certificate *has not* already been issued to him or her, the Commission *shall* immediately

prepare and deliver to that person a certificate of election signed by the Court and authenticated with the seal of the Superior Court.

§ 12118. Annulment of Prior Certificate. If the Commission has issued any certificate for the same office to any other person than the one declared elected by the Court, such certificate *shall* become annulled by the judgment of the Court.

§ 12119. Costs of Contest Proceedings. If the proceedings under this Chapter are dismissed for insufficiency of evidence to support any of the bases for the claims, or for want of prosecution, or the election is confirmed by the Court without any claims proven, judgment may be rendered against the contestant, for costs and attorney's fees, in favor of the defendant. If the election is annulled or set aside, judgment for costs may be rendered against the defendant, in favor of the contestant.

§ 12120. Apportionment of Costs of Contest. Where two (2) or more contests are joined for the purpose of recounting votes as provided in this Chapter, the costs *shall* be apportioned among the parties at the discretion of the Court.

§ 12121. Appeal From Judgment. Any party aggrieved by the judgment of the Superior Court of Guam may appeal therefrom to the Supreme Court of Guam, as in other cases of appeal thereto from the Superior Court, *except* on an expedited basis. During the pendency of proceedings on appeal, and until final determination thereof, the person declared elected by the Superior Court of Guam *shall* be entitled to the office in like manner as if no appeal had been taken. The Supreme Court of Guam *shall* provide an expedited appeal process for election contests.

§ 12122. Effect of Judgment Setting Aside Election. Whenever an election is annulled or set aside by the judgment of the Superior Court,

and *no* appeal has been taken within ten (10) days thereafter, the certification, if any has been issued, is void and the office is vacant.

§ 12123. Determination of Tie. If at any election, two (2) or more persons receive an equal number of votes which is the highest number of ballot votes cast for the same office, a judge of the Superior Court of Guam *shall* forthwith summon the candidates who received the votes to appear at a time to be designated by the judge. A judge of the Superior Court of Guam *shall* at that time and place determine the tie by lot; provided, that in case two (2) or more vacancies are to be filled, a tie need *not* be broken when both the tie nominees are elected to office.

CHAPTER 13

SPECIAL ELECTIONS

§ 13101. Conduct and Voters.

§ 13102. Calling Special Elections.

§ 13103. Election to Fill Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature).

§ 13104. Runoff Election.

§ 13105. Declaration of Runoff Election.

§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice-Mayor.

§ 13107. Persons Eligible to Vote in Runoff.

§ 13108. Absentee Voting for Runoff Elections.

§ 13101. Conduct and Voters. Every person entitled to vote at a regular election *shall* be entitled to vote in any special election. All special elections *shall* be conducted in the same manner and form as a regular election, *except* as otherwise provided.

§ 13102. Calling Special Elections. Vacancies in *I Liheslaturan Guåhan* (the Guam Legislature) *shall* be recognized by the Guam Election Commission, if *not* in conflict with any resolution by *I Liheslaturan Guåhan* (the Guam Legislature).

§ 13103. Election to Fill Vacancy in *I Liheslaturan Guåhan* (the Guam Legislature). The Guam Election Commission *shall* call for and conduct a special election on a Saturday on or about sixty (60) days of any vacancy whenever one (1) or more vacancies occur therein *prior* to eight (8) months before the date of the next general election of Members of *I Liheslaturan Guåhan* (the Guam Legislature). Candidates *shall* file their candidacies *no later than* forty (40) days prior to the special election date. There *shall* be *no* primary election. The highest vote getter or vote getters, if there is more than one (1) vacancy, *shall* be certified by the Guam Election Commission as elected, and *shall* be administered the oath of office immediately to fill the unexpired vacancy.

§ 13104. Runoff Election. A runoff election is a continuation of the election that precipitated the need for the runoff and is *not* a separate election. *Unless* otherwise provided in law, the procedures for a general election *shall* apply to a runoff election.

§ 13105. Declaration of Runoff Election. Upon the Commission determining that a runoff election is required, the Commission *shall* order and conduct a runoff election to be held on the fourteenth (14th) day following the date of the election which precipitated the need for the runoff. The Commission *shall* publish notice of the runoff election in a newspaper of general circulation on Guam *at least* four (4) times, with the last notice being issued on the runoff date.

§ 13106. Events Causing Vacancy in the Municipal Offices of Mayor and Vice Mayor. The municipal offices of mayor and vice mayor become vacant on the happening of any of the following events:

(a) death of the incumbent;

(b) declaration of mental incompetence by a final judgment or final order of a court of competent jurisdiction;

(c) resignation from office;

(d) refusal or failure to assume office;

(e) the decision of a competent tribunal declaring void his or her election;

(f) conviction of a felony, or of a crime involving moral turpitude;

(g) his or her change of residence from the municipality in which he or she was elected; or

(h) when incumbent is incapacitated because of illness and unable to continue for the remainder of the term.

The occurrence of any event under (a) through (h), with respect to a person elected to office, after the election but before the term of office is to commence, constitutes a vacancy on the date the term commences, *unless* the person so elected is the incumbent, in which case, the vacancy occurs on the date of such event.

§ 13107. Persons Eligible to Vote in Runoff. Persons eligible to vote in a runoff election *shall* be the same voters who were eligible to vote at the election that precipitated the need for the runoff. When a runoff election is required, the Commission *shall not* purge the names of any voters for non-participation after a general election until after the runoff election has been held and its results certified.

§ 13108. 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 in Chapter 10 of this Title. A runoff absentee ballot received by the Commission after the closing of the polls on the date of the runoff election, but before 5:00 p.m. *Chamorro* Standard Time on the tenth (10th) day after the date of the runoff election, *shall* be processed by the Commission, and such vote *shall* be 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 5:00 p.m. *Chamorro* 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.

CHAPTER 14

PROVISIONAL VOTING

§ 14101. Definition.
§ 14102. Provisional Ballot Design; Visually Distinguishable from Regular Ballot.
§ 14103. Qualifications.
§ 14104. Procedures.
§ 14105. Disposition.
§ 14106. Data Availability and Collection.

§ 14101. Definition. *Provisional ballot* is a ballot issued at the polling place on election day for any reason authorized by the Help America Vote Act, and other applicable federal or Guam laws granted to a person who otherwise would be denied an opportunity to vote on a regular ballot.

§ 14102. Provisional Ballot Design: Visually Distinguishable from Regular Ballot. Provisional ballots *shall* be visually distinguishable from regular ballots, and *shall* be designed so that they are unable to be tallied by precinct voting machine tabulators.

(a) Voter Registration Application: Provisional ballot envelopes *shall* be designed so as to also serve as a voter registration application.

(b) Ease of Use: Provisional ballots *shall* be clear and easy to read.

§ 14103. Qualifications. Any person who would otherwise be denied an opportunity to vote a regular ballot may vote a provisional ballot in accordance with the procedures set forth in §14104, for any reason authorized by the Help America Vote Act, and other applicable federal and Guam laws, including, but *not* limited, to the following:

(a) the person's name *does not* appear in the precinct signature roster which lists all registered voters within the polling area;

(b) there is an indication in the precinct signature roster that the person has requested an absentee ballot, but wishes to vote at the polling place;

(c) the person is voting during polling hours that have been extended by court order; or

(d) any other reason outlined in statute.

§ 14104. Procedures.

(a) Precinct Board Training. Precinct board members *shall* be trained to administer provisional voting in an accurate and consistent manner, and *shall* also be trained when to use provisional ballots, and when *not* to use them. Precinct officials *shall* also be able to communicate clearly to voters the prerequisites for provisional voting.

(b) Correct Polling Location. Prior to providing a person with a provisional ballot, precinct officials *shall* make every effort to determine a person's voter registration status and correct voting location. When a precinct official determines that the person is registered to vote at another location, the precinct official *shall* inform and direct the individual to the correct precinct polling place.

(c) Refusal. Only when such a person refuses to proceed to the correct polling location, or, if in the shared judgment of the precinct official and the potential voter, the person will *not* reach the correct polling location in time to cast a regular ballot before polls close, shall the precinct official offer the person a provisional ballot.

(d) Issuing Provisional Ballots. Provisional ballots *shall* be issued, accompanied with a provisional ballot outer envelope on which an affidavit and provisional ballot record of disposition *shall* be printed, and an inner security envelope that will contain the ballot.

(e) Commission to Provide Means to Assess Registration Status and Precinct Location of Voters. The Election Commission *shall* provide the precinct boards with the necessary means to determine a person's registration status and correct voting location, including a list of all registered voters in the polling area, directions to all polling locations, and the means to place a person's full name and address within the correct polling jurisdiction.

(f) Minimum Number of Provisional Ballots. Each precinct *shall* be issued a minimum number of provisional ballots equal to five percent (5%) of the total registered voters for that precinct and *not less than* fifteen (15), whichever is greater.

(g) Requirement of Provisional Voter Affidavit. Any person who will vote a provisional ballot *shall* first complete and sign the affidavit printed on a provisional ballot outer envelope attesting that he or she believes himself or herself to be a registered voter in Guam and eligible to vote under Guam law.

(h) Contents of Provisional Ballot Envelope. The provisional ballot outer envelope *shall* include a place for the provisional voter's full name; address, both present and former, if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling location at which he or she has voted; and a provisional ballot record of disposition. The provisional ballot outer envelope *shall* also contain a place

for the person to sign the oath and a summary of the applicable penalty provisions outlined in Chapter 8 of this Title.

(i) Voting In Secret. The provisional voter *shall* mark the provisional ballot in secrecy and place the completed provisional ballot in the inner security envelope provided, place the inner security envelope into the outer envelope, and return it to the precinct official.

(j) Completeness of Provisional Ballot Envelope. The precinct official *shall* ensure that all the required information is completed on the outer envelope, signed by the provisional voter in the appropriate space, and then place the envelope in a secure container.

(k) Informing Voters of Notification System. The precinct official *shall* present the provisional voter written information advising how to ascertain whether the vote was counted and, if applicable, the reason the vote was *not* counted.

§ 14105. Disposition.

(a) Counting Provisional Ballots. Within ten (10) days after any election, the Commission *shall* count the provisional voter's choices for every race for which the voter was eligible to vote. When a provisional voter casts a provisional ballot in the incorrect precinct, election officials *shall* count the votes on that ballot in every race for which the voter would be entitled to vote if he or she had been in the correct precinct.

(b) Opportunity to Remedy Incomplete Provisional Ballots. Provisional voters who lacked required information, such as proof of identity or failure to sign, *shall* be notified and *shall* be granted a seven (7)-day period to comply or supply missing information. Failure to abide *shall* constitute a spoiled provisional ballot.

(c) Provisional Ballots as a Remedy for Incomplete or Deficient Registration Applications. Provisional ballots *shall* serve to remedy incomplete or otherwise deficient voter registration applications. In the event that a voter is denied the right to vote a regular ballot because of an incomplete or otherwise deficient voter registration application, the provisional ballot *shall* be used to complete said voter's application. The provisional voter *shall* be deemed registered as of the date of the original application. Within ten (10) days after an election, when the voter's application *shall* have been satisfactorily completed and deemed valid, the provisional ballot *shall* be counted.

(d) Registration of Unregistered Provisional Voters. Election officials *shall* register provisional voters, if they are not already registered or who are eligible to be registered, based on the information provided on the provisional ballot envelope.

§14106. Data Availability and Collection.

(a) Free Notification System. The Commission *shall* identify and implement, through an internet website, toll-free telephone number, or other means, a system whereby an individual who voted a provisional ballot may, free of charge, determine if his or her vote was counted, and, if the vote was not counted, the reason the vote was not tabulated.

(b) Data Collection and Reporting Requirements. The Commission *shall* collect data on provisional voting and include such data in its Election Comparative Analysis Report following an election. Provisional ballots issued, counted, and rejected *shall* be tracked by precinct. In the case of rejected or spoiled provisional ballots, the Commission *shall* report the basis for such rejections.

CHAPTER 15

CONDUCT OF PRIMARY ELECTIONS

Article 1. General Provisions.
Article 2. Nomination; Determination of Candidates.
Article 3. Ballots.
Article 4. Voting and Ascertaining the Voting Results.
Article 5. Election Contests.

ARTICLE 1

GENERAL PROVISIONS

§ 15101. Definitions.
§ 15102. Liberal Construction.
§ 15103. Application of General Election Laws.
§ 15104. Application of Chapter.
§ 15105. Party Represented by Whom.
§ 15106. Expense of Printing Paid by Whom.
§ 15107. Expense of Polling Places, Ballot Boxes and Election Officials.
§ 15108. Vacancies Not to be Filled.
§ 15109. Minimum Vote Required.

§ 15101. Definitions. The words and phrases in this Chapter *shall*, unless the same is inconsistent with the context, be construed as follows:

(a) *Commission* means the Election Commission.

(b) *Election* means a general election as distinguished from a primary election or a special election.

(c) *Election officials* mean those members of a precinct board serving as outlined in § 4104, Chapter 4 of this Title.

(d) *Office* means an elected public office.

(e) *Party* means an association of voters united for the purpose of promoting a common political policy, which maintains a general organization throughout Guam, including a regularly constituted central committee and precinct committee, and as further defined in §1112, Chapter 1 of this Title.

(f) *Precinct* means a district as defined in Title 1 GCA § 403.

(g) *Primary* means a preliminary election in which voters cast ballots to determine the candidates for specific offices, as provided for in this Title.

(h) *Primary ballot* means a party ballot or a non-party ballot or a non-partisan ballot used at a primary.

§ 15102. Liberal Construction. This Chapter *shall* be liberally construed in favor of the primary voter.

§ 15103. Application of General Election Laws. The laws relating to elections *shall* apply to a primary insofar as they are consistent with this Chapter, the intent of which is to place the primary under the regulation and protection of the election laws, as far as possible, consistently with this Chapter.

§ 15104. Application of Chapter. A partisan candidate for office *shall* be nominated in accordance with this Chapter and *not* otherwise, *except* as otherwise provided by law.

§ 15105. Party Represented by Whom. *Not less than* ninety (90) days before the holding of a primary, each party seeking ballot placement *shall* submit to the Commission a list of its officers and of its central committee.

§ 15106. Expense of Printing Paid by Whom. The cost of ballots, blanks and other supplies to be used at any primary, and other costs properly incurred in the preparation for or conducting of the primary, *shall* be borne by the government of Guam.

§ 15107. Expense of Polling Places, Ballot Boxes and Election Officials. The Commission, at the expense of the government, *shall* provide the necessary polling places and ballot boxes for conducting an election for nomination of candidates for office. The Commission, at the expense of the government, *shall* pay election officials for their services in conducting a primary at the same rate of compensation as provided by this Title for an election.

§ 15108. Vacancies Not to Be Filled. In the event that fewer than fifteen (15) candidates are running for *I Liheslaturan Guåhan* within any party, the central committee of such party or parties *shall not* fill the party slate for the primary or general election to a full fifteen (15) nominees with its own nomination by filling those positions which are unfilled because fewer than fifteen (15) candidates ran in that party's primary election.

§ 15109. Minimum Vote Required. No person shall be deemed nominated in a primary election *unless* the candidate receives votes *at least* three (3) times greater than the required number of signatures needed for a nomination petition for candidacy for such election, or votes equal to four percent (4%) of the total number of persons who obtain ballots to vote in that primary election for all parties, whichever is less.

ARTICLE 2

NOMINATION; DETERMINATION OF CANDIDATES

§ 15201. Primary Date.

§ 15202. Notice of Primary; Publication, Posting.

§ 15203. Form of Nomination Papers.
§ 15204. Nomination Papers: Qualifications of Signers.
§ 15205. Nomination Papers: Number of Signers.
§ 15206. Time for Filing Nomination Papers; Fees.
§ 15207. Independent Candidates.
§ 15208. Vacancies.

§ 15201. Primary Date. The primary *shall* be conducted at the polling place or places determined by the Election Commission in each district on the last Saturday of August in every even-numbered year.

§ 15202. Notice of Primary; Publication, Posting. *At least* thirty (30) days before the date for holding the primary, the Commission *shall* prepare and transmit to each municipal mayor a notice, in writing, designating the office for which candidates are to be nominated at the primary, and state the time, date, and the place where the primary election voting will be held.

The Commission *shall*, within ten (10) days after transmitting the notice to the municipal mayors, cause notice of the primary to be posted in three (3) conspicuous public places in each of the municipal districts of Guam, and to be published *at least* three (3) times in a newspaper of general circulation in Guam. The notice *shall* state the time, date, and place where the primary election voting will be held, together with the offices for which candidates are to be nominated and elected.

§ 15203. Form of Nomination Papers. No candidate's name shall be printed upon any official ballot to be used at any primary election *unless* a nomination paper shall have been filed on his or her behalf and in his or her legal name, as provided in this Chapter in substantially the following form:

"**NOMINATING PETITION (PARTISAN)**

We, the undersigned, registered and qualified electors of Guam hereby nominate

_____

Print or type full name of candidate

as a candidate of the _____ party for the office of _____, to be voted for in the primary election to be held on the _____ day of _____, _____, and we declare that we have not signed, and will not sign, any nomination petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

WARNING: Whoever knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his own is violating the provisions of the Guam Election Code.

Full Name: Date of Birth: Address: Signature: Date: Voting District:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____

17. _____

18. _____

19. _____

20. _____

CIRCULATOR CERTIFICATION

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to the best of his or her knowledge and belief each signature is the genuine signature of the person purporting to sign the same, that the person was, at the time of signing, a registered and qualified voter of Guam, and that such elector was qualified to sign the petition.

_____

Print or type full name of circulator Signature of circulator

_____’

Address of Circulator Date ”

All nomination papers *shall* have substantially the above form written or printed thereon; provided, that those filed for an independent candidate may omit the words "of the _____ party." No signature shall be valid and counted *unless* it is written upon a sheet having this form printed thereon, which *shall* be provided by the Commission.

Nomination papers *shall not* be filed on behalf of any person for more than one (1) party or for more than one (1) office; nor shall nomination papers be filed on behalf of any person both as a party candidate and as an independent candidate.

§ 15204. Nomination Papers: Qualifications of Signers. No person shall sign the nomination papers of *more than* one (1) candidate for the same office, nor for more than the actual number of offices of one (1) class. Nomination papers *shall* be construed in this regard according to

priority of filing, and the name of any person appearing thereon *shall* be counted only so long as this provision is not violated, and not thereafter.

No name on any nominating petition shall be counted as valid unless the signer is an elector, qualified and registered to vote for the candidate at the next primary or general election.

§ 15205. Nomination Papers -- Number of Signers.

(a) No person shall be certified as a candidate for nomination *unless* the following number of qualified electors shall have signed a petition in favor of the candidate:

OFFICE	**NUMBER OF SIGNATURES REQUIRED**
Mayor	100
Vice Mayor	100
Senator	250
I Maga'låhen Guåhan and *I Segundu Na Maga'lahi*	500
Washington Representative	500

(b) When there are candidates for the mayoral or vice-mayoral positions in municipalities or districts that had *less than* one thousand (1,000) total votes cast in the prior election, the mayoral and vice-mayoral candidates in these jurisdictions *shall* acquire five percent (5%) of the qualified electors based from the prior election.

§ 15206. Time for Filing Nomination Papers; Fees. Nomination papers *shall* be filed with the Commission *at least* sixty (60) days but *not* earlier than one hundred thirty (130) days prior to the day for holding the primary. There *shall* be deposited with each nomination a fee of One Hundred Dollars ($100.00) on account of the expenses attending the holding of the primary, which *shall* be paid into the Treasury of Guam. Upon receipt

at the office of the Commission of a nomination of a candidate, the day, hour and minute when it was received *shall* be endorsed thereon.

§ 15207. Independent Candidates. Nomination papers may be filed on behalf of independent candidates. The papers *shall* be in the same form and signed in the same manner as in the case of party candidates**.**

§ 15208. Vacancies. In case of the death, withdrawal or disqualification of a nominee for *I Maga'låhen Guåhan* after a primary, the candidate for *I Segundu Na Maga'lahi* on the same slate *shall* thereupon become candidate for *I Maga'låhen Guåhan*, who *shall* then select the nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or disqualification of any nominee for *I Segundu Na Maga'lahi* after a primary, the nominee for *I Maga'låhen Guåhan* on the same slate *shall* select the nominee for *I Segundu Na Maga'lahi*. In case of the death, withdrawal or disqualification of any nominee for any other office after a primary, the vacancy so caused *shall* be filled by the nominee to such office receiving the next highest number of votes in the primary. In case of the death, withdrawal or disqualification of any candidate for office after an unopposed primary, the vacancy so caused *shall* be filled by the central committee of the party.

ARTICLE 3
BALLOTS

§ 15301. Form of Primary Election Ballot. Ballots used in the primary election *shall* be in the form prescribed by the Guam Election Commission and *shall* conform to the following minimum requirements:

(a) All candidates for all offices to be contested in the forthcoming general election *shall* appear on a primary ballot to be voted upon by registered voters in each voting district. A voting

district is each district within Guam as defined in Title 1 GCA § 403, *unless* otherwise provided in this Title. The Guam Election Commission *shall* print a ballot with the names of all qualified candidates from the Republican Party on one (1) side of the ballot, and the names of all qualified candidates from the Democratic Party on the opposite side. This ballot format *shall* be used so as to limit voters to mark their ballots in only one (1) party for all offices in that primary election.

If there are qualified candidates who are not members of either the Republican Party or the Democratic Party, the Guam Election Commission *shall* reconfigure the ballot as necessary in order that candidates' names *shall* be placed on the ballot in three (3) or more columns with a separate column for each different recognized party, and a separate column for those non-affiliated. The Guam Election Commission *shall* limit voters to mark their ballots in *only* one (1) party or for non-affiliated candidates *only* for all offices in that primary election.

(b) Across the top of the ballot *shall* be printed the words "OFFICIAL PRIMARY ELECTION BALLOT" and the date of the primary election.

(c) Thereafter *shall* appear an explanation to the voter instructing him or her how to vote.

(d) There *shall* appear specific instructions in boldface type on each ballot that a voter may cast votes under one (1) party *only*; that if votes are cast for candidates of *more than* one (1) party for any office or nomination of offices appearing on the ballot, the entire

ballot *shall* be void. The instructions on the ballot *shall* clearly inform voters of the mandate herein.

(e) The ballot for each office for which party nominations are sought *shall* contain instructions to the voters as to the maximum number of candidates that may be selected for that office.

(f) The Guam Election Commission *shall* make accommodation for the voter to write in the name of a person or persons *not* otherwise appearing on the ballot, under each office being contested under each party heading.

(g) Should the Guam Election Commission adopt a ballot form using any mechanical, electro-mechanical, or electronic device to record the vote, or aid in recording the vote, the voter instruction and information required by this Section *shall* appear on the device in the place provided therefore, or otherwise *shall* be prominently displayed within the voting booth so as to be easily read by the voter.

ARTICLE 4
VOTING AND ASCERTAINING THE VOTING RESULTS

§ 15401. Persons Entitled to Vote; List of Electors.
§ 15402. Manner of Voting.
§ 15403. Challenging.
§ 15404. Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'lahi*; Other Offices; Primary Constituting Election to Office.
§ 15405. Validity of Ballot.

§ 15401. Persons Entitled to Vote; List of Electors. No person shall be entitled to vote at any primary *unless* he or she shall have registered as a duly qualified elector of Guam.

§ 15402. Manner of Voting. Any person desiring to vote at a primary *shall* state his or her full name and address to the election officials. If the person desiring to vote is *not* challenged, a precinct clerk *shall* issue to him or her *only* one (1) official primary ballot. The voter *shall* proceed to enter one (1) of the compartments provided and therein mark the ballot. The marked ballot *shall* immediately be placed in the ballot box provided. In addition, the provisions of Chapter 10 of this Title (Absent Voting) *shall* also apply to a primary election so as to permit voting by absentee ballot therein.

§ 15403. Challenging. Any person rightfully within the polling place may challenge the right of any other person requesting to vote. The challenge *shall* be on the grounds that the elector is *not* the person alleged to be, or that the elector is *not* entitled to vote on the grounds specified in §9118, Chapter 9 of this Title. No other or further challenge *shall* be allowed. The challenge *shall* be immediately considered and decided upon by the precinct board, a ruling of the majority thereof being final.

§ 15404. Result of Election, *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi*; Other Offices; Primary Constituting Election to Office.

(a) *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi* team receiving a plurality of votes cast for a partisan nomination *shall* be the party nominees for the general election. No *I Maga'låhen Guåhan* and *I Segundu Na Maga'låhi* team running in the independent column shall be eligible for general election ballot placement *unless* such team receives a minimum twenty percent (20%) of the total combined votes cast for the winning teams seeking partisan nomination.

(b) The winners in all other partisan primary contests *shall* be the candidates receiving the highest number of votes, *except* that no candidate running in the independent column shall be eligible for general election ballot placement *unless* he or she receives votes equal to *at least* ten percent (10%) of the total number of the valid ballots cast for the office for which he or she is a candidate.

(c) *Except* in the case of a gubernatorial team, if in any primary a candidate who has been certified as being nominated (i) submits to the Commission a written declination of his or her nomination, or (ii) dies, the Commission *shall* certify as nominated the person having the next highest number of votes in the same primary; provided, that the Commission determines that the addition of the newly certified candidate to the ballot *shall not* prevent the Commission from conducting the general election at the scheduled date and time. If the Commission in its discretion determines that time *does not* permit the addition of the new nominee to the ballot, the vacancy *shall* be filled as otherwise provided by law. In the case of the death of a nominee for *I Maga'låhen Guåhan* or *I Segundu Na Maga'låhi*, the vacancy *shall* be filled as provided by law.

§ 15405. Validity of Ballot. All questions as to validity of a ballot cast at any primary election held under this Chapter *shall* be decided upon immediately, and the opinion of the majority of the Commission *shall* be final and binding, subject to review by the Superior Court of Guam.

ARTICLE 5
ELECTION CONTESTS

§ 15501. Petition to Contest.
§ 15502. Filing of Petition.
§ 15503. Summons.

§ 15504. Hearing and Judgment.

§ 15501. Petition to Contest. Any candidate directly interested, or any registered and qualified elector of any precinct, may file a petition in the Superior Court of Guam, setting forth any cause or causes why the decision of the Commission should be revised, corrected or changed.

§ 15502. Filing of Petition. The petition *shall* be filed in the Superior Court of Guam within seven (7) days following the primary election proposed to be contested.

§ 15503. Summons. The Clerk of the Superior Court *shall* issue a summon to the respondents named in the petition to appear before the Superior Court within five (5) days after thereof.

§ 15504. Hearing and Judgment. The Court *shall* hear the contest in a summary manner, and at the hearing, the Court *shall* cause the evidence to be reduced to writing, and *shall*, within eight (8) days following the return, give judgment, fully stating all findings of fact and of law. The judgment *shall* decide which candidate was nominated or elected, as the case may be, in the matter presented by the petition, and a certified copy of the judgment *shall* forthwith be served on the Commission, which *shall* place the name of the candidate declared to be nominated on the ballot for the forthcoming general election, and the judgment *shall* be conclusive of the right of the candidate so declared to be nominated.

CHAPTER 16

INITIATIVE, REFERENDUM AND LEGISLATIVE SUBMISSION

Article 1. General Provisions.

Article 2. Initiative.

Article 3. Referendum.

Article 4. Legislative Submission.

Article 5. Arguments Concerning Initiative, Referendum or Legislative Submission Measures Submitted to Voters.
Article 6. Verification of Petitioners.

ARTICLE 1
GENERAL PROVISIONS

§ 16101. Legislative Intent.
§ 16102. Definitions.
§ 16103. Legislative Amendment: Limitations.
§ 16104. Summary of Proposed Initiative, Referendum or Legislative Submission: Fees.
§ 16105. Preparation of Ballot Title by Election Commission.
§ 16106. Designation of Measures by Title.

§ 16101. Legislative Intent. It is the intent of *I Liheslaturan Guåhan* that the people of Guam *shall* have the right to exercise the power of initiative and referendum with regard to legislative matters, and that *I Liheslaturan Guåhan shall* submit matters to the voters for approval or rejection.

§ 16102. Definitions. As used in this Chapter:

(a) *Initiative* is the power of the voters to propose statutes, and to adopt or reject them at the polls.

(b) *Referendum* is the power of the voters to initiate action to repeal existing statutes or parts of statutes, *except* statutes calling for elections or appropriations for usual current expenses of Guam.

(c) *Legislative Submission* means the power of the voters to approve or reject legislation which has been referred to them by *I Liheslatura* (the Legislature).

(d) *Measure* refers to the action proposed or question presented on the initiative, referendum or legislative submission.

§ 16103. Legislative Amendment: Limitations. *I Liheslatura* (the Legislature) may amend or repeal statutes enacted pursuant to legislative submission, but *I Liheslatura* (the Legislature) *may not,* within a period of two (2) years, amend or repeal a statute enacted pursuant to an initiative without voter approval, *unless* said statute provides for amendment or repeal without voter approval.

§ 16104. Summary of Proposed Initiative, Referendum or Legislative Submission: Fees.

(a) The proponents of any proposed initiative or referendum measure, prior to circulating any petition for signatures, *shall* submit a draft of the measure to the Election Commission with a request that it prepare a summary of the chief purposes and points of the proposed measure. The summary *shall not exceed* one hundred (100) words, and *shall* be a true and impartial summary of the measure.

(b) The Election Commission *shall* also, upon request of the Speaker of *I Liheslatura* (the Legislature), prepare a summary of each legislative submission measure to be submitted to the voters by *I Liheslatura* (the Legislature). The summary *shall not exceed* one hundred (100) words.

(c) The proponents of any initiative or referendum measure *shall*, at the time of submitting the draft of the measure to the Election Commission, pay a non-refundable fee of Two Hundred Dollars ($200.00) for the cost of preparing the measure for the ballot. No fee shall be charged for legislative submissions.

§ 16105. Preparation of Ballot Title by Election Commission. The Election Commission *shall* provide a ballot title for each initiative, referendum or legislative submission to be submitted to the voters within ten (10) days after the measure is certified for a position on the ballot, and publish said title once a week for three (3) consecutive weeks in a newspaper of general circulation on Guam. The ballot title may differ from the legislative or other title of the measure, and *shall* express the purpose of the measure in *not more than* one hundred (100) words. The Election Commission *shall* give a true and impartial statement of the purpose of the measure in such language that the ballot title *shall not* be an argument, or likely to create prejudice either for or against the measure.

§ 16106. Designation of Measures by Title. Each measure *shall* be designated on the ballot by the ballot title prepared by the Election Commission.

The ballot title given *shall* begin with the last two (2) digits of the election year, followed by the alphabet letter corresponding to the order in which it was submitted to the Election Commission.

ARTICLE 2

INITIATIVE

§ 16201. Initiative: Proposal of.
§ 16202. Same: Unrelated Subjects Prohibited.
§ 16203. Same: Failed Initiative.
§ 16204. Same: Commission Determination.
§ 16205. Same: Presentation of.
§ 16206. Same: Majority Required; Effective Date.
§ 16207. Same: Resolution of Conflicts.
§ 16208. Printing of Summary on Initiative Petition.
§ 16209. Initiative Petition: Forms; Certification.
§ 16210. Filing of Petitions.
§ 16211. Preservation of Filed Petitions.
§ 16212. Official Summary Date for Proposed Initiative; Time for Circulation and Filing of Petitions.
§ 16213. Number of Signatures Required to Place Initiative on Ballot.
§ 16214. Special Single-Site Elections.

§ 16201. Initiative: Proposal of. Initiative measures may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, with bona fide signatures of voters equal in number to ten percent (10%) of all registered voters as of the time the proposed initiative measure is submitted to the Election Commission prior to circulation. The proposed initiative measure *shall not exceed* five hundred (500) words.

§ 16202. Same: Unrelated Subjects Prohibited. An initiative measure embracing unrelated subjects *may not* be submitted to the voters.

§ 16203. Same: Failed Initiative. If an initiative measure is *not* approved by voters in any election, no initiative measure proposing a substantially similar or substantially related subject shall be submitted to voters for *at least* three (3) years after the date of such election.

§ 16204. Same: Commission Determination. The Guam Election Commission *shall* determine whether an initiative measure proposes a substantially similar or substantially related subject of a previously defeated measure prior to circulation of said measure.

§ 16205. Same: Presentation of. The Election Commission *shall* submit the initiative to the electors, after certification, at the next general election held *at least* ninety (90) days after it qualifies, or, in a Guam at-large special election held *at least* ninety (90) days after certification; provided, *however*, that *I Liheslaturan Guåhan* or *I Maga'låhen Guåhan* may call a special election for the purpose of having the electors vote on an initiative measure.

§ 16206. Same: Majority Required; Effective Date. An initiative *shall* be approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote in the special or general election at which the initiative was placed on the ballot. Any initiative so approved by fifty percent (50%) plus one (1) of all voters who go to the polls to vote at said election *shall* take effect sixty (60) days after the date on which the Commission certifies that the initiative has been passed.

§ 16207. Same: Resolution of Conflicts. If provisions of two (2) or more measures approved at the same election conflict, those provisions of the measure receiving the highest affirmative votes *shall* prevail.

§ 16208. Printing of Summary on Initiative Petition. Prior to the circulation of any proposed initiative measure, the proponents *shall* print

upon each page of the petition in Roman bold face type *not smaller than* twelve (12)-point font size, **"Initiative measure to be submitted directly to the voters."** Beneath that *shall* be printed the summary prepared by the Election Commission in the same size type. Across the top of each subsequent page *shall* be printed a short title *not to exceed* twenty (20) words describing the nature of the petition, and the subject to which it relates.

§ 16209. Initiative Petition: Forms; Certification.

(a) Each section of the initiative petition *shall* have a one (1)-inch column to the left of the place for printed names for use of the precinct board. Each petitioner signer *shall* sign next to his or her printed name and in the next place, print his or her place of residence (giving the street name and number if such exist, and mailing address) and Social Security or CI number.

(b) The number of signatures attached to each section of the petition *shall* be at the pleasure of the person soliciting signatures to the same. Any qualified voter of Guam *shall* be competent to solicit said signatures. The petition *shall* have attached thereto the affidavit of the person soliciting signatures to the same stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder *shall* be verified free of charge by any officer authorized to administer oaths. Petitions so verified *shall* be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified voters.

§ 16210. Filing of Petitions. Officers required by law to receive or file any initiative petition *shall not* receive or file any initiative which *does not* conform with the provisions of this Title.

§ 16211. Preservation of Filed Petitions. An officer receiving or filing any initiative petition *shall* preserve the petition for four (4) years, and may destroy the petition after four (4) years, *unless* it is in evidence in some action or proceeding then pending.

§ 16212. Official Summary Date for Proposed Initiative; Time for Circulation and Filing of Petitions. The date a summary of a proposed initiative measure is delivered or mailed by the Election Commission to the proponents is designated as the "official summary date" for the proposed initiative measure.

No petitions for a proposed initiative shall be circulated for signature *prior* to the official summary date. Petitions with signatures on a proposed initiative measure *shall* be filed with the Election Commission *no later than* one hundred twenty (120) days after the official summary date, and the Election Commission *shall not* accept petitions on the proposed initiative measure after that period.

§ 16213. Number of Signatures Required to Place Initiative on Ballot. The Election Commission *shall not* accept any petition on a proposed initiative measure *unless* it has been certified as provided in § 16209, and has met the qualifications provided for in § 16201 of this Chapter.

§ 16214. Special Single-Site Elections. For the purpose of submitting an initiative measure, a referendum, or any submission by *I Liheslatura* (the Legislature) to the electors, the Commission may, pursuant to a call by *I Maga'låhen Guåhan* or *I Liheslaturan Guåhan*, conduct a special election dealing *only* with such measures, referendums, or submissions during which election a single polling place *shall* be designated by the Commission. The single polling place may be the offices of the Guam Election Commission, or may be any other

site deemed appropriate and available to the Commission. The Commission may geographically alternate the voting site during the thirty (30)-day election period for the purpose of maximizing voter convenience; *provided*, that each alternate site is open for a period of *at least* six (6) consecutive days during the thirty (30)-day election period, and further provided, that each site be open to any registered voter in Guam who *has not* yet voted during the election period, regardless of the voter's place of residence or district of registration.

Registered voters may cast their ballots on the initiative measure at any time a designated polling place is open during a period of thirty (30) consecutive calendar days; provided, that the first day of the thirty (30)-day election period *shall* be *no less than* ninety (90) days after the certification of the initiative measure by the Commission or the enactment of a law placing an initiative measure before the voters of Guam; and provided further, that during the thirty (30)-day election period, the designated polling place *shall* be open to voters every day for a minimum of twelve (12) consecutive hours beginning at eight o'clock (8:00) a.m., *except* Sundays.

The Election Commission *may not* call such an election on its own initiative. *Only I Liheslaturan Guåhan* or *I Maga'låhen Guåhan* may call such an election for the purpose of having the electors vote on an initiative measure, referendum or any submission to the voters by *I Liheslaturan Guåhan*. Such election *may not* be held within ninety (90) days prior to any special or general election.

No counting of ballots shall commence until the termination of the thirty (30)-day election period as described in this Section. For elections as described in this Section, ballots may be counted by any reasonable methodology determined appropriate by the Commission, including manual counting; provided, that the counting of ballots *shall* commence *no sooner than* the close of the polling place on the final day of the election, and *no*

later than twenty-four (24) hours after the last day of the thirty (30)-day election period.

ARTICLE 3

REFERENDUM

§ 16301. Referendum: Proposal of.
§ 16302. Same: Unrelated Subjects Prohibited.
§ 16303. Same: Presentation of.
§ 16304. Heading of Referendum Petition.
§ 16305. Short Title on Referendum Petition.
§ 16306. Referendum Petition: Forms; Certification.
§ 16307. Filing of Petitions.
§ 16308. Preservation of Filed Petitions.
§ 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions.
§ 16310. Number of Signatures Required to Place Referendum on Ballot.
§ 16311. Referendum on Tax Increases Required.
§ 16312. Voter Approval Required on General Obligation Bonds and Certain Fees.

§ 16301. Referendum: Proposal of. A referendum measure may be proposed by presenting petitions to the Election Commission, as set forth in this Chapter, signed by voters equal in number to twenty percent (20%) of all votes counted for all candidates for *I Maga'låhen Guåhan* at the last preceding general election at which *I Maga'låhen Guåhan* was elected. The proposed referendum measure *shall not exceed* five hundred (500) words.

§ 16302. Same: Unrelated Subjects Prohibited. A referendum measure embracing unrelated subjects *may not* be submitted to the voters.

§ 16303. Same: Presentation of. The Election Commission *shall* submit the referendum to the electors, after certification, at the next general

election held *at least* ninety (90) days after it qualifies, or, in a Guam at-large special election held *at least* ninety (90) days after certification; provided, *however*, that *I Maga'låhen Guåhan* or *I Liheslaturan Guåhan* may call a special election for the purpose of having the voters vote on a referendum measure.

§ 16304. Heading of Referendum Petition.

(a) Across the top of each page of a referendum petition, there *shall* be printed in twelve (12)-point font size Roman bold face type the following:

"REFERENDUM AGAINST AN ACT
PASSED BY THE LEGISLATURE"

(b) The summary prepared by the Election Commission *shall* be printed beneath the title in the same type style.

§ 16305. Short Title on Referendum Petition. Across the top of each page after the first page of every referendum petition which is prepared and circulated, there *shall* be printed a short title, *not to exceed* twenty (20) words, describing the nature of the petition and the subject to which it relates.

§ 16306. Referendum Petition: Forms; Certification.

(a) Each section of the referendum petition *shall* have a one (1) inch column to the left of the place for printed names for use of the precinct board. Each petition signer *shall* sign next to his or her printed name, and in the next place, print his or her place of residence (giving the number and street name if such exist, and mailing address) and Social Security or CI number.

(b) The number of signatures attached to each section of the petition *shall* be at the pleasure of the person soliciting signatures to the

same. Any qualified voter of Guam *shall* be competent to solicit said signatures. The petition *shall* have attached thereto the affidavit of the person soliciting signatures to the same, stating his or her qualifications, and that all the signatures to the attached section were made in his or her presence and that, to the best of his or her knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required.

(c) The affidavit of any person soliciting signatures hereunder *shall* be verified free of charge by any officer authorized to administer oaths. Such petitions so verified *shall* be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors.

§ 16307. Filing of Petitions. Officers required by law to receive or file any referendum petition *shall not* receive or file any referendum petition which *does not* conform with the provisions of this Title.

§ 16308. Preservation of Filed Petitions. An officer receiving or filing any referendum petition *shall* preserve the petition for four (4) years and may destroy the petition after four (4) years, *unless* it is in evidence in some action or proceeding then pending.

§ 16309. Official Summary Date for Proposed Referendum Measure; Time for Circulation and Filing of Petitions. The date a summary of a proposed referendum measure is delivered or mailed by the Election Commission to the proponents is designated as the "official summary date" for the proposed referendum measure.

No petitions for a proposed referendum measure shall be circulated for signature *prior* to the official summary date. Petitions with signatures on a proposed referendum measure *shall* be filed with the Election Commission *not later than* ninety (90) days after the official summary date, and the

Election Commission *shall not* accept petitions on the proposed referendum measure after that period.

§ 16310. Number of Signatures Required to Place Referendum on Ballot. The Election Commission *shall not* accept any petition on a proposed referendum measure *unless* it has been certified, as provided in § 16306, and has met the qualifications provided for by § 16301 of this Chapter.

§ 16311. Referendum on Tax Increases Required. Notwithstanding any other provision of law, no increase in real property tax, liquid fuel tax, business privilege tax or any locally enacted and administered tax on Guam shall go into effect without the approval of the voters of Guam in a referendum held during a general election. The manner in which a proposed tax increase shall be placed in referendum before the voters of Guam pursuant to this Section *shall* be as follows:

(a) *I Liheslaturan Guåhan* must pass, in bill form, a proposed tax increase, the effective date to be thirty (30) days after ratification by the voters of Guam in a referendum, such ratification to be certified by the Guam Election Commission. The bill must detail the amount and nature of the proposed increase and the purpose to which such proposed increase shall be applied.

(b) *No more than* ten (10) days after the bill is enacted into law, the full text of the law *shall* be transmitted to the Guam Election Commission by the Legislative Secretary of *I Liheslaturan Guåhan*. The Guam Election Commission *shall* place before the voters of Guam the question of whether the voters approve or disapprove of the proposed tax increase at the next General Election; provided, that the date of transmittal of the proposed tax increase from *I Liheslaturan*

Guåhan to the Guam Election Commission is *at least* ninety (90) days *prior* to the date of the next General Election.

(c) The Guam Election Commission *shall* cause to appear in a daily periodical of mass publication on Guam a full text of the proposed tax increase to be submitted to the voters in referendum pursuant to this Section, at a date *no less than* thirty (30) days prior to the General Election during which the referendum shall be held. *I Liheslaturan Guåhan shall* make such provisions as are deemed necessary to provide the public with information necessary to arrive at an informed position with respect to the proposal.

(d) Any submission to the voters made pursuant to this Section *shall* be treated as an initiative for the purpose of determining the number of votes needed to ratify a proposal placed before the voters pursuant to this Section.

This Section *shall not* be interpreted as requiring voter ratification of a tax imposed by the government of the United States of America, provided that this Section *shall* apply upon de-linkage of the Guam income tax from the Federal Internal Revenue Code.

§ 16312. Voter Approval Required on General Obligation Bonds and Certain Fees. The provisions of § 16311 of this Article and Chapter *shall* apply in the case of any general obligation bond of the government of Guam in excess of Twenty-Five Million Dollars ($25,000,000), as well as in the case of the creation of any new fee for service proposed to be established in such cases where the fee is for a service already provided by the government of Guam *prior* to the establishment of the new fee, and where such service was previously funded through other revenues.

ARTICLE 4

LEGISLATIVE SUBMISSION

§ 16401. Number of Legislative Votes Necessary for Legislature's Submission.

§ 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature).

§ 16401. Number of Legislative Votes Necessary for Legislature's Submission. No measure shall be submitted to the voters by *I Liheslaturan Guåhan unless* it shall have been adopted by a majority of affirmative votes of all the Members.

§ 16402. Number of Votes to Approve Legislative Measure Submitted to the People by *I Liheslatura* (the Legislature). A majority of the valid votes cast thereon *shall* be necessary for the approval of any legislative submission placed on the ballot by *I Liheslatura* (the Legislature).

ARTICLE 5

ARGUMENTS CONCERNING INITIATIVE, REFERENDUM OR LEGISLATIVE SUBMISSION MEASURES SUBMITTED TO VOTERS

§ 16501. Draft of Argument Favoring Measure.
§ 16502. Draft of Argument Opposing Measure.
§ 16503. Submission of Drafts to Election Commission; Amendment.
§ 16504. Filing of Voter's Argument for Initiative or Referendum.
§ 16505. Priorities in Selection of Argument.
§ 16506. Signatures on Arguments.
§ 16507. Analysis of Measure.
§ 16508. Printing of Ballot Pamphlet.
§ 16509. Contents of Pamphlet.
§ 16510 Defect in Pamphlet.
§ 16511. Format of Pamphlet.
§ 16512. Mailing of Ballot Pamphlet.
§ 16513. Rules and Regulations.
§ 16514. Reenactment of Chapter.

§ 16501. Draft of Argument Favoring Measure.

(a) Whenever *I Liheslatura* (the Legislature) submits any measure to the voters, the author of the measure and one (1) Member of *I Liheslatura* (the Legislature) who voted with the majority for the submission of the measure *shall* be appointed by the Speaker to draft an argument for the adoption of the measure. This argument *shall not exceed* five hundred (500) words in length.

(b) If the author of the measure desires separate arguments to be written in its favor by each person appointed, separate arguments may be

written but the combined length of the two (2) arguments *shall not exceed* five hundred (500) words.

§ 16502. Draft of Argument Opposing Measure. If a measure to be submitted to the voters by *I Liheslatura* (the Legislature) was *not* adopted unanimously, one (1) Member who voted against it *shall* be appointed by the Speaker, at the same time as appointments to draft an argument in its favor are made, to write an argument against the measure. The opposing argument *shall not exceed* five hundred (500) words in length.

§ 16503. Submission of Drafts to Election Commission; Amendment. Arguments prepared by legislators appointed by the Speaker *shall* be submitted to the Election Commission within forty-five (45) days after the adoption of the legislative submission measure by *I Liheslaturan Guåhan*. If the arguments are *not* submitted within forty-five (45) days, the measure *shall not* be submitted to the voters.

§ 16504. Filing of Voter's Argument for Initiative or Referendum. Any voter or group of voters may, *no less than* forty-five (45) days prior to the election at which the measure is to be presented to the voters, prepare and file with the Election Commission an argument for or against any initiative or referendum measure or legislative submission. The argument *shall not exceed* five hundred (500) words in length.

§ 16505. Priorities in Selection of Argument. If more than one (1) argument for or more than one (1) argument against any measure is filed within the time prescribed, the Election Commission *shall* select one (1) of the arguments for printing in the ballot pamphlets. In selecting the argument, the Election Commission *shall* give preference and priority in the order named to the arguments of the following:

(a) in the case of a legislative submission, Members of *I Liheslatura* (the Legislature);

(b) bona fide associations of citizens; and

(c) individual voters.

§ 16506. Signatures on Arguments. *No more than* three (3) signatures *shall* appear with any argument printed in the ballot pamphlet. If any argument is signed by more than three (3) persons, the signature of the first three (3) *shall* be printed.

§ 16507. Analysis of Measure. Whenever any measure qualifies for a place on the ballot, the Election Commission *shall* prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure.

The analysis *shall* be printed in the ballot pamphlet between the ballot title and the arguments for and against the measure. The length of the analysis *shall not exceed* five hundred (500) words, *except* with the approval of the Election Commission.

§ 16508. Printing of Ballot Pamphlets. The Election Commission *shall* cause to be printed one and one-tenth (1 1/10) times as many ballot pamphlets as there are registered voters.

§ 16509. Contents of Pamphlet. The ballot pamphlets *shall* contain:

(a) a complete copy of any measure submitted to the voters by:

(1) *I Liheslaturan Guåhan*; or

(2) by initiative or referendum petition;

(b) a copy of the specific statutory provision, if any, proposed to be affected;

(c) a copy of the arguments for and against the measure as provided for in this Chapter; and

(d) the analysis and ballot title provided for in this Chapter.

§ 16510. Defect in Pamphlet. Any defect in the ballot pamphlet *shall not* cause a delay in the election or be grounds to invalidate the election.

§ 16511. Format of Pamphlet. The Election Commission *shall* prescribe the format of the ballot pamphlet subject to the conditions set forth in § 16507 and § 16509, and further subject to the condition that the required material be presented in a manner to facilitate full understanding of an issue.

§ 16512. Mailing of Ballot Pamphlet. Immediately after copies of the ballot pamphlet are available, the Election Commission *shall* deliver the following number of copies to the following:

(a) one (1) copy to each registered voter;

(b) one (1) copy to each village mayor;

(c) one (1) copy to each judge of the Superior Court; and

(d) one (1) copy to each Senator.

§ 16513. Rules and Regulations. Pursuant to its powers under Chapter 2 of this Title, the Election Commission *shall* promulgate the necessary administrative rules and procedures to effectuate the purposes of this Chapter.

§ 16514. Reenactment of Chapter. Chapter 16 of Title 3 of the Guam Code Annotated (this Chapter) is hereby *reenacted*. Such reenactment is to conform with 48 U.S.C. §1422a, as amended by Act of October 19, 1982, Public Law 97-357, Title I, §101, 96 Stat. 1705.

ARTICLE 6

VERIFICATION OF PETITIONERS

§ 16601. Verification of Petitioners.

§ 16602. Severability.

§ 16601. Verification of Petitioners. The Election Commission *shall* verify all petitioners for any initiative, referendum, or recall, to ensure that all persons are duly registered to vote in Guam. In order to facilitate the verification of petitioners, the Election Commission may promulgate rules allowing proponents to submit signed petitions to the Election Commission on a weekly basis.

§ 16602. Severability. If any part or parts of this Act are found to be inconsistent with the Constitution of the United States or the Organic Act of Guam, the remainder of the Act *shall* remain in force.

If the Organic Act is replaced by a popularly developed Constitution, this Act *shall* be deemed to be reenacted pursuant to said Constitution. If said Constitution contains provisions dealing with initiative, referendum and legislative submission which are inconsistent with the provisions of this Act, this Act *shall* be deemed to be amended to conform to the Constitutional provisions.

CHAPTER 17

ELECTION CAMPAIGN CONTRIBUTIONS & EXPENDITURES

§ 17101. Definitions.
§ 17102. Duties of Election Commission.
§ 17103. Filing of Reports.
§ 17104. Death of Candidate Prior to Filing Reports.
§ 17105. Death of Candidate After Submitting Final Report.
§ 17106. Registration.
§ 17107. Organizational Reports.
§ 17108. Campaign Treasurer.
§ 17109. Campaign Contributions in General.
§ 17110. Campaign Contributions: Restrictions Against Transfer.
§ 17111. Limit on Anonymous Contributions.
§ 17112. False Name.
§ 17113. Limitation on Amount of Contributions.
§ 17114. Campaign Expenditures: Authority Required.
§ 17115. Organizational Reports.
§ 17116. Preliminary Reports.
§ 17117. Registration and Taxation of Campaign Funds.
§ 17118. Final and Supplemental Reports.
§ 17119. Disposition of Funds.
§ 17120. Advertising.
§ 17121. Complaints and Investigation.
§ 17122. Administrative Fines; Relief.

§ 17101. Definitions. When used in this Chapter:

(a) *Advertisement* means:

(l) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate, which identifies a candidate directly or by implication, or which advocates or supports the nomination for election of the candidate, or advocates or supports his or her defeat; and

(2) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee, which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election, or which advocates or supports the passage or defeat of the question or issue.

(b) *Campaign treasurer* means a person appointed under §17108 of this Chapter, and, *unless* expressly indicated otherwise, includes deputy campaign treasurers.

(c) 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; and who:

(l) files nomination papers for an office for himself or herself, or, consents to have a declaration of nomination for an office filed on his or her behalf by five (5) voters as specified in § 6106 of this Title; or

(2) receives contributions in an aggregate amount of *more than* One Hundred Dollars ($100.00), or makes or incurs any expenditures to bring about his or her nomination for election, or election to office; or

(3) gives his or her consent for any other person to receive contributions or make expenditures to aid his or her nomination for election, or election to office.

(d) *Commission* means the Guam Election Commission.

(e) *Committee* means:

(l) any person who accepts a contribution or makes an expenditure for or against any individual candidate or group of candidates, person seeking nomination for election, or election to office, or political party, with the authorization of the candidate, person, or political party, or who accepts a contribution or makes an expenditure for or against any question or issue which is to appear on the ballot at the next applicable election;

(2) any person who raises or holds money or anything of value and who subsequently contributes the money or thing of value to, or make expenditures on behalf of an individual candidate, group of candidates, person, or political party; provided, that the term committee *shall not* include any person making a contribution or expenditure of his or her own funds or something of value originally acquired for his or her own use and *not* for the purpose of evading any provision of this Chapter.

(f) *Contribution* means:

(l) a gift, subscription, loan, advance, deposit of money or anything of value, or cancellation of a debt or legal obligation for the purpose of:

(A) influencing the nomination for election, or election of any person to office; or

(B) influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or

(C) use by any party for the purpose set out in Subsection (A) or (B) herein;

(2) the payment, by any person other than a candidate or committee, or compensation for the personal services of another person, which are rendered to the candidate or committee without charge or at an unreasonably low charge, a discount not offered to any other candidate or committee other than volunteer campaign services; or

(3) a contract, promise, or agreement to make a contribution; provided, that notwithstanding Subsections (l), (2), and (3) of this Subsection, the term *shall not* include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or

(4) notwithstanding Subsections (1) (2) and (3) herein, a candidate's expenditure of his or her personal funds in the pursuit of his or her campaign *shall not* be a contribution for the purpose of this Subsection.

(g) *Election* means any primary, general or special election for office, or for determining a question or issue provided by law.

(h) *Expenditure* means:

(l) any purchase or transfer of money, or anything of value; or promise or agreement to purchase or transfer money,

or anything of value; or payment incurred or made; or the use or consumption of a nonmonetary contribution for the purpose of:

(A) influencing the nomination for election, or election of any person seeking nomination for election, or election to office, whether or not the nomination papers have been filed by himself or herself or, on his or her behalf; or

(B) influencing the outcome of any question or issue which is to appear on the ballot at the next applicable election; or

(C) use by any political party for the purposes set out in Subsection (A) or (B) above;

(2) the payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for any of the purposes mentioned in Subsections (h)(l)(A), (B) or (C) of this Section; or

(3) the expenditure by a candidate of his or her own funds for the purposes set out in Subsections (h)(l)(A), (B) or (C) of this Section.

(i) *Newspaper* means a publication of general circulation issued once or more per month, which is written and published on Guam.

(j) *Office* means any elective public office, excluding federal elective offices.

(k) *Person* means an individual, partnership, committee, association, or organization.

(l) A *candidate* is directly opposed to another when the election of that other candidate could mean the non-election of the candidate in question.

§ 17102. Duties of Election Commission. The Election Commission *shall* supervise campaign contributions and expenditures, and its duties in regards to this Chapter *shall* include, but *not* be limited to, the following:

(a) to ascertain whether any candidate, committee, political party, or other person has failed to file a report required by this Chapter or has filed a substantially defective or deficient report, and to notify the person(s) that their failure to file or filing of a substantially defective or deficient report *shall* be corrected and explained, the correction or explanation to be submitted in writing to the Commission within a reasonable time after the notification of the deficiency or failure to file. The Election Commission *shall* make available a list of candidates, committees, and political parties who have failed to correct their deficiency within the time allowed by the Election Commission. Failure to properly respond to the notification *shall* constitute a violation of this Chapter;

(b) to develop and adopt reporting forms required by this Chapter;

(c) to preserve all reports required by this Chapter for *at least* five (5) years from the date of receipt;

(d) to permit the inspection, copying or duplicating of any report required by this Chapter pursuant to rules adopted by the Election Commission for such purpose; provided, that no information

or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) to investigate and hold public hearings for receiving evidence of any violations, and to summon witnesses before it;

(f) to request the initiation of prosecution for the violation of any requirements of this Chapter;

(g) to offer advisory opinions to interested persons regarding compliance with the requirements of this Chapter; and

(h) to issue fines for any violations of this Chapter. Any fines herein *shall* be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all fines *shall* be submitted quarterly to *I Maga'lahi* and *I Liheslaturan Guåhan.* Schedule of fines will follow the Administrative Adjudication Act.

§ 17103. Filing of Reports. All reports required to be filed by this Chapter by a candidate or committees supporting a candidate with his consent *shall* be certified as correct by the candidate. All reports required to be filed under this Chapter by a political party or any other committee *shall* be certified correct by the party, or committee treasurer, or the deputy treasurer, or the chairman, thereof, in that order. All reports required to be filed with the Election Commission *shall* be open for public inspection.

§ 17104. Death of Candidate Prior to Filing Reports. If a candidate dies prior to the filing of his or her final report, the campaign treasurer for the election committee of said candidate *shall* file a final report as required by § 17118. The treasurer *shall* note in the report that the candidate is deceased and that it will be the last report of the candidate's status, even if there is a deficit or a surplus.

§ 17105. Death of Candidate After Submitting Final Report. If a candidate passes away after a final report has been submitted to the Commission, but before a supplemental report is due regarding a deficit or surplus as provided in Subsections (c) and (d) of § 17118, the treasurer or authorized representative of the candidate *shall* file the supplemental report showing the status of the deficit or surplus and note therein that the candidate is deceased and no further reports shall be forthcoming.

§ 17106. Registration. Each candidate, committee, and political party *shall* file an organizational report *no later than* the earliest of the following applicable days:

(a) on or before the day of filing for nomination or election;

(b) by the tenth (10th) day after receiving any contributions for the next campaign in an aggregate amount of more than Two Hundred Fifty Dollars ($250.00) or the making or incurring of any expenditure for the next campaign in excess of Two Hundred Fifty Dollars ($250.00).

§ 17107. Organizational Reports.

(a) The organizational report *shall* include:

(l) the full name, address, office sought when known, and party affiliation of each candidate or individual whom the committee or party is supporting and the name and address of the committee or party;

(2) the full names and addresses of the campaign treasurer and deputies;

(3) the full names and addresses of the campaign chairman and deputy campaign chairman;

(4) a list of all banks, safety deposit boxes, or other depositories used and the applicable account numbers;

(5) the amount and date of deposit of the contributions and the name and address of each individual donor who has made a contribution of *more than* One Hundred Dollars ($100.00), *except* for funds and contributions which may be reported in the aggregate as indicated in § 17109(b); and

(6) in the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in Subsections (2) through (5) herein and a description of the question or issue.

(b) Any change in information submitted in the organizational report *other than* in Subsection (a) (5) above, *shall* be reported *no later than* the tenth (10th) day after the change or when the candidate, committee, party, or campaign treasurer, becomes aware of the change.

§ 17108. Campaign Treasurer.

(a) Every committee, political party, and candidate *shall* appoint a campaign treasurer on or before the day for filing an organizational report. *Up to* five (5) deputy campaign treasurers may be appointed. A candidate may appoint himself or herself as campaign treasurer.

(b) A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate *shall* promptly appoint a successor. During the period the office of campaign treasurer is vacant, the

candidate, committee chairman, or party chairman, whichever is applicable, *shall* serve as a campaign treasurer.

(c) Each campaign treasurer *shall* be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or political party appointing him.

§ 17109. Campaign Contributions in General.

(a) All monetary contributions *shall* be promptly deposited in a financial depository duly authorized to do business on Guam, such as a bank, savings and loan institution, industrial loan company, or similar financial institution, in the name of the candidate, committee, or political party, whichever is applicable.

(b) Each candidate, committee, or political party *shall* establish and maintain an itemized record showing the amount of each monetary contribution, the description and value of each nonmonetary contribution, and the name and address of each donor making a contribution of *more than* One Hundred Dollars ($100.00) in value, except funds and contributions which may be reported in the aggregate as indicated in § 17111(b).

(c) Each candidate and campaign treasurer *shall* report the amount and date of each contribution and the name and address of each donor who makes a contribution or contributions whose value is *more than* One Hundred Dollars ($100.00).

(d) No candidate, committee or party may accept a contribution of more than Two Hundred Fifty Dollars ($250.00) in cash from a single person without issuing a receipt to the donor and keeping a record of the transaction.

(e) Each candidate and political party *shall* disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

(f) For purposes of this Section, "earmarked funds" means contributions received by a committee or party on the condition that the funds be contributed to or expended *only* on certain candidates, issues, or questions.

§ 17110. Campaign Contributions: Restrictions Against Transfer.

(a) A candidate, campaign treasurer, or committee *shall not* receive any contribution, make any expenditure, or receive or make any transfer of money or anything of value;

(l) for any purpose other than those directly related to:

(A) in the case of the candidate, to his or her own campaign; provided, that no expenditure shall be made for the benefit of any personal property of any candidate; or

(B) in the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated; or

(2) to campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign treasurer or committee is directly associated, provided that a candidate, campaign treasurer, or committee may purchase from its campaign fund *not more than* two (2) tickets for each testimonial or fundraising affair held by another candidate, committee, or political party.

(b) This Section *shall not* be construed to prohibit a political party from supporting more than one (1) candidate, or to prohibit joint expenditure by two (2) or more candidates seeking election to multiple offices whether the expenditures are equally or unequally incurred among such candidates; provided, that the allocation of expenditures between the candidates is based upon reasonable objective standards. The political party or candidates, whichever is applicable, *shall* make the initial allocation between candidates. If the allocation is disallowed by the Commission, and the allocation of expenditures is *not* corrected as prescribed by the GEC, the allocation found *shall* presume to be a transfer of funds in violation of this Section.

§ 17111. Limit on Anonymous Contributions.

(a) No person shall make a contribution of his or her own money or property or money of another person of more than One Hundred Dollars ($100.00) to any candidate, political party or committee in connection with a nomination for election, or election, anonymously; nor shall any candidate, political party, or committee knowingly receive, accept, or retain the contribution or enter or cause the same to be entered in its accounts as an anonymous contribution or in another name than that of the person who made the contribution.

(b) This Chapter *shall not* apply to amounts that aggregate *less than* Two Hundred Fifty Dollars ($250.00) when obtained through multiple contributions made by ten (10) or more persons at the same event, nor shall it apply to money received from fund-raising or testimonial dinners, functions, food sales, raffles and fund-raising activities, the ticket or cost for which is *not more than* Twenty-Five Dollars ($25.00) per person or per ticket. Each such aggregate contribution *shall* be reported accompanied by a description of the means, method, place, and date of receipt.

(c) Any anonymous contributions received by a candidate, political party, or committee and *not* allowed by this Section *shall not* be used or expended, but *shall* be returned to the donor. If the donor cannot be identified, the contribution *shall* escheat to the government of Guam.

§ 17112. False Name. No person shall make any contributions of his own money or property or money of another person to any candidate, political party, or committee in connection with a nomination for election, or election, in any other name than the name of the person owning the money or who supplied the money or property. All contributions made in the name of a person other than the true or established name of the actual owner of the money or property *shall* escheat to the government of Guam.

§ 17113. Limitation on Amount of Contributions.

(a) No person shall make aggregate contributions in excess of One Thousand Dollars ($l,000.00) for any one (1) candidate in any calendar year for any primary election, and no person shall make aggregate contributions in excess of One Thousand Dollars ($1,000) for any one (1) candidate in any general or special election.

(b) It is unlawful for any bank or labor organization, whether or not authorized to do business on Guam, to make a contribution or expenditure in connection with any election to any political office, or in any primary election. A corporation, whether or not authorized to do business on Guam, may purchase *no more than* Five Hundred Dollars ($500.00) worth of tickets for each fundraising dinner or function for any political party or candidate, but *not to exceed* the aggregate contributions allowed under Subsection (a) of this Section. Such corporate contributions *shall* be reported to the Election Commission regardless of amount. Every bank, corporation, or labor organization which makes any contribution in violation of this Section

shall be fined *not more* than Five Thousand Dollars ($5,000.00), and every officer or director of any bank, corporation, or labor organization as the case may be, and any person who accepts or receives any contribution in violation of this Section, *shall* be fined *not more than* One Thousand Dollars ($l,000.00) or imprisoned *no more than* one (1) year, or both.

§ 17114. Campaign Expenditures: Authority Required.

(a) A candidate may draw on the campaign treasurer for expenditures related to his or her campaign or political activities. The candidate *shall* make a detailed accounting of his campaign expenditures and the accounting *shall* be made a part of the reports required in §§ 17116 and 17117 of this Chapter. The account *shall* state the amount and purpose of the expenditures and other information required by the Election Commission, and *shall* be signed and certified by the campaign treasurer.

(b) No funds shall be withdrawn or paid from a campaign depository *except* on the written authorization of the campaign treasurer.

§ 17115. Organizational Reports. The candidate, party, or committee, when signing any type of contract, *shall* provide the other party of the contract a copy of its organizational report, stamped by the Guam Election Commission. Failure to comply with this Section *shall* result in a fine of *not less than* One Thousand Dollars ($1,000.00) to both parties.

§ 17116. Preliminary Reports. Each candidate, or authorized person in the case of a political party, or campaign treasurer in the case of a committee, *shall* file a preliminary report with the Election Commission on forms provided by the Election Commission *not later than* the tenth (10th) day prior to each election or primary, as the case may be. The report *shall* be certified pursuant to § 17103 of this Chapter and *shall* contain the following

information, which is to be current through the fifteenth (15th) calendar day prior to the election or primary:

(a) the aggregate sum of all contributions received;

(b) the amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than One Hundred Dollars ($100.00);

(c) all expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and

(d) a current statement of the balance on hand or deficit.

§ 17117. Registration and Taxation of Campaign Funds. Any political candidate, committee, or party, which raises contributions or other things of value for campaign or political purposes, *shall not* be required to register with the Department of Revenue and Taxation nor file any tax returns with the Department of Revenue and Taxation *unless* liable for the Territorial Income Tax. There shall be no business privilege tax imposed on campaign contributions or money or things of value raised from fund-raising activities if later reported to the Election Commission, whether or not required to do so under any provision of this Title.

§ 17118. Final and Supplemental Reports.

(a) Each candidate whether or not successful in a primary or special primary election, or authorized person in the case of a party, or campaign treasurer in the case of a committee, *shall* file a final primary report *not later than* the tenth (10th) day after the primary or special primary election, certified pursuant to § 17103 of this Chapter. The report *shall* include:

(l) a statement of the total contributions received;

(2) the amount and date of deposit of the contribution, and the name and address of each donor who contributes more than One Hundred Dollars ($100.00); and

(3) a statement of all expenditures made or incurred by or for a candidate, including the name of each payee and the amount, date, and purpose of each expenditure.

(b) Each candidate, or authorized person in the case of a committee, *shall* file a final general report with the Election Commission *not later than* the twentieth (20th) day after a general or special election, certified pursuant to § 17103 of this Chapter, and reporting all items prescribed in Subsection (a) of this Section. A candidate who is unsuccessful in a primary or special primary election *need not* file a final general report.

(c) Deficit. In the event of a deficit, the candidate or authorized person in the case of a committee *shall*, every three (3) months until the deficit is eliminated, file a supplemental report, the first of which *shall* be due *not later than* sixty (60) days following the election.

(d) Surplus. In the event of a surplus, the candidate or authorized person in the case of a committee *shall*:

(l) maintain the cash surplus in a financial depository; and

(2) every six (6) months, until he or she becomes a candidate again, file supplemental reports reporting all items prescribed in Subsection (a) of this Section. The first report *shall* be due *not later than* sixty (60) days after the election.

(e) A candidate, party, or committee that receives *no* contributions or makes *no* expenditures *shall* nevertheless file preliminary, final, and supplemental reports as required by law.

§ 17119. Disposition of Funds.

(a) All candidates who withdraw or cease to be candidates, or committees directly associated with these candidates, or persons who receive contributions but fail to file for nomination, or committees or parties which discontinue their activities covered in this Chapter, *shall* return any residual contributions to the political party of the person or candidate or to the campaign committee of a person of the same party who is a candidate for the same office as the person who has ceased to receive contributions or to be a candidate.

(b) Upon dissolution, the candidate or campaign treasurer *shall* file a report with the Election Commission reporting the amounts distributed under this Section and the manner of disposition.

§ 17120. Advertising.

(a) No person shall cause or submit any advertisement in support of a candidate to be published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated and distributed, *except* under the following conditions:

(1) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated with the approval and authority of the candidate; provided, that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority *need not* be included; or

(2) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed,

canvassed or otherwise circulated without the approval and authority of the candidate.

(b) All advertisements mentioned in Subsection (a) above, and all other advertisements of a political nature, *shall* contain the true name and address of the candidate, committee, person or political party paying for same.

(c) In the case of video advertisements of a political nature for any medium, the advertisement *shall* contain an audio statement that identifies the candidate and states that the candidate either has approved the communication, or the communication is being circulated without the approval and authority of the candidate. Such statement *shall* be conveyed by the following:

(1) for approved communications, an unobscured, full-screen view of the candidate making the statement, or the candidate in voiceover, accompanied by a clearly identifiable photographic or similar image of the candidate; or

(2) for non-approved communications, a statement in voiceover that the communication is being circulated without the approval and authority of the candidate.

(d) In advertisements of a political nature, such approval or non-approval statement *shall* also appear in writing at the end of the communication in a clearly readable typeface, with a reasonable degree of color contrast between the background and the printed statement, for a period of *at least* four (4) seconds.

(e) Every person who willfully causes, produces, provides funding for, or assists in the production of a message of a political nature which the person knows to be incorrect or purposefully misleading and in which a

candidate, rather than an issue, is the target; or which is in violation of this §17120, *shall* be subject to a civil penalty of *not more than* Five Thousand Dollars ($5,000) per each separately produced message.

(f) The penalty herein *shall* be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all penalties *shall* be submitted quarterly to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan*.

§ 17121. Complaints and Investigation.

(a) Complaints of violations of this Chapter against any person *shall* be filed with the Election Commission. The complaint *shall* be in writing, signed under oath by the complainant, and *shall* be notarized.

(b) The Election Commission *shall* give notice of receipt of the complaint together with a copy of the complaint to the person cited and *shall* afford him or her an opportunity to address or otherwise respond to the complaint. The GEC may also cause an investigation to be made of the complaint, pursuant to §17102 of this Chapter.

(c) Upon hearing the response of the person cited, if he or she elects to respond to the complaint, and upon completion of any investigation, the Election Commission *shall* make a prompt determination as to whether probable cause exists that a violation has been committed.

(l) Any person who appears before the Election Commission *shall* have all of the rights, privileges, and responsibilities of a witness appearing before the courts of Guam, and *shall* testify under oath.

(2) The Election Commission *shall* cause a record to be made of all proceedings pursuant to this Subsection. At the conclusion of proceedings concerning an alleged violation or upon receiving a report from its investigating officer, the Election Commission *shall*

immediately begin deliberations and then proceed to determine by majority vote of the members whether probable cause exists that a violation has been committed.

(d) Until the determination of probable cause by the Election Commission, all proceedings, including the filing of the complaint, investigation, and hearing *shall* be confidential, *unless* the person complained against, requests an open session. In the event the Election Commission determines that probable cause does *not* exist, the complaint *shall* be dismissed and the entire records of the proceedings *shall* be kept confidential at the option of the person complained against.

(e) The Election Commission *shall* give written notice to the person complained against and to the complainant as to whether probable cause of a violation exists or whether the complaint has been dismissed.

(f) In the event a determination is made that probable cause of an unintentional violation exists, the Election Commission *shall* issue a confidential order that may require the violator to:

(l) temporarily cease and desist violation of this Chapter;

(2) file a report, statement, or other information as required by this Subsection; or

(3) pay any fines assessed by the Commission.

(g) The Commission *shall* refer matters to the Attorney General when it finds that probable cause of willful violation exists.

(h) Proof of payment of any fines assessed by the Commission *shall* be presented to the GEC within thirty (30) days of the assessment. The Guam Election Commission *shall* set fines for non-compliance with this Title, and the Public Official Financial Disclosure Act.

§ 17122. Administrative Fines; Relief.

(a) Any person willfully violating any provision of this Chapter *shall*, unless otherwise expressly stated, be punishable in the manner prescribed as follows:

(1) if a natural person, that person *shall* be guilty of a misdemeanor and *shall* be subject to fines and/or the penalties specified therefore; or

(2) if a corporation, organization or association, it *shall* be punishable by a fine *not exceeding* Ten Thousand Dollars ($10,000.00) per offense and the penalties specified therefore; and

(3) whenever a corporation, organization, or association violates this Chapter, the violation *shall* be deemed to be also that of the individual directors, officers or agents of the corporation, organization or association who have knowingly authorized, ordered or participated in any of the acts constituting the violation.

(b) any person may sue for injunctive relief to compel compliance with the Chapter.

CHAPTER 18

THE *CHAMORRO* REGISTRY

§ 18001. Definitions.

§ 18002. Affidavit of Registration.

§ 18003. Persons Entitled to Register or Be Registered.

§ 18004. Same: Minors.

§ 18005. Same: Off-Island *Chamorros*.

§ 18006. Same: Same: Minors.

§ 18007. Times for Registration.

§ 18008. Place of Registration.

§ 18009. Unlawful Registration as a Crime.

§ 18010. Permanence of Records.

§ 18011. Qualifications of Registration Clerks for the Chamorro Registry.

§ 18012. Compensation for Registration Clerks.

§ 18013. Registration Clerks Empowered to Take Affidavits.

§ 18014. Registration Clerks Not to Charge Fees.

§ 18015. Return of Documents by Registration Clerks.

§ 18016. Penalties for Acts of Omissions.

§ 18017. Reports to the Attorney General.

§ 18018. Costs to Registration Clerks.

§ 18019. Certified Copy of Registration as Evidence.

§ 18020. Report of Deaths.

§ 18021. Action to Compel Registration.

§ 18022. Action to Compel Cancellation.

§ 18023. Preservation of Registration Affidavits.

§ 18024. Index of Registrations.

§ 18025. Copies of Index to Candidates.
§ 18026. Establishment of Chamorro Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum.
§ 18027. Same: Ex-officio and Nonvoting Members.
§ 18028. Same: Duties and Responsibilities.
§ 18029. Same: Provisions of Forms.
§ 18030. Same: Informational Brochures.
§ 18031. Same: Powers of the Advisory Board.

§ 18001. Definitions. For the purpose of this Title:

(a) *Chamorro shall* mean:

(1) all inhabitants of the Island of Guam on April 11, 1899, including those temporarily absent from the Island on that date and who were Spanish subjects; and

(2) all persons born on the Island of Guam *prior* to 1800, and their descendants, who resided on Guam on April 11, 1899, including those temporarily absent from the Island on that date, and their descendants;

(3) *descendant* means a person who has proceeded by birth, such as a child or grandchild, to the remotest degree, from any *Chamorro* as defined above, and who is considered placed in a line of succession from such ancestor where such succession is by virtue of blood relations.

§ 18002. Affidavit of Registration. No person shall be registered with the *Chamorro* Registry *except* by affidavit of registration made before the registration clerk of the district or municipality wherein such person resides, or before a registration clerk in the office of the Guam Election

Commission. The Commission *shall* prepare forms for the collection of data pertaining to registration eligibility, *Chamorro* family name, and residency. The Commission *shall* also require the submission of such additional information and proper documentation as will enable it to comply with this Chapter. The affidavit *shall* then be made in duplicate and *shall* set forth all the facts required to be set forth by this Title. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18003. Persons Entitled to Register or Be Registered. Every person who is *Chamorro*, as defined in § 18001 above, or who is descended from a *Chamorro* is entitled to register or, in the case of minors, be registered with the *Chamorro* Registry.

§ 18004. Same: Minors. Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to be registered with the *Chamorro* Registry, are considered minors and *shall* be registered by a parent or legal guardian. Such parent or guardian *shall* register such minor by affidavit of registration made before the registration of the district or municipality wherein such minor resides, or before a registration clerk in the office of the Commission. The Commission *shall* also require the submission of such additional information and proper documentation as will enable it to verify the relationship between parent/guardian and said minor and to comply with the rest of this Chapter. Any change of residency for such minor *shall* be reported to the Commission within thirty (30) days of such change.

§ 18005. Same: Off-Island *Chamorros*. Persons who are eligible under § 18003 of this Chapter to register with the *Chamorro* Registry, but who are *not* on Guam at such time as they intend to register, may complete and submit, via certified mail, a notarized affidavit of registration to the

Commission. Affidavits of registration *shall* be made available by the Commission. The Commission *shall* also require from such persons the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18006. Same: Minors. Individuals under the age of eighteen (18) years, who are eligible under § 18003 of this Chapter to register with the *Chamorro* Registry, but who are *not* on Guam at such time as they are to be registered, may be registered by a parent or legal guardian who *shall* complete and submit, via certified mail, a notarized affidavit of registration to the Commission on behalf of said minor. The Commission *shall* require from such parent/guardian the submission of such additional information and proper documentation as will enable it to comply with this Chapter. Any change of residency *shall* be reported to the Commission within thirty (30) days of such change.

§ 18007. Times for Registration. A person may register with the *Chamorro* Registry at any time during the year, *except* at such times when the Commission *shall* close the registration rolls for the purposes of conducting elections or plebiscites. At such times, the registration rolls *shall* be closed ten (10) days prior to such election or plebiscite.

§ 18008. Place of Registration. Registration for *Chamorros* with the *Chamorro* Registry *shall* be in progress at the main office of the Commission during such hours as the office is open for business, prior to any closing of the registration rolls. Upon enactment of this Act, the Commission *shall* deputize as many volunteers to serve as registration clerks in each of the villages, for an undetermined period after the date of enactment, as is necessary for the purposes of registering eligible persons

with the *Chamorro* Registry. Such registration *shall* take place at each mayor's office or any other place within the village designated by the Commission. *Chamorros shall* also be able to register with the *Chamorro* Registry at such times and places within Guam as the Commission *shall* deem advisable and convenient, and the Commission *shall* deputize volunteers for such purposes as well.

§ 18009. Unlawful Registration as a Crime. Any person who willfully causes, procures, or allows himself or any person to be registered with the *Chamorro* Registry, while knowing that he or that other person is *not* entitled to register with the *Chamorro* Registry, is guilty of perjury as a misdemeanor. An individual who is guilty of submitting a false affidavit of registration with the *Chamorro* Registry *shall* have such affidavit of registration automatically revoked.

§ 18010. Permanence of Records. The registration of a *Chamorro* is permanent for all purposes. It *shall* be the duty of the Commission to issue to each registered *Chamorro* a card indicating that such person has been registered with the *Chamorro* Registry.

§ 18011. Qualification of Registration Clerks for the *Chamorro* Registry. The Commission may appoint any qualified adult as a registration clerk. No person holding an elective office or who is a candidate for elective office shall be appointed as a registration clerk. Under no circumstances may a volunteer clerk deny registration to a person eligible to register or be registered with the *Chamorro* Registry.

§ 18012. Compensation for Registration Clerks.

§ 3111 of Chapter 3 of this Title applies.

§ 18013. Registration Clerks Empowered to Take Affidavits.

§ 3112 of Chapter 3 of this Title applies.

§ 18014. Registration Clerks Not to Charge Fees.

§ 3113 of Chapter 3 of this Title applies.

§ 18015. Return of Documents by Registration Clerks. All registration clerks *shall* return all affidavits of registration and all books or pads in their possession containing stubs, spoiled affidavits, or unused affidavit forms to the Commission, which *shall* file the original and copy of each affidavit separately in a securely locked container or storage space. The timetable for submission of documents by registration clerks and the organization of affidavits *shall* be determined by the Commission. The original affidavit of registration *shall* be kept, at all times, in the office of the Commission. The duplicates *shall* be bound in a suitable book or form.

§ 18016. Penalties for Acts or Omissions. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

(a) neglects or refuses to make all the entries provided for in this Title; or

(b) fails or neglects to comply with any provision of this Chapter.

§ 18017. Reports to the Attorney General. The Commission *shall* report to the Attorney General of Guam, under oath, the names of any registration clerk who has *not* complied with the provisions of this Chapter.

§ 18018. Costs to Registration Clerks.

§ 3117 of Chapter 3 of this Title applies.

§ 18019. Certified Copy of Registration as Evidence.

§ 3118 of Chapter 3 of this Title applies.

§ 18020. Report of Deaths.

§ 3122 of Chapter 3 of this Title applies.

§ 18021. Action to Compel Registration. If a registration clerk refuses to register any person eligible to register with the *Chamorro* Registry, such person may appeal such refusal to the Commission, and if the Commission upholds or affirms the ruling of the registration clerk, such person may proceed by action in the Superior Court to compel his registration. In an action under this Section, as many persons may join as plaintiffs, as have causes of action.

§ 18022. Action to Compel Cancellation. Any person may proceed by action in the Superior Court to compel the Commission to cancel any registration made illegally. If the person whose registration is sought to be canceled is *not* a party to the action, the Court may order him to be made a party defendant. The Commission, and as many persons as there are causes of action against, may be joined as defendants.

§ 18023. Preservation of Registration Affidavits. The Commission *shall* preserve all uncanceled affidavits of registration, and the canceled duplicates, made for the purpose of procuring registration. The affidavits of registration *shall* constitute the *Chamorro* Registry required to be kept by the provisions of this Chapter.

§ 18024. Index of Registrations. The Commission *shall* prepare an index of the *Chamorro* Registry and provide sufficient copies thereof.

§ 18025. Index as Public Record; Fee. Upon written demand of any member of the public, the Commission *shall* furnish to him or her one (1) copy of the index of the *Chamorro* Registry at a charge prescribed by the Commission. All moneys so collected *shall* be covered into the Treasury of the government of Guam.

§ 18026. Establishment of *Chamorro* Registry Advisory Board: Composition; Removal of Members; Chairperson; Quorum. There is

hereby established a *Chamorro* Registry Advisory Board with the following provisions:

(a) There is within the government of Guam and under authority of the Guam Election Commission the *Chamorro* Registry Advisory Board. The Board *shall* consist of five (5) members, all of whom shall be *Chamorros*, as defined in § 18001 above. *I Maga'låhen Guåhan shall* appoint the five (5) members, who *shall* have the following qualifications:

(1) two (2) members who have had extensive work experience in the administration of a local *Chamorro* cultural agency or *Chamorro* cultural program;

(2) two (2) members who have had a strong background in *Chamorro* historical or genealogical work; and

(3) one (1) member who has a strong understanding of the issue of indigenous peoples, or has been extensively involved in the work towards the future exercise of *Chamorro* self-determination.

The members of the Board *shall* serve for a term of two (2) years. If a vacancy should occur on the Board, said vacancy *shall* be filled for the remainder of the term *only*, and by the method originally prescribed for its appointment. Every member of the Board who is not in the service of the government of Guam, for which he or she receives an annual compensation, shall be paid Twenty-Five Dollars ($25.00) for each attendance of a meeting upon his duties.

(b) Any member may be removed for misconduct in office by a resolution duly adopted by a vote of two-thirds (⅔) of the Members elected to *I Liheslatura* (the Legislature).

(c) The Advisory Board *shall* annually elect one (1) of its members as Chairperson. The Chairperson *shall* preside at all meetings of the Board.

(d) A majority of the members of the Board *shall* constitute a quorum. The vote of a majority of the Board *shall* be required to make any action of the Board effective. The Board *shall* promulgate all other rules and regulations as are necessary for its effective operation.

§ 18027. Same: Ex-officio and Nonvoting Members. The Executive Director of the Election Commission, the Chairperson of the Election Commission, the Executive Director of the Commission on Self-Determination, the Executive Director of the *Chamorro* Heritage Institute once established, and the Chairperson of the Committee on Federal and Foreign Affairs of *I Liheslatura* (the Legislature) *shall* serve as ex-officio members of the Board, but *shall not* be voting members thereof. The Executive Director of the Election Commission *shall* also serve as the ex-officio secretary for the Board.

§ 18028. Same: Duties and Responsibilities. The Board *shall* have direct and immediate supervision over the registration clerks designated in accordance with this Chapter to perform duties relative to the establishment, administration, and maintenance of the *Chamorro* Registry. Where such duties overlap with duties relative to the conduct of elections, the Board *shall* make recommendations to the Commission relative to the supervision of said clerks, and the Commission *shall* have the final decision-making authority.

The Board *shall* recommend to the Commission the suspension from the performance of said duties any of said clerks who fail to comply with its instruction, orders, decisions or rulings, and the appointment of temporary

substitutes. Upon the recommendation of the Commission, *I Maga'låhen Guåhan* may remove any and all clerks who have been found guilty of nonfeasance or misfeasance in connection with the performance of their duties relative to the *Chamorro* Registry.

§ 18029. Same: Provision of Forms. It *shall* be the responsibility of the Commission to provide all necessary forms as prescribed by the Board for the establishment of the *Chamorro* Registry.

§ 18030. Same: Informational Brochures. It *shall* be the responsibility of the Board to prepare and promulgate informational brochures providing basic information pertaining to the establishment of the *Chamorro* Registry, eligibility requirements, guidelines for registration, and any other such information as the Board shall deem necessary for the purposes of educating the general public. The content of the brochures *shall* be subject to approval by the Commission and by *I Maga'låhen Guåhan*. Such brochures *shall* be made available at the main office of the Commission, from registration clerks, and at other locations recommended by the Board and approved by the Commission.

§ 18031. Same: Powers of the Advisory Board. The Board *shall* have the power to summon the parties to a controversy pending before it, issue subpoenas *duces tecum* and otherwise to take testimony in any investigation or hearing pending before it and delegate such power to any officer. Any controversy submitted to the Board *shall* be tried, heard, and decided within fifteen (15) days counted from the time corresponding petition giving rise to said controversy is filed. If either party wishes to appeal the decision or ruling of the Board, appeal may be made to the Commission for further consideration of hearing. The Board *shall* have the power to certify to the Superior Court of Guam for contempt."

Section 3. The following references to Title 3 Guam Code Annotated are amended as follows:

(a) The reference in 5GCA §22435 (n) to 3GCA §17311, is hereby *amended* to read 3GCA §16311.

(b) The reference in 5GCA §22435 (n) to 3GCA § 17312, is hereby *amended* to read 3GCA §16312.

(c) The reference in 9GCA §82.15 to 3GCA §6105, is hereby *amended* to read 3 GCA §6103.

(d) The reference in 9GCA §82.15 to 3GCA §8129, is hereby *amended* to read 3 GCA §8104.

(e) The reference in 10GCA §51A842 to 3GCA §17311, is hereby *amended* to read 3GCA §16311.

(f) The reference in 10GCA §51A842 to 3GCA §17312, is hereby *amended* to read 3GCA §16312.

Section 4. The Attorney General of Guam *shall*, within thirty (30) calendar days from enactment hereof, transmit or cause to be transmitted, to the Speaker of *I Liheslaturan Guåhan*, a status report detailing the actions taken to resolve the administrative complaints submitted to his office by the Guam Election Commission in Exhibit A attached hereto.

Section 5. Amendment to Title 7 Guam Code Annotated. The last paragraph of Title 7 Guam Code Annotated §6101 is *repealed* and a *new* paragraph is *added* to read:

"The form of ballot for a Justice or Judge shall be determined as provided in Title 3 Guam Code Annotated, and shall meet the same criteria as other election ballots, including those for Voter Verified Paper Ballots."

Section 6. Severability. *If* any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

EXHIBIT A

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene O. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

_____
(Notary Signature)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN · GUAM

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

CABOT
MANTANONA LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

Attorneys for Defendants
Guam Election Commission, Joseph Mesa, Martha Ruth,
John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio,
and Robert Cruz

IN THE SUPERIOR COURT OF GUAM

CARLO J.N. BRANCH, Petitioner, vs. GUAM ELECTION COMMISSION, Joseph Mesa, Martha Ruth, John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio, and Robert Cruz, Defendants.	CIVIL CASE NO. CV123-11 **DECLARATION OF JOHN TAITANO**

I, **JOHN TAITANO,** do hereby declare and say as follows:

1. I have personal knowledge of the facts stated below and would so testify if called as a witness herein.

2. I am the Chairman of the Guam Election Commission ("GEC") Board of Directors, and a named Defendant in the above-captioned matter.

3. The GEC has duly retained Cabot Mantanona, LLP to act as legal counsel for the GEC with regard to litigation matters.

4. Cabot Mantanona, LLP represented the GEC as general legal counsel for more than ___ years.

5. Cabot Mantanona, LLP has represented the GEC in past cases heard by the Superior Court of Guam, the Supreme Court of Guam, and The District Court of Guam.

The foregoing is true and correct to the best of my knowledge and belief, under penalty of perjury under the laws of Guam, this Declaration being sworn and made in lieu of an affidavit pursuant to 6 GCA SS 4308 in the Municipality of Hagatna, Guam, this ____ day of _____, 2011.

_____
JOHN TAITANO, Chairman
Board of Directors
Guam Election Commission

m:\dave g\guamelectioncommission\110609 - gec v branch - memorandum of law re spaag.docx

CABOT
MANTANONA LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

Attorneys for Defendants
Guam Election Commission, Joseph Mesa, Martha Ruth,
John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio,
and Robert Cruz

IN THE SUPERIOR COURT OF GUAM

CARLO J.N. BRANCH, Petitioner, vs. GUAM ELECTION COMMISSION, Joseph Mesa, Martha Ruth, John Taitano, Alice Taijeron, John Terlaje, Joshua Tenorio, and Robert Cruz, Defendants.	CIVIL CASE NO. CV123-11 **MEMORANDUM OF LAW** **RE: AUTHORITY TO ACT AS LEGAL COUNSEL FOR THE GUAM ELECTION COMMISSION**

COMES NOW Cabot Mantanona, LLP ("Cabot Mantanona") and respectfully requests that this Court recognize the authority of Cabot Mantanona to serve as legal counsel to the Guam Election Commission (GEC) without Appointment by the Attorney General of Guam as Special Assistant Attorney General.

A hearing was held in the above noted matter on April 6, 2011, and attended by Helkei Hemminger of Cabot Mantanona, counsel for the Defendants, and Gary Gumataotao, counsel for Plaintiff.

During the hearing, the court inquired whether Cabot Mantanona had been appointed Special Assistant Attorney General for the purposes of defending the Guam Election Commission ("GEC"). No such appointment has been made. The court advised that if Cabot Mantanona was not appointed as Special Assistant Attorney General, the case could not be heard.

It is true that the Attorney General of Guam has responsibility as counsel for most Government of Guam agencies. 5 GCA § 30109 outlines the duties of the Attorney General, including the responsibility to:

> (c) Conduct on behalf of the government of Guam all civil actions in which the government is an interested party; provided that those branches, departments or agencies which are authorized to employ their own legal counsel may use them instead of the Attorney General.

In the case of the GEC, however, the Guam Legislature has made special provision for the hiring of outside counsel. Pursuant to 3 GCA § 2103(b), regarding Election Commissions duties and responsibilities:

> The Board may retain an attorney who shall be admitted to practice before the courts of Guam, who shall advise the Board and its executive officer on <u>all</u> legal matters pertaining to the Commission. The designated counsel shall represent the Commission <u>in litigation</u> in which the Commission is interested or involved. (emphasis added)

Cabot Mantanona submits that it is already authorized to represent the Guam Election Commission, pursuant to its contractual relationship with the GEC, wherein the GEC has designated Cabot Mantanona as its legal counsel. See Declaration of John Taitano, Chairman of the Guam Election Commission's Board of Directors, attached hereto as Exhibit "A". Consistent with that relationship, Cabot Mantanona respectfully

requests that the court hear this case, and allow Cabot Mantanona to continue to serve as counsel for the GEC in this matter without appointment by the Attorney General of Guam as Special Assistant Attorney General.

Respectfully submitted this ____ day of _____, 2011.

CABOT MANTANONA, LLP

By: _____
CESAR C. CABOT

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GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 1 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo J.
Address: 107 Thomas Street
City: Tamuning State: Guam Zip Code: 96913
Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: —

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ■ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ■ Other Federal Law Violation: Observed casting of fraudulent vote
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

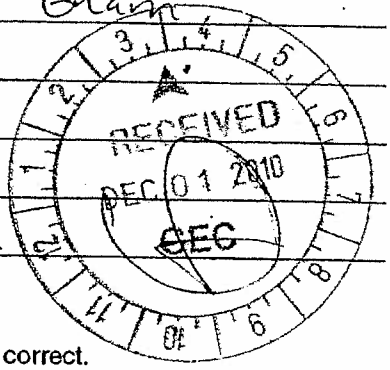
Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

– SEE ATTACHMENT –
"19 Double Voters in Guam and CNMI"



Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 12/1/10 (Date) at: Hagatna (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: December 1, 2010 (Date) before me, David P. Chargualaf Jr. (Name of Notary)

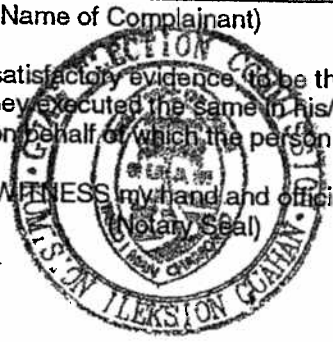
personally appeared Carlo Jude D. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____ (Notary Signature)

(Notary Seal)



Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

CNMI GUAM DOUBLE VOTERS

Name	Reg.No	DOB
1. Atalig Cliff M.	1221	3/14/1982
2.Atalig Laralyn C.	17388	7/23/1987
3. Atalig Thmas A.G	3190	1/11/1969
4.Camacho Agnes	3815	8/9/1950
5.Douglas Downna M.	3930	11/21/1971
6.Hocog Rhea B.	35439	11/16/1984
7. Lizama Jesus T.	59434	9/7/1946
8. Lizama Richard T.	19075	10/25/1954
9. Manglona Richard	4011	1/9/1988
10. Manglona Teresita M.	116942	5/17/1968
11.Manglona Zena C.	9797	3/26/1969
12. Montano Catherine V	17562	2/12/1988
13.Ogo Joaquin M.	30505	3/1/1962
14. Ogo Serevina A.	27925	11/17/1953
15. Ogo Shawn W.	1552	11/25/1972
16. Ogo Talia Meshay A.	19450	6/15/1989
17. Palacios Francisco E.	35418	8/25/1987
18. Sievers Sharon R.	58120	8/5/1985
19. Tenorio Tricia Lynn T.	19599	8/3/1972

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GEC

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
2	Atalig	Laralyn C.	7/23/1987	17388	15	0	7 - Rota	0
3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
5	Douglas	Downna M.	11/21/1971	3930	14	0	1B - San Vicente	√
6	Hocog	Rhea B.	11/16/1984	35439	11A	0	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	12	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	11A	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
16	Ogo	Talia Meshay A	6/15/1989	19450	15B	0	7 - Rota	√
17	Palacios	Francisco E.	8/25/1987	35418	11A	0	1C - Koblerville	√
18	Seivers	Sharon R.	8/5/1985	58120	7A	0		
19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

Please note the following are the differences between the GEC and the list that Mr. Branch provided

	GEC	**Mr. Branch**
	Atalig, Thomas A.G.	Atalig Thmas A.G.
	Seivers, Sharon R.	Sievers, Sharon R.

Maria Pangelinan

From: Robert A. Guerrero [raguerrero@hotmail.com]
Sent: Monday, December 12, 2011 1:02 PM
To: Maria Pangelinan-GEC
Subject: FW: Request for Assistance
Attachments: Ltr to GEC.Ref. Alleged Names.pdf

Please see attached.

Robert A. Guerrero
Executive Director
Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

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This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, and may contain confidential information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify the sender immediately, via E-mail, and promptly delete the original message.

From: raguerrero@hotmail.com
To: john.blas@gec.guam.gov
CC: francessablan@gmail.com; mhasselshearer@gmail.com
Subject: RE: Request for Assistance
Date: Mon, 20 Dec 2010 09:45:47 +1000

John:

Attached is the listing that you requested. Please let me know if there's more information that you may need.

Thanks,

Bob

Robert A. Guerrero
Executive Director

Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

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Date: Thu, 16 Dec 2010 12:28:42 +1000
Subject: Request for Assistance
From: john.blas@gec.guam.gov
To: raguerrero@hotmail.com

Hafa Adai Mr. Guerrero,

I sent you a fax about 5 minutes ago. I am requesting your assistance in verifying if the 19 names on my fax transmittal are registered voters in the CNMI, and if in fact they voted in your General Election. An Administrative Complaint has been filed with the GEC alleging that these 19 individuals are registered both in the CNMI and Guam, and that these individuals have voted in the CNMI and Guam General Elections. We have verified that the 19 individuals on the list are on the Guam Voter Registration List (please see attached). The Guam ELection Commission is investigating this complaint and I am seeking your assistance. Thank you for your assistance and I look forward to your expeditious response.

John

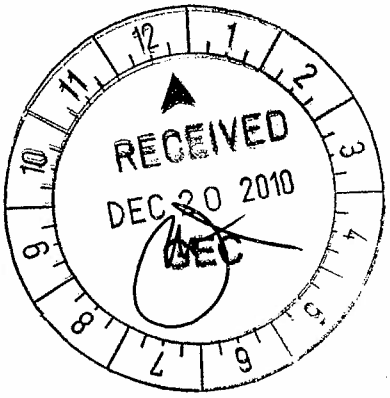
--

John F. Blas
Executive Director
Guam Election Commission
Tel: (671) 477-9791-4
Fax: (671) 477-1895
Email: director@gec.guam.gov

Website: www.gec.guam.gov

Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, foward or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply e-mail to director@gec.guam.gov, and delete the message.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
COMMONWEALTH ELECTION COMMISSION



December 20, 2010

Mr. John F. Blas
P.O. Box BG
Hagatna GU 96932

Re: Certification of Registration Listing

Dear Mr. Blas:

This is in response to your email regarding the 19 names that are allegedly registered both in the CNMI and Guam. We have verified the names on our official listing and have listed their status based on the information you provided and requested. Of the 19 that you'd requested, we would need additional information, such as middle initials and date of births, for 5 of those individuals as we have multiple listing of those names and would need more information to identify them. Once you have provided us with that information, we can complete the listing based on your request.

Please refer to the attached document for the listing and information requested. I hope we have address all your concern, but should need more information or have any questions, please do not hesitate to let us know.

Sincerely,

ROBERT A. GUERRERO
Executive Director

attachment

cc: Commissioners
CEC Legal Counsel

P.O. Box 500470, Saipan, MP 96950-0470
Tel: (670) 664-8683(VOTE) Fax: (670) 664-8689
Web Page: http:www.votecnmi.gov.mp/



Verified List of CNMI/Guam Double Voters

Voter's Name	Date of Birth	Election District Registered	2010 Gen. Election
1. Atalig, Cliff M.	Mar. 14, '82	7- Rota	Yes
2. Atalig, Laralyn C.	Jul. 23, '87	7-Rota	No
3. Atalig, Thomas A.G.	Jan. 11, '69	7-Rota	No
4. Camacho, Agnes	Aug. 9, '50	7-Rota	Yes
5. Douglas, Downna M.	Nov. 21, '71	1B-San Vicente	Yes
6. Hocog, Rhea B.	Nov. 6, '84	7-Rota	Yes
7. Lizama, Jesus T.	Sept. 7, '46	3B-Garapan	Yes
8. Lizama, Richard T.	Oct. 25, '54	1B-San Vicente	No
9. Manglona, Richard	***Need Middle Name/Initial & Date of Birth***		
10. Manglona, Teresita	***Need Middle Name/Initial & Date of Birth***		
11. Manglona, Zena	Mar. 26, '69	7-Rota	No
12. Montano, Catherine V.	Feb. 12, '88	2-Chalan Kanoa	No
13. Ogo, Joaquin M.	Mar. 1, '62	7-Rota	No
14. Ogo, Severina A.	Nov. 17, '53	7-Rota	Yes
15. Ogo, Shawn W.	***Need Middle Name/Initial & Date of Birth***		
16. Ogo, Talia Neshay Atalig	June 15, '89	7-Rota	Yes
17. Palacios, Francisco	***Need Middle Name/Initial & Date of Birth***		
18. Sievers, Sharon R.	***Need Middle Name/Initial & Date of Birth***		
19. Tenorio, Tricia Lynn T.	Aug. 3, '72	5-Kagman	Yes



November 30, 2010

Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Dear Mr. Blas,

This correspondence is sent to formally notify you of my transmittal of the attached to the following:

1. Eric H Holder, Jr. Attorney General of the United States
2. Marivic David Asst. US Attorney for Guam
3. John M. Weisenberger Attorney General of Guam

Sincerely,

Carlo J.N. Branch

Attachments:

1. Letters of Criminal Complaint
2. List of CNMI/Guam Double Voters

November 30, 2010

Eric H. Holder, Jr.
Attorney General of the United States
US Department of Justice
950, Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Holder,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

Given my limited resources as an individual citizen I remain concerned that the number of "fraudulent voters" referenced above may represent only a small fraction of a much larger whole. I fear that without the pursuit of rationally based criminal charges against the named individuals I have attached hereto, everyday citizens may never fully understand the impact of double voters on this year's election. Absent the full weight of your Office, Guam's voters may be robbed of an election that is fair, accurate, and free of undue influence from outside forces.

Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

November 30, 2010

Ms. Marivic David, Asst. US Attorney
Office of the Asst. US Attorney for Guam
Suite 500, Sirena Plaza
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear Attorney David,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

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Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

US Attorney's Office
Districts of Guam & NMI
NOV 30 2010 1:05 pm
Receiving name
Date keyed in Dbase
Keyed into Dbase by:

November 30, 2010

John M. Weisenberger
Attorney General of Guam
287 West O'Brien Drive
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Weisenberger,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

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Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

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NOV 30 2010
1:10PM
Office of the Attorney General of Guam
Civil/Solicitor Division

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Date: Sun, 26 Dec 2010 10:13:54 +1000
Subject: Re: CNMI/Guam Registered Voters
From: john.blas@gec.guam.gov
To: raguerrero@hotmail.com

Hi Bob,

I opened up the attachment that I sent you previously and Pg 2 was attached to my email. Below is the list. The **GU** in front of the names is from our voter registration list. Thank you for your kind ssistance during this holiday season.

John

List of CNMI/Guam Alleged Dual Voter Registrations

Based on the research of the GEC, the four (4) individuals listed below require further collaboration with the Commonwealth Election Commission due to multiple variations of the *alleged* name.

No.	Name	DOB	CNMI Registration District	CNMI 2010 GE Participation	Guam Registration Precinct	Guam 2010 GE Participation
9	Manglona, Richard					
GU	Manglona, Richard R.C.	1/9/88			14A (MTM)	Yes
GU	Manglona, Richard R.	10/14/66			15B (Barrigada)	Yes
10	Manglona, Teresita					
GU	Manglona, Teresita M.	5/17/68			14A (MTM)	Yes
15	Ogo, Shawn W.					
GU	Ogo, Shawn W.	11/25/72			10A (Yona)	Yes
17	Palacios, Francisco					
GU	Palacios, Francisco E.	8/25/87			11A (Chalan	No

No.	Name	DOB	CNMI Registration District	CNMI 2010 GE Participation	Guam Registration Precinct	Guam 2010 GE Participation
9	Manglona, Richard					
GU	**Manglona, Richard R.C.**	**1/9/88**	**7-Rota**	**Yes**	**14A (MTM)**	**Yes**
GU	Manglona, Richard R.	10/14/66			15B (Barrigada)	Yes
10	Manglona, Teresita					
GU	**Manglona, Teresita M.**	**5/17/68**	**6-Tinian**	**Yes**	**14A (MTM)**	**Yes**
15	Ogo, Shawn W.					
GU	**Ogo, Shawn W.**	**11/25/72**	**7-Rota**	**Yes**	**10A (Yona)**	**Yes**
17	Palacios, Francisco					
GU	**Palacios, Francisco E.**	**8/25/87**	**1C-Koblerville**	**Yes**	**11A (Chalan Pago/Ordot)**	**No**
GU	Palacios, Francisco S.	7/5/46			18I (Dededo)	Yes

We have a **Palacios, Francisco Santos** with **DOB 7/4/36** registered in **Precinct 2-Chalan Kanoa** and voted during the 2010 CNMI General Election.

I hope this is the information you needed. If you need additional information, please let me know.

Thanks,

Bob

Robert A. Guerrero
Executive Director
Commonwealth Election Commission
Commonwealth of the Northern
Mariana Islands
P.O. Box 500470
Saipan, MP 96950

Contact Information:
Telephone: (670) 664-8683 (VOTE)
Facsimile: (670) 664-8689
Email: raguerrero64@gmail.com
Website: http://votecnmi.gov.mp/

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This message and accompanying documents are covered by the electronic

					Pago/Ordot)	
GU	Palacios, Francisco S.	7/5/46			18l (Dededo)	Yes

On Fri, Dec 24, 2010 at 7:53 PM, Robert A. Guerrero <raguerrero@hotmail.com> wrote:
John,

Felis Pasgua to you, your family and your staff.

I didn't receive page 2 of your email attachment. Please provide the 4 names along with atleast their date of birth that you need immediate attention. Once you've provided us this information, we can start researching and provide you such certification.

Thanks and I'll await your response...

Bob

Robert Guerrero
Commonwealth Election Commission
Sent from my BlackBerry® smartphone

-----Original Message-----
From: John Blas <john.blas@gec.guam.gov>
Date: Fri, 24 Dec 2010 07:51:49
To: <raguerrero@hotmail.com>
Subject: CNMI/Guam Registered Voters

Hafa Adai Bob!

Felis Pasgua yan Biba Anu Nuebu! Attached for your information is a chart of the 19 individuals alleged to be registered in the CNMI and Guam. This chart includes all pertinent Guam information relative to voter registration and voter participation in our 2010 General Elections. Please review page 2 of the attachment... these are the 4 names that we need to verify voter registrations for. Once you're able to verify these individuals, please email me back. Thank you once again for your kind assistance and I wish you and your family a blessed Christmas and a prosperous New Year!

John

--
John F. Blas
Executive Director
Guam Election Commission
Tel: (671) 477-9791-4
Fax: (671) 477-1895
Email: director@gec.guam.gov <mailto:director@gec.guam.gov>
Website: www.gec.guam.gov <http://www.gec.guam.gov>

Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, foward or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply e-mail to director@gec.guam.gov <mailto:director@gec.guam.gov> , and delete the message.

--
John F. Blas
Executive Director

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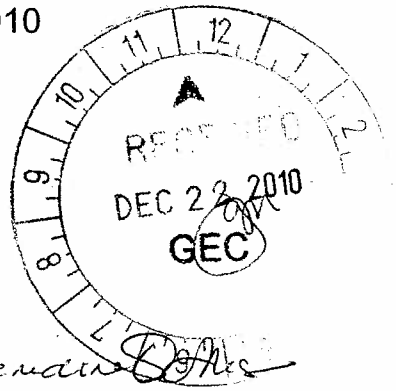
The Law Offices of
PHILLIPS & BORDALLO
A Professional Corporation

410 West O'Brien Drive, Suite 102, Hagåtña, Guam 96910-5044
Tel: (671) 477-ABCD (2223) • Fax: (671) 477-2FAX (2329)

December 27, 2010



John F. Blas, Executive Director
Kumision Ileksion Guåhan
2nd Floor, GCIC Bldg.
Hagåtña, Guam 96932

Re: Letter of December 16, 2010

Buenas!

The Administrative Complaint Form accompanying your letter referenced above and addressed to People For A New Direction requires a complainant to sign the form and to do so under penalty of perjury. The Administrative Complaint Form received is not signed and thus does not require a response from anyone.

3 GCA § 19118(a) reads in its entirety:

> (a) Complaints of violations of this Chapter against any person shall be filed with the Election Commission. The complaint shall be in writing and shall be signed under oath by the complaint. [sic]

The statute to which you refer, 3 GCA § 19118(b), states in relevant part, "The Election Commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint." I do not believe the Guam Election Commission will proceed pursuant to the contents of an unsigned and therefore unverified complaint. If the Commission's position is otherwise, please let me know at your earliest convenience and we will exercise all of our rights provided in 3 GCA Chapter 19.

Biba Ha'ånen Nuebu!

Michael F. Phillips

" I Erensia, Lina'la', Espiritu-ta "

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: director@gec.guam.gov Website: www.guamelection.org

December 16, 2010

FILE COPY

People For A New Direction (Calvo-Tenorio)
Suite 104
Chalan Machaute
Maite, Guam 96910

Subject: **Administrative Complaint**
Reference: **Election Campaign Contributions and Expenditure (Final) Report for the 2010 General Election**

Buenas yan Hafa Adai! Pursuant to §19118 (b), Chapter 19 of Title 3 Guam Code Annotated, the Guam Election Commission hereby gives notice of an Administrative Complaint filed with the Commission on Monday, December 13, 2010 relative to the above subject matter. A copy of the complaint has been attached for your review and file.

Furthermore, pursuant to the aforementioned Section, the Guam Election Commission is affording you the opportunity to explain or otherwise respond to the complaint no later than Monday, December 27, 2010.

Thank you for your attention regarding this matter. If you should have any questions or comments, please feel free to contact me at 477-9791-4. You may also email me at director@gec.guam.gov

Senseramente,

JOHN F. BLAS
Executive Director

Cc: GEC Members
GEC Legal Counsel
File

Won Sang Yoon
12/16/10.
3:12pm

FILE COPY

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

As a resident and registered voter of Guam, I am writing this letter to draw your attention to approximately 300 illegal campaign expenditures listed in the 2010 Calvo-Tenorio financial report filed with your office on November 22nd.

Specifically, Title 3, Chapter 19; Section 19108 (a) states:

"(a) A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything else of value;

(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 9913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (Date) at: _____ (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

(Notary Seal)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010
GEC

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes):

ELECTION YEAR: _____

☐ **PRIMARY ELECTION**	☒ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

RECEIVED
DEC 14 2010
GEC

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED
DEC 14 2010
GEC

SIGNATURE OF CANDIDATE/SPONSOR

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NOTARY PUBLIC in and for Guam.
My Commission expires:

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P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 506 Thomas Street

City: Tamuning State: Gu Zip Code: 9913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
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- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
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- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
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- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

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Continue on Reverse Side

(Rev 4/05)

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Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (Date) at: _____ (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

(Notary Seal)

GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN ·

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
DEC 13 2010
GEC

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Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: _____

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- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

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- ☐ Other Federal Law Violation: _____
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Continue on Reverse Side

(Rev 4/05)

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Illegal Campaign Expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

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Signature of Person Filing Complaint: _____

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CERTIFICATE OF ACKNOWLEDGMENT

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)
Guam) SS
)
_____)

On: _____ (Date) before me, Thomas San Agustin (Name of Notary)

personally appeared _____ (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

_____
(Notary Signature)

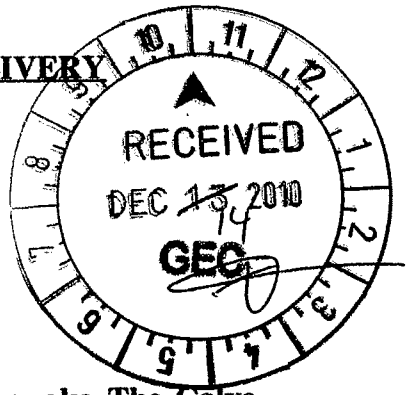
(Notary Seal)

GUAM ELECTION COMMISSION • KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

As a resident and registered voter of Guam, I am writing this letter to draw your attention to approximately 300 illegal campaign expenditures listed in the 2010 Calvo-Tenorio financial report filed with your office on November 22nd.

Specifically, Title 3, Chapter 19; Section 19108 (a) states:

"(a) A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything else of value;

(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

PRIMARY ELECTION	**GENERAL ELECTION**	**OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

RECEIVED
DEC 14 2010
GEC

Subscribed and Sworn to before me on this 17th day of November, 2010.

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED
DEC 14 2010
GEC

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 20 10.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **March 01, 2014**
P. O. Box 21404 Barrigada, Guam 96921

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SIGNATURE OF TREASURER

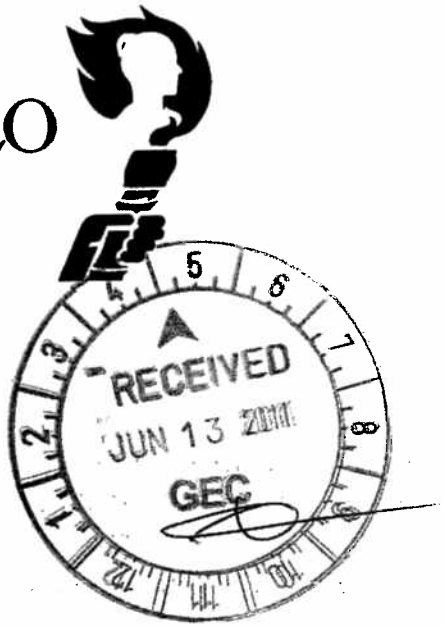
Subscribed and Sworn to before me on this 22nd day of November, 20 10.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **March 01, 2014**
P. O. Box 21404 Barrigada, Guam 96921

The Law Offices of
PHILLIPS & BORDALLO
A Professional Corporation

410 West O'Brien Drive, Suite 102, Hagåtña, Guam 96910-5044
Tel: (671) 477-ABCD (2223) • Fax: (671) 477-2FAX (2329)



June 13, 2011

Maria I.D. Pangelinan, Executive Director
Kumision Ileksion Guåhan
2nd Floor, GCIC Bldg.
Hagåtña, Guam 96932

Re: Letter of June 2, 2011

Buenas!

The Administrative Complaint Form accompanying your letter referenced above and addressed to People For A New Direction requires a complainant sign the form and to do so under penalty of perjury. The law governing this procedure, 3 GCA §19118, mandates more and requires the complainant sign his complaint under oath. It does not appear from the complainant's signature or the Certificate of Acknowledgment underneath that the complainant signed under oath (in fact the stamp appearing at the bottom of the form is not that of a Notary Public).

One obvious reason for requiring complainants to sign allegations of violations of law under oath is the Commission's threshold requirement that the complainant state what he/she believes to be a "Guam Law Violation." Neither the Commission nor its forms invite speculation or "possibilities," as referenced by the complainant. The complainant elected to leave Section 2 of the Administrative Complaint Form blank. He would not specify a single Guam Law Violation (or select any descriptions offered by the Commission). He did not select a Federal Law Violation.

In Section 3 the Commission directed the complainant to explain the details of his complaint and include names, addresses, dates, and any other information to fully describe the events put in question. This was not an option; it was a Commission mandate. The complainant wrote in part, "Illegal campaign expenses." He then referred the Commission to an attachment apparently containing hundreds of names and entitled, "Analysis of Calvo Tenorio Campaign Report Potential Violations of 3 GCA Section 19112." The complainant was very careful not to actually allege a violation of law but instead artfully crafted a document which, at best, can be said to include "potential violations." Although entitled "Analysis" the

attachment fails to include any analysis, and furthermore fails to allege any facts which would constitute a violation of any of the multiple provisions contained in §19112. Ironically, the entire report from which the complainant took limited portions is already on file with the Commission.

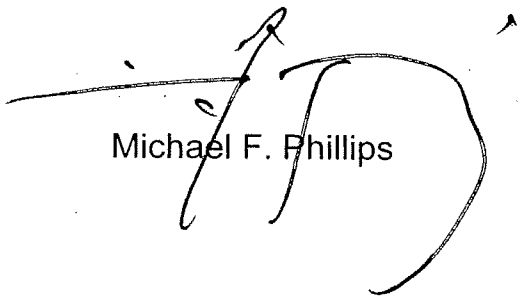
As we mentioned in our last response to the Commission, the Administrative Complaint Form received is not properly signed and thus does not require a response from anyone.

3 GCA § 19118(a) reads in its entirety:

> (a) Complaints of violations of this Chapter against any person shall be filed with the Election Commission. The complaint shall be in writing and shall be signed under oath by the complaint. [sic]

The statute to which you refer, 3 GCA § 19118(b), states in relevant part, "The Election Commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint." I do not believe the Guam Election Commission will proceed pursuant to the contents of a form that do not include a signature under oath or specific allegations of violations of law. If the Commission's position is otherwise, please let me know at your earliest convenience and we will exercise all of our rights provided in 3 GCA Chapter 19.

Si Yu'os Ma'ase',



Michael F. Phillips

May 9, 2011

Ms. Maria Pangelinan
Director
Guam Election Commission
GCIC Bldg., Suite 200
P.O. Box BG
Hagatna, Guam 96932
Tel: (671) 477-9791/3
Fax: (671) 477-1895



Re: Follow up on Campaign Spending Violations

Dear Ms. Pangelinan,

Prior to your tenure as Executive Director of the Guam Election Commission, I filed a voter complaint regarding numerous violations of Campaign spending laws on the part of the Calvo Tenorio Gubernatorial Team.

My original compliant indicates that the Republican gubernatorial team violated Guam law, based on its own financial reports, approximately 300 different times during the 2010 election.

Unfortunately, I have yet to receive any response from the GEC relative to the disposition of this complaint.

I look forward to a response. I can be reached at 687-7567 or via email at carlo.branch@gmail.com.

Senseramente,

Carlo J.N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 6877567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene D. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

_____
(Notary Signature)

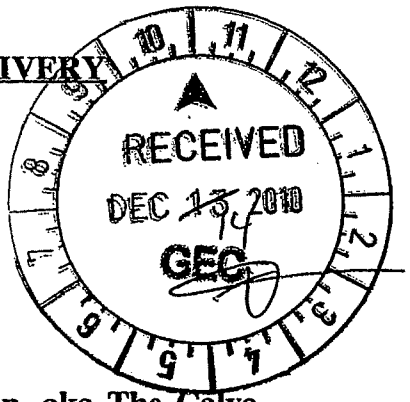
GUAM ELECTION COMMISSION · KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

FILE COPY

December 14, 2010

BY HAND DELIVERY



Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Re: Illegal Campaign Expenses By People For A New Direction, aka The Calvo-Tenorio Campaign

Dear. Mr. Blas,

As a resident and registered voter of Guam, I am writing this letter to draw your attention to approximately 300 illegal campaign expenditures listed in the 2010 Calvo-Tenorio financial report filed with your office on November 22nd.

Specifically, Title 3, Chapter 19; Section 19108 (a) states:

"(a) A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything else of value;

(l) For any purpose other than those directly related:

(i) In the case of the candidate, to his own campaign; or

(ii) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated"

You will note that many campaign expenses reported by the Calvo Tenorio team involve specific monetary contributions to individual voters. In light of the provision cited above and the Calvo Tenorio expenses I have attached hereto, the CT Gubernatorial team has engaged in clear violations of election law and should be subject to any statutory penalties consistent with the Guam Code.

Sincerely,

Carl J. N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932

Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

RECEIVED
NOV 22 2010

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: People for a New Direction (Calvo/Tenorio)

Elected Office Sought: Governor and Lieutenant Gov. Political Party: Republican

Address: 751 Chalan Machante

Suite 104, Maite Zip Code: 96910

Tel No: 477-4322 Fax No: 472-4323 E-mail: info@calvotenorio.com

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☒ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☒ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Edward B. Calvo, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

NOTARY PUBLIC in and for Guam

My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

RECEIVED
DEC 14 2010
GEC

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

Subscribed and Sworn to before me on this 22nd day of November, 2010.

NOTARY PUBLIC in and for Guam

My Commission expires: _____

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guahan

PO Box BG ☐ Hagatna, Guam 96932
Website: www.gec.guam.gov ☐ E-mail: director@gec.guam.gov

ELECTION COMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

Name of Candidate, Party, Organization, or Committee: _____

Elected Office Sought: _____ Political Party: _____

Address: _____

_____ Zip Code: _____

Tel No: _____ Fax No: _____ E-mail: _____

This report is for (check appropriate boxes): **ELECTION YEAR:** _____

☐ **PRIMARY ELECTION**	☐ **GENERAL ELECTION**	☐ **OTHER ELECTION**
☐ Preliminary Report	☐ Preliminary Report	☐ Preliminary Report
☐ Final Report	☐ Final Report	☐ Final Report
☐ Supplemental Report	☐ Supplemental Report	☐ Supplemental Report

I, Raymond S. Tenorio, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

RECEIVED DEC 14 2010 GEC

SIGNATURE OF CANDIDATE/SPONSOR

Subscribed and Sworn to before me on this 17th day of November, 2010.

NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

I, _____, do hereby swear that I have used all reasonable diligence in preparing the foregoing **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT**, and that it is true, full, and explicit account of all contributions received and expneses incurred to date in aid of my campaign/support of a candidate(s).

SIGNATURE OF TREASURER

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NOTARY PUBLIC in and for Guam.
My Commission expires:

BEN ANTHONY B. REYES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: March 01, 2014
P. O. Box 21404 Barrigada, Guam 96921

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

2nd Floor, Suite 200 GCIC Building
414 West Soledad Avenue, Hagåtña, Guam 96910
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: vote@gec.guam.gov Website: www.gec.guam.gov

COPY

June 2, 2011

People For A New Direction (Calvo-Tenorio)
Suite 104 Chalan Machaute
Maite, GU 96910

SUBJECT: Administrative Complaint
Reference: 2010 General Election Campaign Contributions and Expenditure Report

Bueñas yan Hafa Adai!

The Guam Election Commission hereby gives notice of an Administrative Complaint filed with the Commission, pursuant to **3GCA §19118(b).** A copy of the complaint has been attached for your review and file. Furthermore, pursuant to the aforementioned Section, the Guam Election Commission is affording you the opportunity to explain or otherwise respond to the complaint no later than Monday, June 13, 2011.

Thank you for your attention regarding this matter. If you should have any questions or comments, please feel free to contact me a 477-9791 or maria.pangelinan@gec.guam.gov. Si Yu'os ma'ase'.

Sinseramente,

MARIA D. PANGELINAN
Executive Director

Attachments
Follow up Letter from Mr. Carlo Branch dated 5.09.2011
Administrative Complaint Form dated 1.27.2011 by Mr. Carlo Branch

cc: Carlo Branch, Complainant
GEC Legal Counsel
GEC Members

RECEIVED BY: Nathan Rios
DATE: 6/2/11
TIME: 1609

May 9, 2011

Ms. Maria Pangelinan
Director
Guam Election Commission
GCIC Bldg., Suite 200
P.O. Box BG
Hagatna, Guam 96932
Tel: (671) 477-9791/3
Fax: (671) 477-1895



Re: Follow up on Campaign Spending Violations

Dear Ms. Pangelinan,

Prior to your tenure as Executive Director of the Guam Election Commission, I filed a voter complaint regarding numerous violations of Campaign spending laws on the part of the Calvo Tenorio Gubernatorial Team.

My original compliant indicates that the Republican gubernatorial team violated Guam law, based on its own financial reports, approximately 300 different times during the 2010 election.

Unfortunately, I have yet to receive any response from the GEC relative to the disposition of this complaint.

I look forward to a response. I can be reached at 687-7567 or via email at carlo.branch@gmail.com.

Senseramente,

Carlo J.N. Branch

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
JAN 27 2011
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J

Address: 506 Thomas Street

City: Tamuning State: GU Zip Code: 96913

Day Phone: 687-9567 Evening Phone: 687-7567 Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

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- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

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- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

- Illegal campaign expenses by people for a New Direction, aka The Calvo-Tenorio Campaign.

- SEE ATTACHED -

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 1/27/11 (Date) at: Hagatna GU. (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

_____)
)
Guam) SS
)
_____)

On: Jan. 27, 2011 (Date) before me, Geneviene D. Moser (Name of Notary)

personally appeared Carlo J. N. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

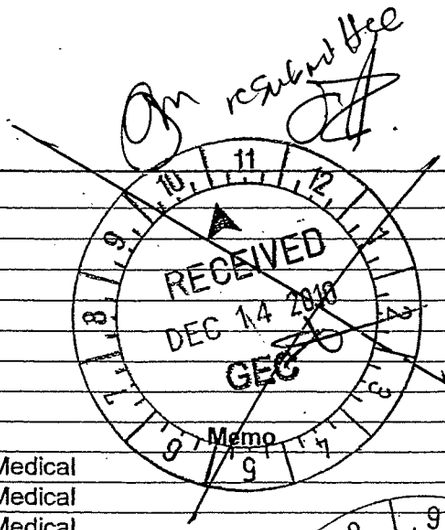
WITNESS my hand and official seal.
(Notary Seal)

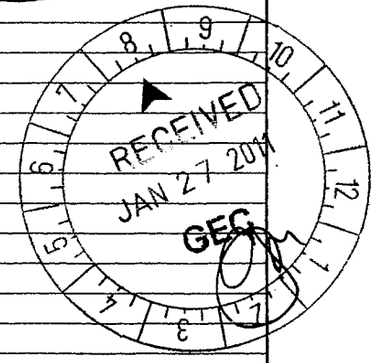
_____
(Notary Signature)

GUAM ELECTION COMMISSION • KUMISION ILEKSION GUAHAN

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
8/20/09	1002	Maria Taisacan	33of 55	50.00	50.00					Medical
8/27/09	1022	Janelle Salas	25of 55	30.00	30.00					Medical
8/27/09	1024	Martin C. Aldan	34of 55	40.00	40.00					Medical
8/27/09	1026	Martin Salas	34of 55	50.00	50.00					Medical
8/27/09	1025	Rosa Hunt	43of 55	50.00	50.00					Medical
8/28/09	1028	Carmen Cabrera	6of 55	100.00	100.00					Medical
9/8/09	1042	Frank L.G. Finona	17of 55	50.00	50.00					Medical
9/8/09	1038	Joey Cepeda	27of 55	100.00	100.00					Medical
9/23/09	1068	Roland Prog	43of 55	40.00	40.00					Prescription
10/16/09	1112	Emeledcia Atoigue	15of 55	40.00	40.00					Medical
10/16/09	1118	Marie Socorro Tingson	33of 55	40.00	40.00					Medical
10/29/09	1137	Roland Prog	43of 55	50.00	50.00					Prescription
11/5/09	1152	Loise Perez-Han	32of 55	50.00	50.00					Medical
11/27/09	1031	Kirk Cruz	30of 55	40.00	40.00					Medical Fundraiser
11/27/09	1207	Ryan Camacho	44of 55	100.00	100.00					Medical Fundraiser
12/3/09	1222	Sheliene C. Duenas	46of 55	200.00	200.00					Medical
12/4/09	1224	Pete Reyes	39of 55	100.00	100.00					Medical Fundraiser
1/4/10	1046	Melissa R. Wusstig	34of 55	50.00	50.00					Medical
1/8/10	1276	Francisco C. Blas, Jr.	17of 55	20.00	20.00					Medical
1/8/10	1277	Annie B. Cabrera	2of 55	30.00	30.00					Medical
1/8/10	1263	Brenda Atalig	5of 55	40.00	40.00					Medical
1/8/10	1264	Tina M. Tainatongo	49of 55	50.00	50.00					Medical
1/12/10	1073	Monica D. Bossy	35of 55	30.00	30.00					Medical
1/12/10	1074	Trisa Ann. C. Reyes	51of 55	50.00	50.00					Medical
1/28/10	1284	Kenneth M. Naputi, Jr.	30of 55	50.00	50.00					Medical
2/4/10	1118	Joseph San Nicolas	29of 55	40.00	40.00					Medical
2/4/10	1111	Janet Camacho	25of 55	100.00	100.00					Medical
2/16/10	1137	George Siro	18of 55	50.00	50.00					Medication





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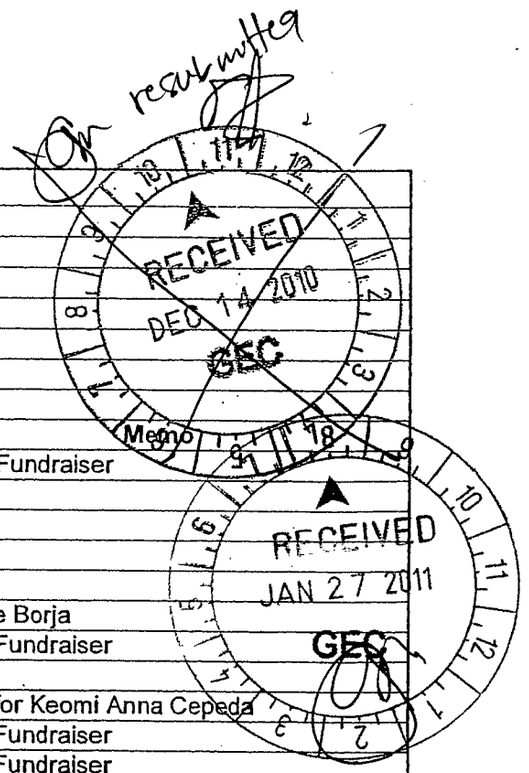
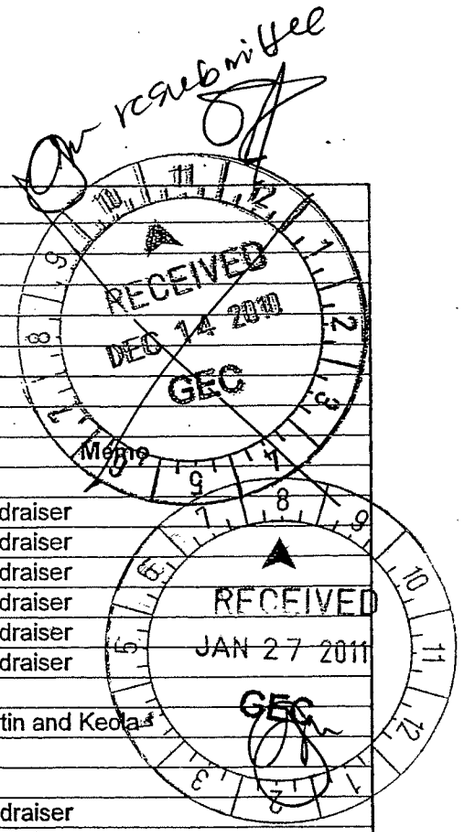
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
2/19/10	1147	George Muna	18of 55	21.00	21.00					Medical Fundraiser
2/19/10	1146	Ronald Meno	43of 55	50.00	50.00					Medical
2/22/10	1167	Candilyn Terlaje	6of 55	50.00	50.00					Medical
3/3/10	1306	George Bamba	18of 55	50.00	50.00					Medical
3/3/10	1305	Vincent Quinata	53of 55	50.00	50.00					Medical
3/18/10	1318	Jason Castro	25of 55	50.00	50.00					Jolie-Rae Borja
3/18/10	1316	Ivan Borja	25of 55	50.00	50.00					Medical Fundraiser
3/18/10	1319	Jocelyn Anderson	27of 55	50.00	50.00					Medical
3/18/10	1204	Chrystal Rosario	8of 55	100.00	100.00					Medical for Keomi Anna Cepeda
3/25/10	1235	Joseph Mendiola	29of 55	100.00	100.00					Medical Fundraiser
3/29/10	1245	Jaime Martinez	25of 55	100.00	100.00					Medical Fundraiser
4/8/10	1366	Elizabeth Tyquingco	15of 55	50.00	50.00					Medical
4/14/10	1249	Audra Reyes	3of 55	40.00	40.00					Medical Fundraiser
4/20/10	1256	Anna M. Cariaso	2of 55	50.00	50.00					Medical Fundraiser
5/10/10	1292	David Espinosa	10of 55	50.00	50.00					Medical
5/10/10	1293	Lillian Cheguina	31of 55	50.00	50.00					Medical
5/10/10	1297	Tammy Quinata	47of 55	50.00	50.00					Medical
5/14/10	1327	Dora S.N. Duco	13of 55	50.00	50.00					Medical for F.R. Jaiesha Flores
5/14/10	1326	Beatrice Lujan Salas	3of 55	50.00	50.00					Medical
5/18/10	1335	Florence M.S. Taitague	16of 55	40.00	40.00					Medical
5/18/10	1333	Jonathan B. Untalan	28of 55	50.00	50.00					Medical
5/18/10	1334	LucyMarie Ignacio Siguenza	32of 55	50.00	50.00					Medical
5/21/10	1382	Daniel Sablan	10of 55	30.00	30.00					Medication
5/21/10	1376	Shawn E. Abay Wolford	45of 55	50.00	50.00					Medical
5/21/10	1381	Daniel Sablan	10of 55	60.00	60.00					Vision
5/21/10	1362	Florence Taitague	16of 55	200.00	200.00					Medical
6/7/10	1403	William B. Salas	54of 55	50.00	50.00					Medical Fundraiser
6/15/10	1406	Joaquin Barcinas	27of 55	60.00	60.00					Medical



Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
6/21/10	1416	David S.N Aguon	11of 55	40.00	40.00					Medication
7/12/10	1476	Joaquin Castro Duenas	27of 55	40.00	40.00					Medical Fundraiser
7/12/10	1480	Priscilliana Toves	40of 55	40.00	40.00					Medical Fundraiser
7/12/10	1478	William B. Salas	54of 55	40.00	40.00					Medical Fundraiser
7/12/10	1477	Frankie M. Rosario	17of 55	50.00	50.00					Medical Fundraiser
7/12/10	1473	Catherine Salas	7of 55	50.00	50.00					Medical Fundraiser
7/12/10	1471	Rosario Lujan	43of 55	90.00	90.00					Medical Fundraiser
8/6/10	1503	Salvador Balao	45of 55	30.00	30.00					Medical
8/6/10	1502	Therese Salas	49of 55	40.00	40.00					Medical-Martin and Keola
8/6/10	1505	Lourdes Taman Kintaro	32of 55	50.00	50.00					Medical
8/6/10	1504	Vincent B. Blas	53of 55	50.00	50.00					Medical
8/6/10	1514	Millie Mesa Asuncion	35of 55	100.00	100.00					Medical Fundraiser
8/27/10	1549	Keith A. Cepeda	30of 55	50.00	50.00					Medical Fundraiser
9/14/10	1601	Joaquin Castro Duenas	S-7	60.00	60.00					Medical Fundraiser
11/12/10	1690	Bernadita A. Toves	4of 55	50.00	50.00					Medical
9/17/09	1057	Mae Palomo Quenga	33of 55	50.00		50.00				Off-island medical
9/17/09	1060	Theodore Killdall	48of 55	50.00		50.00				Off-island medical
9/17/09	1056	Yvonne Quifunas	54of 55	100.00		100.00				Off-island medical
10/2/09	1084	John Aguon	28of 55	30.00		30.00				Off-island medical
10/2/09	1083	Andrina M. Crisostomo-Cruz	2of 55	30.00		30.00				Off-island medical
10/2/09	1082	Richard B. Miner	41of 55	30.00		30.00				Off-island medical
10/2/09	1085	Ed Benavente	14of 55	40.00		40.00				Off-island medical
10/2/09	1081	Rose N. Rabago	43of 55	50.00		50.00				Off-island medical
10/2/09	1079	Tricia Ann C. Reyes	50of 55	50.00		50.00				Off-island medical
10/9/09	1102	Trinie C. Mendiola	50of 55	50.00		50.00				Off-island medical
10/16/09	1114	Delbert G. Ofalla	11of 55	40.00		40.00				Off-island medical
10/16/09	1117	Melissa M. Benavente	34of 55	40.00		40.00				Off-island medical
10/16/09	1113	Pamela A. Benavente	38of 55	50.00		50.00				Off-island medical



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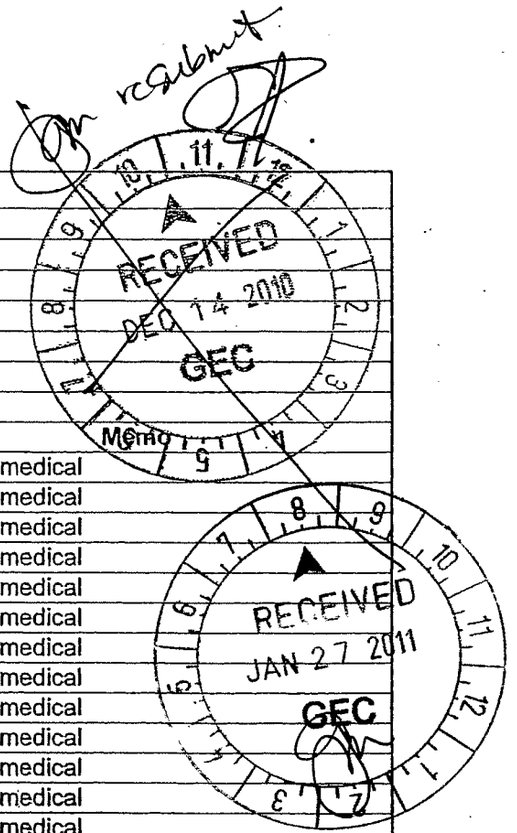
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
10/22/09	1126	Norma Jean Pinaroc	36of 55	40.00		40.00				Off-island medical
11/5/09	1143	Benita L.G. Cruz	3of 55	40.00		40.00				Off-island medical
11/16/09	1018	Doris S.A Santiago	13of 55	40.00		40.00				Off-island medical
11/16/09	1015	Regina Lujan	41of 55	40.00		40.00				Off-island medical
11/16/09	1016	Carol V. Jenkins	6of 55	40.00		40.00				Off-island medical
11/16/09	1012	Janice Taitano Quichocho	25of 55	50.00		50.00				Off-island medical
11/16/09	1019	Robert J. Fejeran	42of 55	50.00		50.00				Off-island medical
11/19/09	1029	Joseph A. Torres	29of 55	40.00		40.00				Off-island medical
11/27/09	1205	Manuela Cepeda	S-8	100.00		100.00				Off-island medical
12/3/09	1221	Gina Powell	18of 55	40.00		40.00				Off-island medical
12/3/09	1215	Lisa Aguon	32of 55	50.00		50.00				Off-island medical
1/4/10	1034	Ann Marie Meno Pelobello	2of 55	50.00		50.00				Off-island medical
1/8/10	1273	Celina D. Elmer	7of 55	30.00		30.00				Off-island medical
1/8/10	1274	John Garrido	28of 55	50.00		50.00				Off-island medical
1/28/10	1283	Enriqueta Q.M. Cacho	15of 55	40.00		40.00				Off-island medical
2/3/10	1101	Annie B. Cabrera	2of 55	50.00		50.00				Off-island medical
2/3/10	1104	Shawna L. Duenas	45of 55	50.00		50.00				Off-island medical
2/4/10	1114	Chrystal Rosario	8of 55	40.00		40.00				Off-island medical
2/4/10	1113	Joannie Siguenza	27of 55	50.00		50.00				Off-island medical
2/5/10	1122	Virginia T. Tainatongo	54of 55	50.00		50.00				Off-island medical
2/19/10	1149	Eileen Naputia Salas	15of 55	40.00		40.00				Off-island medical
2/19/10	1152	Reynold S. Alizon	41of 55	40.00		40.00				Off-island medical
2/19/10	1153	Dorna Aguon	13of 55	50.00		50.00				Off-island medical
2/22/10	1166	Georgette C. Gomez	18of 55	50.00		50.00				Off-island medical
3/3/10	1303	Herman F. Quifunas	23of 55	50.00		50.00				Off-island medical
3/11/10	1197	Deborah Gumataotao	11of 55	50.00		50.00				Off-island medical
3/18/10	1317	Rose Martinez Certeza	43of 55	50.00		50.00				Off-island medical
3/25/10	1226	Priscilla Guerrero	40of 55	30.00		30.00				Off-island medical



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Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
3/25/10	1220	Jose Q. Castro	28of 55	50.00		50.00				Off-island medical
3/25/10	1222	Mariano Mendiola	34of 55	50.00		50.00				Off-island medical
3/25/10	1218	Rebecca Mae Brown	41of 55	50.00		50.00				Off-island medical
3/31/10	1340	Priscilliana Toves	40of 55	30.00		30.00				Off-island medical
4/6/10	1356	Priscilliana Toves	40of 55	50.00		50.00				Off-island medical
4/20/10	1257	David William San Agustin	11of 55	50.00		50.00				Off-island medical
4/20/10	1258	Linda Edward	32of 55	50.00		50.00				Off-island medical
4/20/10	1259	Therese Palomo Dizon	48of 55	50.00		50.00				Off-island medical
4/20/10	1262	Carmen Baluran	6of 55	50.00		50.00				Off-island medical
4/30/10	1273	Trica Bernardo	50of 55	40.00		40.00				Off-island medical
4/30/10	1378	Dawn Andersen	11of 55	50.00		50.00				Off-island medical
5/10/10	1389	Kirk J. Cruz	30of 55	50.00		50.00				Off-island medical
5/10/10	1283	John S. San Agustin	S-7	100.00		100.00				Off-island medical
5/18/10	1340	Angel Bermudez	2of 55	50.00		50.00				Off-island medical
5/18/10	1348	Annie Babauta Mesa	2of 55	50.00		50.00				Off-island medical
5/18/10	1344	Norma Salas Guzman	36of 55	50.00		50.00				Off-island medical
5/21/10	1377	Henry N. Reyes	23of 55	50.00		50.00				Off-island medical
5/21/10	1378	Sonja L. Cruz	46of 55	50.00		50.00				Off-island medical
5/24/10	1356	Elizabeth Leon Guerrero	15of 55	50.00		50.00				Off-island medical
5/24/10	1355	Anselmo Anthony Untalan	2of 55	50.00		50.00				Off-island medical
5/24/10	1361	David R. LeFever	10of 55	150.00		150.00				Off-island medical
6/7/10	1402	Bill Mesa	5of 55	200.00		200.00				Off-island medical
6/9/10	1410	Fred C. Tyqiengco	17of 55	50.00		50.00				Off-island medical
6/21/10	1415	Joann R. Concepcion	27of 55	50.00		50.00				Off-island medical
6/21/10	1425	Mike Santos	35of 55	50.00		50.00				Off-island medical
6/21/10	1419	Nadia L. Salas	36of 55	50.00		50.00				Off-island medical
6/21/10	1417	Tanya I. Palomo	48of 55	50.00		50.00				Off-island medical
6/21/10	1418	Evelyn Taitague	S-5	50.00		50.00				Off-island medical

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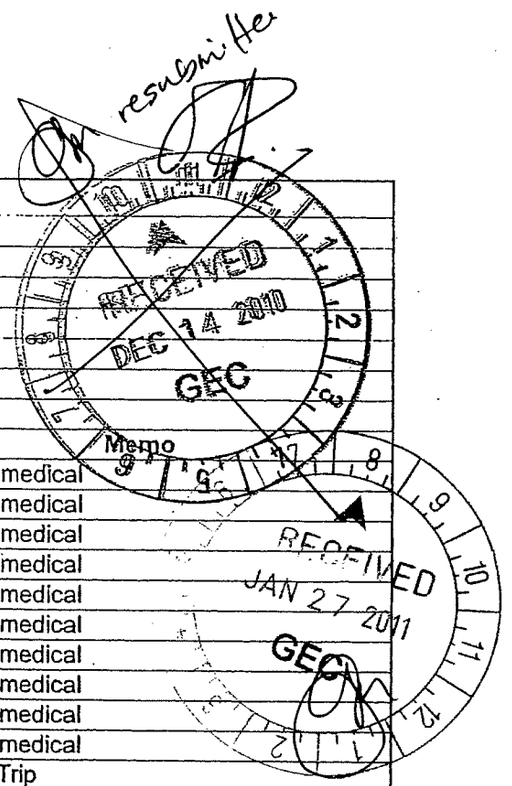
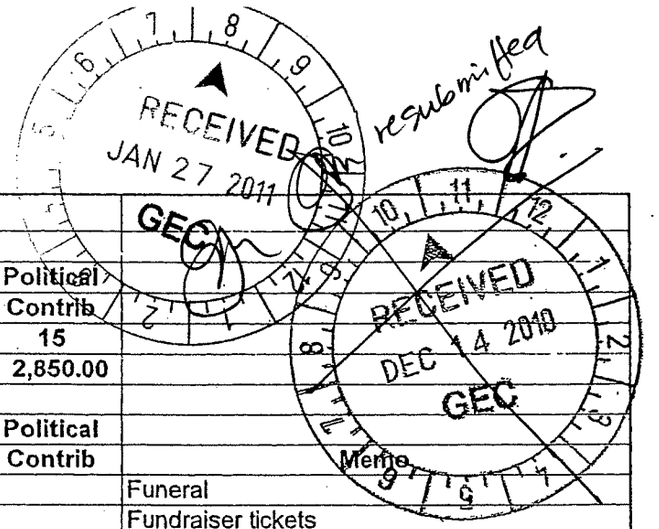
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
6/21/10	1428	Jemmie A. Salas	S-7	50.00		50.00				Off-island medical
7/12/10	1479	Fely M. Baza	16of 55	40.00		40.00				Off-island medical
8/6/10	1501	Jesus B. Chaco	26of 55	50.00		50.00				Off-island medical
8/16/10	1500	Robert Soria	S-12	50.00		50.00				Off-island medical
8/25/10	1547	Bernedie Charfauros	S-1	90.00		90.00				Off-island medical
9/14/10	1600	William Wusstig	54of 55	100.00		100.00				Off-island medical
9/14/10	1597	Brenda Atalig	5of 55	100.00		100.00				Off-island medical
10/7/10	1652	Tina Rose Aguon Agustin	49of 55	300.00		300.00				Off-island medical
10/25/10	1546	Angela Tenorio	2of 55	100.00		100.00				Off-island medical
10/25/10	1544	Sarafina Danis	45of 55	100.00		100.00				Off-island medical
10/9/09	1103	Catherine B. Atoigue	7of 55	40.00			40.00			NLYF/NS Trip
10/16/09	1116	Joe Benavente	27of 55	40.00			40.00			Tasi Boat Races
10/29/09	1101	Eddie Panganiban	14of 55	50.00			50.00			Parish of Sta Lucia Barangay Pastoral Council
11/16/09	1013	Notre Dame High School Inc.	37of 55	175.00			175.00			Yearbook ad-Jazzy Calvo
11/16/09	1014	Notre Dame High School Inc.	37of 55	175.00			175.00			Yearbook Ad-Elizabeth Alague
11/27/09	1240	MDM 2010 Cover Girl Search	34of 55	60.00			60.00			Monica Sherry
12/7/09	1241	Francisco C. Benavente	16of 55	50.00			50.00			None listed
12/14/09	1246	Ray Laguana	41of 55	100.00			100.00			None listed
1/6/10	1067	Tom Fejeran	50of 55	700.00			700.00			Yigo Fundraising
1/8/10	1278	Jose Rios Middle School Close Up	29of 55	25.00			25.00			DC Trip - Kevin Hocog
1/8/10	1275	Rodrigo Cruz Garcia	42of 55	50.00			50.00			Remains to PI
1/8/10	1265	Candice Ananich	6of 55	100.00			100.00			Crusaders Baseball
1/12/10	1072	Tom Fejeran	50of 55	400.00			400.00			Yigo
1/12/10	1071	Joe Taimanglo	27of 55	1,200.00			1,200.00			Sponsorship
1/15/10	1079	Ruben Munoz	44of 55	50.00			50.00			Help with rent
1/29/10	1100	Lady Islanders Basketball Club	31of 55	100.00			100.00			April Schacher
1/31/10	1296	Vincent Munoz	53of 55	50.00			50.00			None listed
2/10/10	1131	Lola's Catering	32of 55	1,500.00			1,500.00			John Vega Funeral





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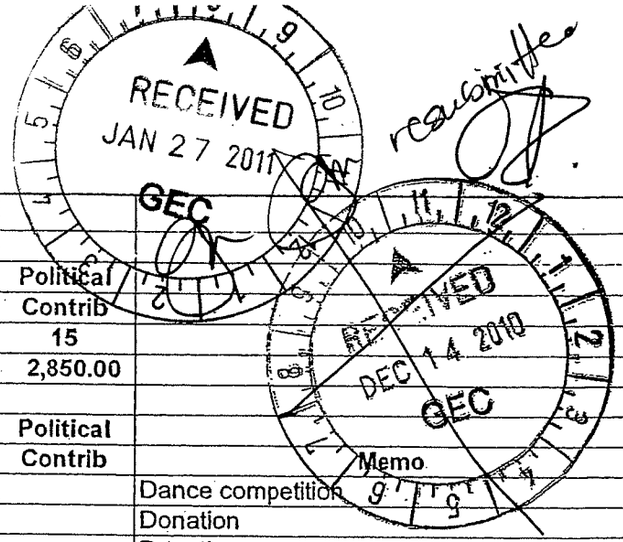
2/19/10	1148	Michelle Atoigue	35of 55	100.00			100.00			Funeral
2/19/10	1145	Vera Garces	52of 55	450.00			450.00			Fundraiser tickets
2/25/10	1167	Zylzohni Pangelinan	55of 55	100.00			100.00			Donation
3/1/10	1294	Lady Islanders Basketball Club	31of 55	50.00			50.00			Maricar Reyes
3/3/10	1307	Ronald A. Laguana II	43of 55	100.00			100.00			Freedive Spearfishing
3/25/10	1227	Jody Babauta	27of 55	30.00			30.00			Off-island Trip - Oceanview Middle School
3/25/10	1219	Dolores A.Muna	13of 55	50.00			50.00			NYLC
3/25/10	1213	Jonathan Tuck	28of 55	50.00			50.00			Car Wash
3/31/10	1337	Ronald A. Laguana II	43of 55	100.00			100.00			Fundraiser for Spearfishing Championships
4/8/10	1363	Marie C.Q. Leon Guerrero	34of 55	50.00			50.00			National Young Leaders Conference
4/8/10	1364	Joe Tedtaotao	27of 55	100.00			100.00			Family reunion
4/20/10	1264	Joy Unpingco	29of 55	100.00			100.00			JROTC Competition
5/5/10	1383	Angelica R. Taitague	2of 55	50.00			50.00			Travel-Child Custody
5/10/10	1281	Ha'ane-Joy San Nicolas	23of 55	75.00			75.00			Junior Statesmen Summer School
5/10/10	1300	Naoko Shimizu	36of 55	600.00			600.00			Reimbursement for Saint Francis of Assisi
5/10/10	1285	John T. Mantanona	28of 55	900.00			900.00			Reimburse Entrance Fee - Basketball
5/14/10	1325	Ernie V. Rivera	15of 55	50.00			50.00			Funeral
5/18/10	1337	Dolores M. Yoshida	13of 55	50.00			50.00			Funeral expense
5/18/10	1341	Lovanelijah Santos	32of 55	50.00			50.00			Junior Statesmen Summer School
5/18/10	1338	Richard Sablan	41of 55	100.00			100.00			Bring Joe Home
5/18/10	1336	Tamieko Atalig	47of 55	100.00			100.00			Junior Statesmen Summer School
5/21/10	1370	St. Anthony School	46of 55	100.00			100.00			c/o Joe Onedera
6/9/10	1411	Charlene T. Santos	8of 55	60.00			60.00			Jude Michael Santos Babe Ruth
6/11/10	1395	Dolores Ignacio	13of 55	40.00			40.00			Funeral expense
6/15/10	1407	Brian Tuncap	5of 55	50.00			50.00			Fundraiser
6/16/10	1412	John Adams	28of 55	50.00			50.00			Travel
6/22/10	1451	Carmen Bernardo	6of 55	40.00			40.00			None listed
6/24/10	1453	Ester I. Reyes	15of 55	100.00			100.00			Replaces Check 1424 Guam Little League



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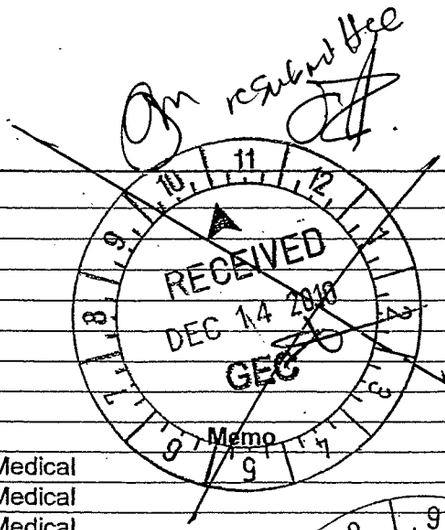
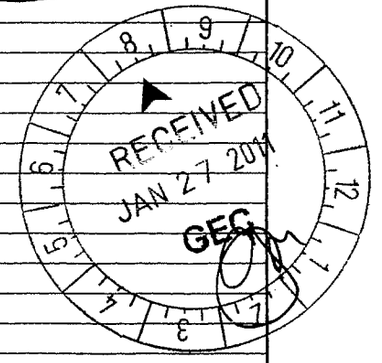
7/6/10	1451	Sandra Guillergan	45of 55	40.00			40.00			Dance competition
7/12/10	1472	Angela Tenorio	2of 55	30.00			30.00			Donation
7/12/10	1474	Tony Macias	50of 55	100.00			100.00			Donation
7/12/10	1467	Tina Kidd	49of 55	200.00			200.00			Fundraiser
7/23/10	1485	Tim Leon Guerrero	49of 55	25.00			25.00			Raffle Tickets
8/20/10	1531	Elaine P. Gogue	15of 55	45.66			45.66			Replaces Check 1529
8/20/10	1530	Elaine Krnjeu	15of 55	50.00			50.00			Replaces Chk 1515
8/27/10	1569	Saint Joseph Medical Transport	44of 55	144.00			144.00			Inv 2010-0101
9/14/10	1599	John G. Topasna	S-7	100.00			100.00			Umatac Girl/Boy Scouts
9/16/10	1150	San Miguel Catholic Church	45of 55	50.00			50.00			Alexandria Jo Barcinas Agustin
9/21/10	1519	Marie Tenorio	S-8	100.00			100.00			Donation
10/4/10	1647	Franklin Taitague	S-5	245.00			245.00			Rota Fishing Derby
10/19/10	1522	Tom Fejeran	S-13	500.00			500.00			Fundraising
8/25/09	1012	Youth Enhancement and Support	54of 55	100.00				100.00		Production of Fidgety Fairy Tales
8/25/09	1013	The Edward M. Calvo Cancer Foundation	48of 55	500.00				500.00		5K Run/Walk
9/8/09	1044	Vietnam Veterans of America, Guam Chapter	53of 55	100.00				100.00		Memorial Wall
9/8/09	1043	GWHS Class of 1959	23of 55	150.00				150.00		50th Reunion
9/8/09	1036	Iloilo International of Guam	24of 55	150.00				150.00		Miss Dinagyang 2009
9/8/09	1040	St. Francis Catholic	47of 55	750.00				750.00		3rd Annual $75 dinner
9/11/09	1049	United Recording Artists Association	52of 55	100.00				100.00		Fundraiser
9/14/09	1050	Youth Enhancement and Support	54of 55	1,000.00				1,000.00		Fidgety Fairy Tales
9/17/09	1059	Saint Anthony Catholic School	44of 55	250.00				250.00		5K Run/Walk
10/1/09	1089	Purebred Jiu Jitsu Academy Guam	40of 55	50.00				50.00		10-30-09 Fundraiser
10/2/09	1087	Guam Masters Basketball	22of 55	50.00				50.00		9/25/09 Fundraiser
10/2/09	1080	Class of 59 Association	9of 55	50.00				50.00		King & Queen Contest
10/5/09	1093	Merizo Municipal Planning Council	34of 55	100.00				100.00		Water Festival
10/5/09	1094	Giants Booster Club	18of 55	500.00				500.00		GYFL
10/5/09	1097	San Vicente Church	45of 55	500.00				500.00		Partnership in Renovation Luncheon

Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
8/20/09	1002	Maria Taisacan	33of 55	50.00	50.00					Medical
8/27/09	1022	Janelle Salas	25of 55	30.00	30.00					Medical
8/27/09	1024	Martin C. Aldan	34of 55	40.00	40.00					Medical
8/27/09	1026	Martin Salas	34of 55	50.00	50.00					Medical
8/27/09	1025	Rosa Hunt	43of 55	50.00	50.00					Medical
8/28/09	1028	Carmen Cabrera	6of 55	100.00	100.00					Medical
9/8/09	1042	Frank L.G. Finona	17of 55	50.00	50.00					Medical
9/8/09	1038	Joey Cepeda	27of 55	100.00	100.00					Medical
9/23/09	1068	Roland Prog	43of 55	40.00	40.00					Prescription
10/16/09	1112	Emeledcia Atoigue	15of 55	40.00	40.00					Medical
10/16/09	1118	Marie Socorro Tingson	33of 55	40.00	40.00					Medical
10/29/09	1137	Roland Prog	43of 55	50.00	50.00					Prescription
11/5/09	1152	Loise Perez-Han	32of 55	50.00	50.00					Medical
11/27/09	1031	Kirk Cruz	30of 55	40.00	40.00					Medical Fundraiser
11/27/09	1207	Ryan Camacho	44of 55	100.00	100.00					Medical Fundraiser
12/3/09	1222	Sheliene C. Duenas	46of 55	200.00	200.00					Medical
12/4/09	1224	Pete Reyes	39of 55	100.00	100.00					Medical Fundraiser
1/4/10	1046	Melissa R. Wusstig	34of 55	50.00	50.00					Medical
1/8/10	1276	Francisco C. Blas, Jr.	17of 55	20.00	20.00					Medical
1/8/10	1277	Annie B. Cabrera	2of 55	30.00	30.00					Medical
1/8/10	1263	Brenda Atalig	5of 55	40.00	40.00					Medical
1/8/10	1264	Tina M. Tainatongo	49of 55	50.00	50.00					Medical
1/12/10	1073	Monica D. Bossy	35of 55	30.00	30.00					Medical
1/12/10	1074	Trisa Ann. C. Reyes	51of 55	50.00	50.00					Medical
1/28/10	1284	Kenneth M. Naputi, Jr.	30of 55	50.00	50.00					Medical
2/4/10	1118	Joseph San Nicolas	29of 55	40.00	40.00					Medical
2/4/10	1111	Janet Camacho	25of 55	100.00	100.00					Medical
2/16/10	1137	George Siro	18of 55	50.00	50.00					Medication





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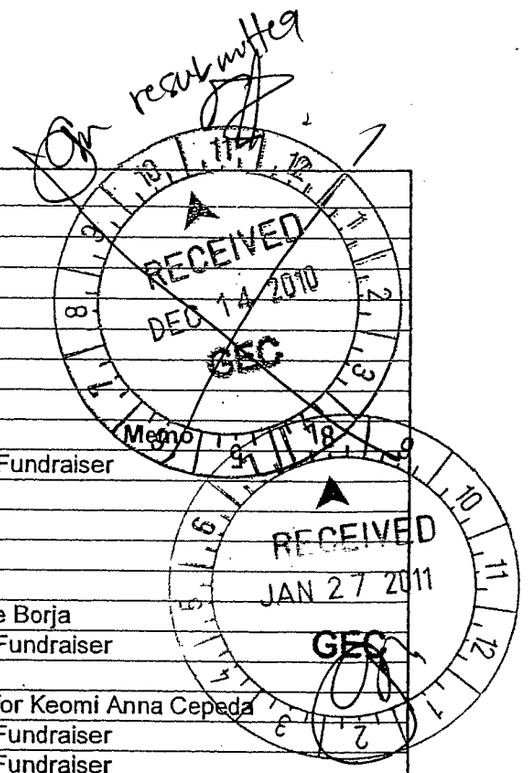
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
2/19/10	1147	George Muna	18of 55	21.00	21.00					Medical Fundraiser
2/19/10	1146	Ronald Meno	43of 55	50.00	50.00					Medical
2/22/10	1167	Candilyn Terlaje	6of 55	50.00	50.00					Medical
3/3/10	1306	George Bamba	18of 55	50.00	50.00					Medical
3/3/10	1305	Vincent Quinata	53of 55	50.00	50.00					Medical
3/18/10	1318	Jason Castro	25of 55	50.00	50.00					Jolie-Rae Borja
3/18/10	1316	Ivan Borja	25of 55	50.00	50.00					Medical Fundraiser
3/18/10	1319	Jocelyn Anderson	27of 55	50.00	50.00					Medical
3/18/10	1204	Chrystal Rosario	8of 55	100.00	100.00					Medical for Keomi Anna Cepeda
3/25/10	1235	Joseph Mendiola	29of 55	100.00	100.00					Medical Fundraiser
3/29/10	1245	Jaime Martinez	25of 55	100.00	100.00					Medical Fundraiser
4/8/10	1366	Elizabeth Tyquingco	15of 55	50.00	50.00					Medical
4/14/10	1249	Audra Reyes	3of 55	40.00	40.00					Medical Fundraiser
4/20/10	1256	Anna M. Cariaso	2of 55	50.00	50.00					Medical Fundraiser
5/10/10	1292	David Espinosa	10of 55	50.00	50.00					Medical
5/10/10	1293	Lillian Cheguina	31of 55	50.00	50.00					Medical
5/10/10	1297	Tammy Quinata	47of 55	50.00	50.00					Medical
5/14/10	1327	Dora S.N. Duco	13of 55	50.00	50.00					Medical for F.R. Jaiesha Flores
5/14/10	1326	Beatrice Lujan Salas	3of 55	50.00	50.00					Medical
5/18/10	1335	Florence M.S. Taitague	16of 55	40.00	40.00					Medical
5/18/10	1333	Jonathan B. Untalan	28of 55	50.00	50.00					Medical
5/18/10	1334	LucyMarie Ignacio Siguenza	32of 55	50.00	50.00					Medical
5/21/10	1382	Daniel Sablan	10of 55	30.00	30.00					Medication
5/21/10	1376	Shawn E. Abay Wolford	45of 55	50.00	50.00					Medical
5/21/10	1381	Daniel Sablan	10of 55	60.00	60.00					Vision
5/21/10	1362	Florence Taitague	16of 55	200.00	200.00					Medical
6/7/10	1403	William B. Salas	54of 55	50.00	50.00					Medical Fundraiser
6/15/10	1406	Joaquin Barcinas	27of 55	60.00	60.00					Medical



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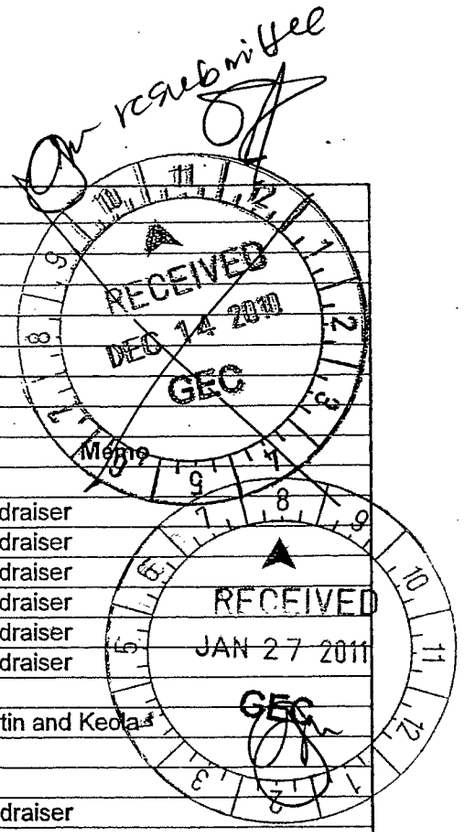
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
6/21/10	1416	David S.N Aguon	11of 55	40.00	40.00					Medication
7/12/10	1476	Joaquin Castro Duenas	27of 55	40.00	40.00					Medical Fundraiser
7/12/10	1480	Priscilliana Toves	40of 55	40.00	40.00					Medical Fundraiser
7/12/10	1478	William B. Salas	54of 55	40.00	40.00					Medical Fundraiser
7/12/10	1477	Frankie M. Rosario	17of 55	50.00	50.00					Medical Fundraiser
7/12/10	1473	Catherine Salas	7of 55	50.00	50.00					Medical Fundraiser
7/12/10	1471	Rosario Lujan	43of 55	90.00	90.00					Medical Fundraiser
8/6/10	1503	Salvador Balao	45of 55	30.00	30.00					Medical
8/6/10	1502	Therese Salas	49of 55	40.00	40.00					Medical-Martin and Keola
8/6/10	1505	Lourdes Taman Kintaro	32of 55	50.00	50.00					Medical
8/6/10	1504	Vincent B. Blas	53of 55	50.00	50.00					Medical
8/6/10	1514	Millie Mesa Asuncion	35of 55	100.00	100.00					Medical Fundraiser
8/27/10	1549	Keith A. Cepeda	30of 55	50.00	50.00					Medical Fundraiser
9/14/10	1601	Joaquin Castro Duenas	S-7	60.00	60.00					Medical Fundraiser
11/12/10	1690	Bernadita A. Toves	4of 55	50.00	50.00					Medical
9/17/09	1057	Mae Palomo Quenga	33of 55	50.00		50.00				Off-island medical
9/17/09	1060	Theodore Killdall	48of 55	50.00		50.00				Off-island medical
9/17/09	1056	Yvonne Quifunas	54of 55	100.00		100.00				Off-island medical
10/2/09	1084	John Aguon	28of 55	30.00		30.00				Off-island medical
10/2/09	1083	Andrina M. Crisostomo-Cruz	2of 55	30.00		30.00				Off-island medical
10/2/09	1082	Richard B. Miner	41of 55	30.00		30.00				Off-island medical
10/2/09	1085	Ed Benavente	14of 55	40.00		40.00				Off-island medical
10/2/09	1081	Rose N. Rabago	43of 55	50.00		50.00				Off-island medical
10/2/09	1079	Tricia Ann C. Reyes	50of 55	50.00		50.00				Off-island medical
10/9/09	1102	Trinie C. Mendiola	50of 55	50.00		50.00				Off-island medical
10/16/09	1114	Delbert G. Ofalla	11of 55	40.00		40.00				Off-island medical
10/16/09	1117	Melissa M. Benavente	34of 55	40.00		40.00				Off-island medical
10/16/09	1113	Pamela A. Benavente	38of 55	50.00		50.00				Off-island medical



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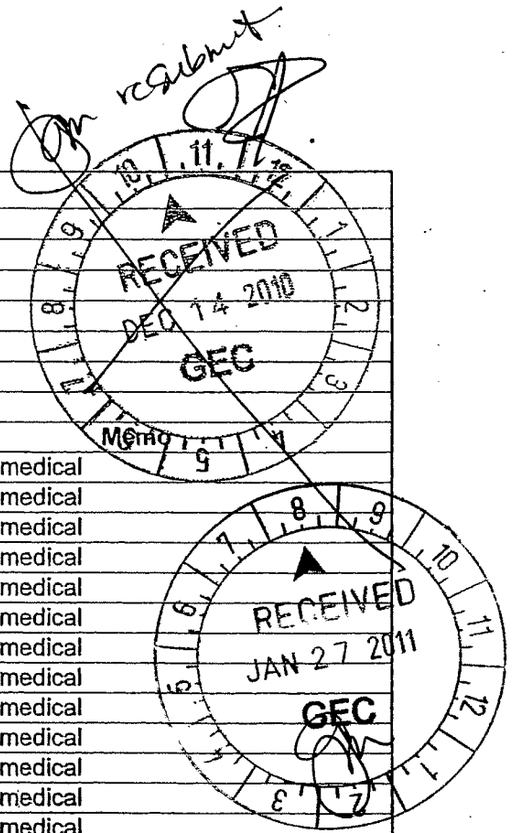
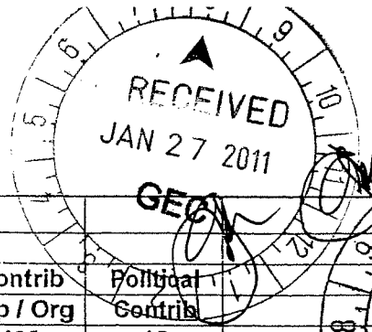
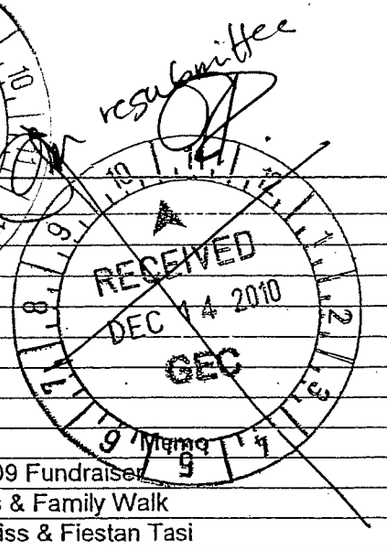
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
10/22/09	1126	Norma Jean Pinaroc	36of 55	40.00		40.00				Off-island medical
11/5/09	1143	Benita L.G. Cruz	3of 55	40.00		40.00				Off-island medical
11/16/09	1018	Doris S.A Santiago	13of 55	40.00		40.00				Off-island medical
11/16/09	1015	Regina Lujan	41of 55	40.00		40.00				Off-island medical
11/16/09	1016	Carol V. Jenkins	6of 55	40.00		40.00				Off-island medical
11/16/09	1012	Janice Taitano Quichocho	25of 55	50.00		50.00				Off-island medical
11/16/09	1019	Robert J. Fejeran	42of 55	50.00		50.00				Off-island medical
11/19/09	1029	Joseph A. Torres	29of 55	40.00		40.00				Off-island medical
11/27/09	1205	Manuela Cepeda	S-8	100.00		100.00				Off-island medical
12/3/09	1221	Gina Powell	18of 55	40.00		40.00				Off-island medical
12/3/09	1215	Lisa Aguon	32of 55	50.00		50.00				Off-island medical
1/4/10	1034	Ann Marie Meno Pelobello	2of 55	50.00		50.00				Off-island medical
1/8/10	1273	Celina D. Elmer	7of 55	30.00		30.00				Off-island medical
1/8/10	1274	John Garrido	28of 55	50.00		50.00				Off-island medical
1/28/10	1283	Enriqueta Q.M. Cacho	15of 55	40.00		40.00				Off-island medical
2/3/10	1101	Annie B. Cabrera	2of 55	50.00		50.00				Off-island medical
2/3/10	1104	Shawna L. Duenas	45of 55	50.00		50.00				Off-island medical
2/4/10	1114	Chrystal Rosario	8of 55	40.00		40.00				Off-island medical
2/4/10	1113	Joannie Siguenza	27of 55	50.00		50.00				Off-island medical
2/5/10	1122	Virginia T. Tainatongo	54of 55	50.00		50.00				Off-island medical
2/19/10	1149	Eileen Naputia Salas	15of 55	40.00		40.00				Off-island medical
2/19/10	1152	Reynold S. Alizon	41of 55	40.00		40.00				Off-island medical
2/19/10	1153	Dorna Aguon	13of 55	50.00		50.00				Off-island medical
2/22/10	1166	Georgette C. Gomez	18of 55	50.00		50.00				Off-island medical
3/3/10	1303	Herman F. Quifunas	23of 55	50.00		50.00				Off-island medical
3/11/10	1197	Deborah Gumataotao	11of 55	50.00		50.00				Off-island medical
3/18/10	1317	Rose Martinez Certeza	43of 55	50.00		50.00				Off-island medical
3/25/10	1226	Priscilla Guerrero	40of 55	30.00		30.00				Off-island medical







resubmittee

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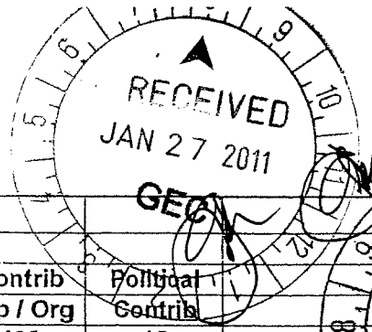
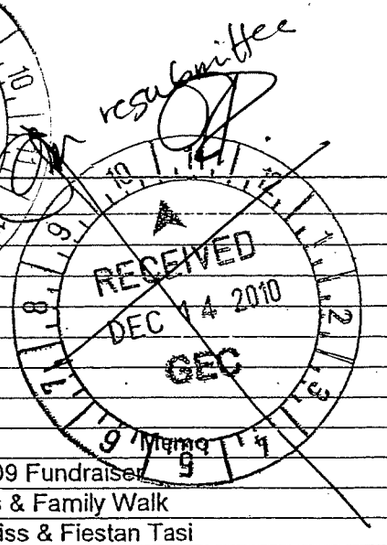
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo	
10/16/09	1115	Purebred Jiu Jitsu Academy Guam	40of 55	100.00				100.00		10-30-09 Fundraiser	
10/21/09	1122	Down Syndrome Association of Guam	14of 55	50.00				50.00		Friends & Family Walk	
10/23/09	1132	Malesso Fiestan Tasi	33of 55	105.00				105.00		Little Miss & Fiestan Tasi	
10/29/09	1139	Tamuning Elementary School PTA	47of 55	250.00				250.00		Run/Walk 11/7/09	
11/5/09	1156	Guam Island Dragons Basketball Club	21of 55	50.00				50.00		Tournaments	
11/5/09	1148	Iloilo International of Guam	24of 55	120.00				120.00		Tickets 053-058	
11/5/09	1149	Iloilo International of Guam	24of 55	180.00				180.00		Tickets 201-206	
11/5/09	1154	Saint Paul Christian School	45of 55	500.00				500.00		All-Star Shootout	
11/10/09	1165	St. Joseph Church	47of 55	100.00				100.00		Ticket 84 and 85-Fr Torres 52nd birthday	
11/16/09	1017	Guam Vollybal Association	23of 55	40.00				40.00		2009 East Asian Games	
11/17/09	1020	GMH Volunteers Association	22of 55	50.00				50.00		Raffle	
11/18/09	1023	Jayz Sportswear	25of 55	150.00				150.00		FD Alumni Tournament	
11/19/09	1027	GVB Employees Association	23of 55	50.00				50.00		Fundraiser 11/23/09	
11/19/09	1028	Mustard Seed Inc.	36of 55	64.00				64.00		Family Mystery Dinner Theater	
11/19/09	1026	Marianas Judo Association	33of 55	100.00				100.00		Hong Kong 2009	
11/20/09	1193	Father Duenas Memorial School	16of 55	100.00				100.00		Christmas concert	
11/20/09	1351	Guam National Youith Football Federation	22of 55	1,500.00				1,500.00		Invoice 09-002	
11/27/09	1204	Guam National Volleyball Team	22of 55	50.00				50.00		11/29/09 Fundraiser	
12/3/09	1223	Guam Power Authority Employees Assoc	18of 55	30.00				30.00		Christmas Celebration	
12/3/09	1217	Parsons Guam Youth Football League	38of 55	30.00				30.00		Ewa Beach, Hawaii	
12/3/09	1212	Junior Achievment of Guam	30of 55	50.00				50.00		Bowling Fundraiser	
12/3/09	1213	Barrigada Basketball Club	3of 55	50.00				50.00		World Youth Basketball Tournament	
12/3/09	1214	Inetnon Gef Pago	24of 55	100.00				100.00		Calendar fundraiser	
12/3/09	1218	San Vicente Catholic School Alumni Associati	45of 55	150.00				150.00		Golf Tournament	
12/7/09	1226	We the People	54of 55	1,000.00				1,000.00		We the people Concert	
12/9/09	1245	SKIP Entertainment	46of 55	80.00				80.00		0512-0516	
12/18/09	1247	Legislative Employees Association	31of 55	430.00				430.00		None listed	
12/21/09	1249	GMH Volunteers Association	18of 55	120.00				120.00		Hyatt Regency Fundraiser	





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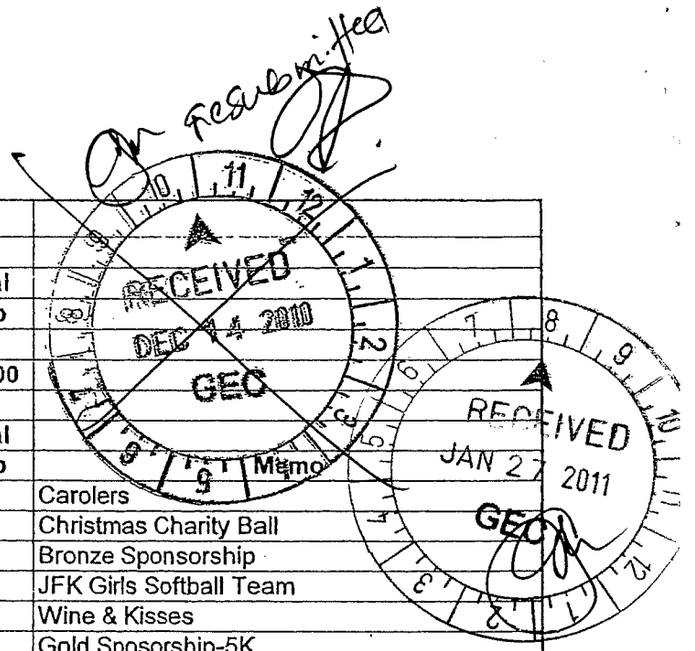
10/16/09	1115	Purebred Jiu Jitsu Academy Guam	40of 55	100.00				100.00		10-30-09 Fundraiser	
10/21/09	1122	Down Syndrome Association of Guam	14of 55	50.00				50.00		Friends & Family Walk	
10/23/09	1132	Malesso Fiestan Tasi	33of 55	105.00				105.00		Little Miss & Fiestan Tasi	
10/29/09	1139	Tamuning Elementary School PTA	47of 55	250.00				250.00		Run/Walk 11/7/09	
11/5/09	1156	Guam Island Dragons Basketball Club	21of 55	50.00				50.00		Tournaments	
11/5/09	1148	Iloilo International of Guam	24of 55	120.00				120.00		Tickets 053-058	
11/5/09	1149	Iloilo International of Guam	24of 55	180.00				180.00		Tickets 201-206	
11/5/09	1154	Saint Paul Christian School	45of 55	500.00				500.00		All-Star Shootout	
11/10/09	1165	St. Joseph Church	47of 55	100.00				100.00		Ticket 84 and 85-Fr Torres 52nd birthday	
11/16/09	1017	Guam Vollybal Association	23of 55	40.00				40.00		2009 East Asian Games	
11/17/09	1020	GMH Volunteers Association	22of 55	50.00				50.00		Raffle	
11/18/09	1023	Jayz Sportswear	25of 55	150.00				150.00		FD Alumni Tournament	
11/19/09	1027	GVB Employees Association	23of 55	50.00				50.00		Fundraiser 11/23/09	
11/19/09	1028	Mustard Seed Inc.	36of 55	64.00				64.00		Family Mystery Dinner Theater	
11/19/09	1026	Marianas Judo Association	33of 55	100.00				100.00		Hong Kong 2009	
11/20/09	1193	Father Duenas Memorial School	16of 55	100.00				100.00		Christmas concert	
11/20/09	1351	Guam National Youith Football Federation	22of 55	1,500.00				1,500.00		Invoice 09-002	
11/27/09	1204	Guam National Volleyball Team	22of 55	50.00				50.00		11/29/09 Fundraiser	
12/3/09	1223	Guam Power Authority Employees Assoc	18of 55	30.00				30.00		Christmas Celebration	
12/3/09	1217	Parsons Guam Youth Football League	38of 55	30.00				30.00		Ewa Beach, Hawaii	
12/3/09	1212	Junior Achievment of Guam	30of 55	50.00				50.00		Bowling Fundraiser	
12/3/09	1213	Barrigada Basketball Club	3of 55	50.00				50.00		World Youth Basketball Tournament	
12/3/09	1214	Inetnon Gef Pago	24of 55	100.00				100.00		Calendar fundraiser	
12/3/09	1218	San Vicente Catholic School Alumni Associati	45of 55	150.00				150.00		Golf Tournament	
12/7/09	1226	We the People	54of 55	1,000.00				1,000.00		We the people Concert	
12/9/09	1245	SKIP Entertainment	46of 55	80.00				80.00		0512-0516	
12/18/09	1247	Legislative Employees Association	31of 55	430.00				430.00		None listed	
12/21/09	1249	GMH Volunteers Association	18of 55	120.00				120.00		Hyatt Regency Fundraiser	



Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
1/4/10	1047	Batangas & Southern Tagalog Association	3of 55	30.00				30.00		Carolers
1/4/10	1044	Guam Medical Association	22of 55	100.00				100.00		Christmas Charity Ball
1/4/10	1039	USAG	52of 55	150.00				150.00		Bronze Sponsorship
2/4/10	1112	Hornet International	24of 55	200.00				200.00		JFK Girls Softball Team
2/16/10	1138	The Tourism Education Council	48of 55	120.00				120.00		Wine & Kisses
2/16/10	1139	Moylan;s	36of 55	2,000.00				2,000.00		Gold Sposorship-5K
2/22/10	1159	Saint Anthony Catholic School	44of 55	300.00				300.00		2010 March Madness Basketball Tournament
2/22/10	1160	Notre Dame High School Inc.	37of 55	1,000.00				1,000.00		Gala Dinner
3/2/10	1300	Guam Cal Ripken Rookie League	20of 55	200.00				200.00		Agana Heights Cougars
3/3/10	1304	John F. Kennedy High School	28of 55	125.00				125.00		"Kanton Ladera" yearbook
3/3/10	1312	University of Guam	52of 55	150.00				150.00		1/2 page ad-UOG Singers
3/3/10	1313	St. Francis Catholic	47of 55	600.00				600.00		Golf Tournament Hole Sponsor
3/9/10	1246	Guam National Youith Football Federation	22of 55	4,500.00				4,500.00		None listed
3/25/10	1335	Santa Barbara Catholic School	45of 55	30.00				30.00		Spring Production
3/25/10	1221	AIJMS PTO	1of 55	45.00				45.00		8th Grade Promotional
3/25/10	1229	Luis P. Untalan Middle School	32of 55	50.00				50.00		Special Olympics
3/25/10	1228	Southern High School	46of 55	50.00				50.00		2010 Special Olympics
3/25/10	1328	Relay for Life	41of 55	100.00				100.00		Team Calvo Ent
3/29/10	1243	American Cancer Society	2of 55	500.00				500.00		Plane Pull
3/31/10	1336	George Washington High School Math Club	18of 55	100.00				100.00		5K Run/Walk
4/8/10	1365	Catholic Social Service	7of 55	200.00				200.00		4th Annual Spring Gala
4/16/10	1253	GMH Volunteers Association	18of 55	1,000.00				1,000.00		10 tickets - Charity Ball
4/20/10	1261	2010 Talofofo Banana Festival	1of 55	50.00				50.00		Little Miss Banana
4/20/10	1263	J.Q. San Miguel Elem. School	25of 55	75.00				75.00		5th Grade Commencement
4/20/10	1260	St. Francis Catholic	47of 55	500.00				500.00		Crusade to Educate Bronze Sponsor
4/29/10	1272	Father Duenas Memorial School	16of 55	500.00				500.00		Donation
5/10/10	1295	Glass Slipper Productions	18of 55	150.00				150.00		Rosalia Cruz-2010 Guam Cinderella Scholarsh
5/10/10	1296	Liguan Elementary School	31of 55	150.00				150.00		Yearbook

Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
5/10/10	1299	Guam Cal Ripken Baseball Association	20of 55	200.00				200.00		2010 season
5/12/10	1311	Pacific Sportswear	38of 55	1,200.00				1,200.00		2010 Monster/Gatorade Tournament
5/14/10	1322	Youth for Youth LIVE! Guam	54of 55	50.00				50.00		Club Hype
5/18/10	1342	Fusion Dance Center	17of 55	60.00				60.00		Las Vegas
5/18/10	1331	Assocition of Government Accountants	3of 55	100.00				100.00		AGA 5K
5/21/10	1351	Immaculate Heart of Mary	24of 55	500.00				500.00		Golf Tournament
5/21/10	1371	Guam Ukulele Club	22of 55	1,000.00				1,000.00		Brittni Paiva Sponsorship
5/21/10	1372	Inetnon Gef Pago	24of 55	2,500.00				2,500.00		Sponsorship
5/24/10	1354	UOG Endowment Foundation Inc.	52of 55	1,500.00				1,500.00		Inne Sotto Fashion Show 2010
6/7/10	1399	Suns Basketball Club	47of 55	75.00				75.00		Summer Youth Basketball League
6/11/10	1396	Nino Perido Y Sagradan Familia Parish	36of 55	50.00				50.00		Fundraiser
6/21/10	1426	JFK High School PTSA	27of 55	25.00				25.00		Car Wash
6/21/10	1427	Guam Cal Ripken Baseball Association	20of 55	40.00				40.00		9-10 Division
6/21/10	1414	Suns Basketball Club	47of 55	200.00				200.00		Sponsorship
6/21/10	1441	Mark's Sporting Goods	34of 55	1,498.00				1,498.00		A-6155
7/1/10	1441	Knights of Columbus	30of 55	1,000.00				1,000.00		Blessed Table Sponsorship
7/2/10	1448	Guam Junior Golf Academy	21of 55	1,000.00				1,000.00		3rd Tier Sponsor
7/8/10	1477	Guam Medical Association	22of 55	1,000.00				1,000.00		#070810
7/12/10	1465	Guam Medical Association	22of 55	1,000.00				1,000.00		Ticket 151-200
8/6/10	1499	The Blue Shield Association	48of 55	50.00				50.00		Ceremony - Torre
8/6/10	1506	Guam Amateur Softball Federation	20of 55	100.00				100.00		2010 Micronesia Games
8/6/10	1507	Guam Little League	21of 55	100.00				100.00		Softball World Series
8/6/10	1508	2010 Annual Summer Softball League	1of 55	350.00				350.00		Entrance Fee
8/6/10	1509	American Red Cross	2of 55	500.00				500.00		Hole Sponsor
8/25/10	1545	Archdiocese of Agana	3of 55	25.00				25.00		Carwash tickets
8/27/10	1576	Guam Harmony Lions Club	21of 55	150.00				150.00		Dance for a Cause
9/14/10	1603	St. Anthony - St. Victor Church	S-13	50.00				50.00		Fundraiser
9/14/10	1602	Chamorro Golf Club Association	S-2	50.00				50.00		FIL-AM Tournament

OK resubmitted

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GEC

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JAN 27 2011
GEC

Analysis of Calvo Tenorio Campaign Report										
Potential Violations of 3 GCA Section 19112										
				Totals	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	
		SUMMARY	# of Cks	324	71	79	59	100	15	
			$ Amt	60,967.66	4,071.00	4,560.00	10,189.66	39,297.00	2,850.00	
Date	Num	Payee	Pg Ref	Amount	Medical	Off-Island Medical	Contrib Individual	Contrib Grp / Org	Political Contrib	Memo
9/22/10	1523	St. Francis Catholic	S-13	2,000.00				2,000.00		Dinner Sponsor
8/25/09	1011	Brian M. Mendiola	5of 55	50.00					50.00	13th Rota Municipal Council
8/26/09	1021	Vic Gaza 2010	52of 55	100.00					100.00	Lunch with Vic
8/28/09	1027	Mr. Lino S. Tenorio	36of 55	50.00					50.00	Fundraiser Running for Mayor
9/15/09	1055	Senator A.B. Palacios	45of 55	100.00					100.00	Seafood Chef Fundraiser
10/29/09	1140	Committee to Elect Frank Blas Jr	9of 55	80.00					80.00	11/29/09 Ralphy's
11/5/09	1151	Friends of Telo	17of 55	200.00					200.00	Sunset Cocktail Fundraiser
11/12/09	1169	Steve Mesngon	47of 55	100.00					100.00	Rota Mayor Candidate
11/12/09	1171	Vic Gaza 2010	52of 55	100.00					100.00	11/11/09 Fundraiser
2/5/10	1120	Judith Won Pat	29of 55	100.00					100.00	We Are Guahan
2/8/10	1130	Republican Party of Guam	41of 55	1,000.00					1,000.00	None listed
2/26/10	1290	The Committee to Re-Elect Telo	48of 55	100.00					100.00	Kadu with Telo
2/26/10	1291	Friends for Tony	17of 55	150.00					150.00	Fundraiser
5/21/10	1375	Friends of Telo	17of 55	500.00					500.00	Pledge a Sign
5/26/10	1292	Friends for Chris	17of 55	120.00					120.00	Fundraiser
8/6/10	1510	Friends for Chris	17of 55	100.00					100.00	Lunch at Ralphy's

Resubmitted

RECEIVED
DEC 14 2010
GEC

RECEIVED
JAN 27 2011
GEC

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

Your VOTE is your voice. [√] BOTA ya un ma kuenta.

January 13, 2012

Alice M. Taijeron
Chairperson
Democrat

Martha C. Ruth
Vice-Chairperson
Republican

Joseph F. Mesa
Member
Republican

Johnny P. Taitano
Member
Republican

Donald I. Weakley
Member
Democrat

Christopher L. Carillo
Member
Democrat

G. Patrick Civille
Member
Independent

Maria I.D. Pangelinan
Ex Officio Secretary
Executive Director

MEMORANDUM

TO: Leonardo M. Rapadas, Attorney General of Guam

FROM: Maria I.D. Pangelinan, Executive Director

SUBJECT: 2010 General Election Administrative Complaints on Barrigada Precinct 15C and (2) CNMI Double Votes

Hafa Adai! The Guam Election Commission (GEC) respectfully submits administrative complaints from Mr. William F. Manley and Ms. Dolores C. Manley, regarding suspicious activities that occurred during the 2010 General Election at the Barrigada polling site, specifically Precinct 15C. The complaints stem from the complainants witnessing precinct officials marking the original signature roster after the closing of the polls at 8:00 p.m.

On two separate occasions November 16, 2010 and December 13, 2010 the GEC 2010 General Election Subcommittee tasked to review all administrative Complaints and discrepancies regarding the 2010 General Election, interviewed the members in Precinct 15C regarding the above complaint and other issues that occurred in their precinct. The transcriptions of these interviews are also attached.

Mr. Carlo Branch submitted an administrative complaint on fraudulent voters on the 2010 General Election dated Dec. 1, 2010. Then GEC Executive Director John F. Blas assigned GEC employee Mr. Tom San Agustin to verify the data with the GEC database of registered voters and the original signature rosters of the 2010 General Election. Together with the Commonwealth Election Commission (CNMI) Director Mr. Robert A. Guerrero, Mr. Blas was able to verify that the registration and voting status of the list of individuals provided by Mr. Branch, in regards to the CNMI Elections. As the current GEC Executive Director, I instructed Mr. Tom San Agustin together with Mr. Joseph Iseke to re-verify the list that was submitted by Mr. Branch back in December 2010. Correspondence from Commonwealth Election Commission Director Robert Guerrero that were recently re-sent to GEC are also attached.

The minutes of January 26, 2011, former Guam Election Commissioner Robert Cruz stated that the complaints had been filed. After compiling documents from the files of the Guam Election Commission on these complaints, the GEC requested that I, as the current Executive Director turn over these documents to your office for appropriate action.

Si Yu'os ma'ase' for the assistance of your office will help to ensure fair and honest elections.

Attachments

RECEIVED
FEB 09 2012
1:15 PM
Office of the Attorney General of Guam
Civil/Solicitor Division

414 W. Soledad Ave. • GCIC Bldg. Ste. 200 • Hagåtña, Guam 96910
671. 477.9791 (tel) • 671. 477.1895 (fax)
vote@gec.guam.gov (e-mail) • www.gec.guam.gov (website)

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

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DEC 1 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: Branch First Name: Carlo M.I.: J.

Address: 107 Thomas Street

City: Tamuning State: Guam Zip Code: 96913

Day Phone: 687-7567 Evening Phone: 687-7567 Fax No: —

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ■ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: _____

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ■ Other Federal Law Violation: Observed casting of fraudulent vote
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

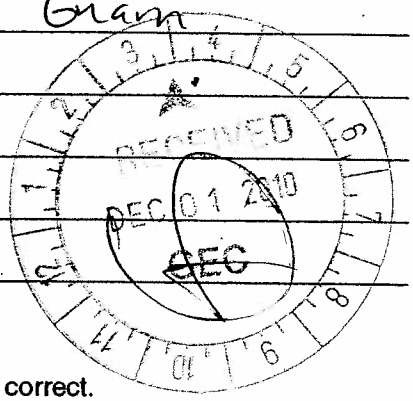
Continue on Reverse Side

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

– SEE ATTACHMENT –
"19 Double Voters in Guam and CNMI"



Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: 12/1/10 (Date) at: Hagatna (City / State or Territory)

Signature of Person Filing Complaint: _____

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Guam) SS

On: December 1, 2010 (Date) before me, David P. Charguralaf Jr. (Name of Notary)

personally appeared Carlo Jude D. Branch (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.

(Notary Seal)

_____
(Notary Signature)

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
√ 1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
√ 2	Atalig	Laralyn C.	7/23/1987	17388	15	√	7 - Rota	0
√ 3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
√ 4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
√ 5	Douglas	Downna M.	11/21/1971	3930	14 ~~11A~~	√	1B - San Vicente	√
X 6	Hocog	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
√ 7	Lizama	Jesus T.	9/7/1946	59434	18 ~~11A~~	√	3B - Garapan	√
√ 8	Lizama	Richard T.	10/25/1954	19075	11A ~~14A~~	√	1B - San Vicente	0
√ 9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
√ 10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
√ 11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
√ 12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
√ 13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
√ 14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
√ 15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
√ 16	Ogo	Talia Meshay A.	6/15/1989	19450	15B	0	7 - Rota	√
X 17	Palacios	Francisco E.	8/25/1987	35418	11A	√	1C - Koblerville	√
18	Sievers	Sharon R.	8/5/1985	58120	7A	√		
√ 19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

1 voted

12. voted

13. voted absentee

19. Tenorio, Tricia Lyn - no vote

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
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3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
5	Douglas	Downna M.	11/21/1971	3930	11A	√	1B - San Vicente	√
6	Hocog	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	11A	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	14A	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
16	Ogo	Talia Meshay A.	6/15/1989	19450	15B	0	7 - Rota	√
17	Palacios	Francisco E.	8/25/1987	35418	11A	√	1C - Koblerville	√
18	Sievers	Sharon R.	8/5/1985	58120	7A	√		
19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

SYSTEMS LASTNAME IS SPELLED SEIVERS

SYSTEMS LASTNAME IS SPELLED SEIVERS

			Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
1			**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
2			7/23/1987	17388	15	√	7 - Rota	0
3			1/11/1969	3190	15	√	7 - Rota	0
4			8/9/1950	3815	14	√	7 - Rota	√
5			11/21/1971	3930	11A	√	1B - San Vicente	√
6	[illegible]og	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	11A	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	14A	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
16	Ogo	Talia Meshay A.	6/15/1989	19450	15B	0	7 - Rota	√
17	Palacios	Francisco E.	8/25/1987	35418	11A	√	1C - Koblerville	√
18	Sievers	Sharon R.	8/5/1985	58120	7A	√		
19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

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2	Atalig	Laralyn C.	7/23/1987	17388	15	√	7 - Rota	0
3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
4	Camacho	Agnes	8/9/1950	3815	14	√	7 - Rota	√
5	Douglas	Downna M.	11/21/1971	3930	14 ~~11A~~	√	1B - San Vicente	√
6	Hocog	Rhea B.	11/16/1984	35439	11A ~~12~~	√	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	12 ~~11A~~	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	14A ~~14A~~	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	√	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	√	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	√	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	√	7 - Rota	0
14	Ogo	Severina A.	11/17/1953	27925	10A	√	7 - Rota	√
15	Ogo	Shawn W.	11/25/1972	1552	10A	√	7 - Rota	√
16	Ogo	Talia Meshay A.	6/15/1989	19450	15B	0	7 - Rota	√
17	Palacios	Francisco E.	8/25/1987	35418	11A	√	1C - Koblerville	√
18	Sievers	Sharon R.	8/5/1985	58120	7A	√		
19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

	Last Name	First M.I.	Date of Birth	Guam Election Comm. Reg.#	Guam Precinct	Voted √ Guam Election	CNMI Election District Reg.	Voted √ CNMI Election
1	**Atalig**	**Cliff M**	**3/14/1982**	**1221**	**10**	**√**	**7 - Rota**	**√**
2	Atalig	Laralyn C.	7/23/1987	17388	15	√	7 - Rota	0
3	Atalig	Thomas A.G.	1/11/1969	3190	15	√	7 - Rota	0
4	Camacho	Agnes D.	8/9/1950	3815	14	√	7 - Rota	√
5	Douglas	Downna M.	11/21/1971	3930	11A	√	1B - San Vicente	√
6	Hocog	Rhea B.	11/16/1984	35439	12	√	7 - Rota	√
7	Lizama	Jesus T.	9/7/1946	59434	11A	√	3B - Garapan	√
8	Lizama	Richard T.	10/25/1954	19075	14A	√	1B - San Vicente	0
9	Manglona	Richard	1/9/1988	4011	14A	Absentee √	7 - Rota	√
10	Manglona	Teresita M.	5/17/1968	116942	14A	Absentee √	6 - Tinian	√
11	Manglona	Zena C.	3/26/1969	9797	14A	Absentee √	7 - Rota	0
12	Montano	Catherine V.	2/12/1988	17562	16B	√	2 - Chalan Kanoa	0
13	Ogo	Joaquin M.	3/1/1962	30505	14A	Absentee √	7 - Rota	0
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19	Tenorio	Tricia Lynn T.	8/3/1972	19599	16C	0	5 - Kagman	√

Thomas A.G Atalig : Name misspelled

(9.) Voted Absentee

(10.) Absentee

(11.) Absentee

(13.) Absentee

November 30, 2010

John M. Weisenberger
Attorney General of Guam
287 West O'Brien Drive
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

Dear General Weisenberger,

As a concerned citizen and registered voter of Guam, I believe that our electoral process is sacred and that any attempt to knowingly defraud the integrity of an election should be punished as prescribed by law.

As a result of independent research that has been verified for accuracy, attached is a list of 19 individuals who voted in both the 2010 Guam and CNMI General Elections. As you well know, the act of "double voting " clearly and criminally violates both Federal and local election law.

Given my limited resources as an individual citizen I remain concerned that the number of "fraudulent voters" referenced above may represent only a small fraction of a much larger whole. I fear that without the pursuit of rationally based criminal charges against the named individuals I have attached hereto, everyday citizens may never fully understand the impact of double voters on this year's election. Absent the full weight of your Office, Guam's voters may be robbed of an election that is fair, accurate, and free of undue influence from outside forces.

Should you have any questions or concerns regarding this complaint please contact me at (671) 687-7567 or carlo.branch@gmail.com

Sincerely,

Carlo Branch

RECEIVED
NOV 30 2010
1:10 PM
Office of the Attorney General of Guam
Civil/Solicitor Division



November 30, 2010

Mr. John Blas, Executive Director
Guam Election Commission
2nd Floor, GCIC Building
Hagatna, Guam 96910

Dear Mr. Blas,

This correspondence is sent to formally notify you of my transmittal of the attached to the following:

1. Eric H Holder, Jr. Attorney General of the United States
2. Marivic David Asst. US Attorney for Guam
3. John M. Weisenberger Attorney General of Guam

Sincerely,

Carlo N. Branch

Attachments:

1. Letters of Criminal Complaint
2. List of CNMI/Guam Double Voters

November 30, 2010

Eric H. Holder, Jr.
Attorney General of the United States
US Department of Justice
950, Pennsylvania Avenue, NW
Washington D.C. 20530-0001

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

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Sincerely,

Carlo Branch

November 30, 2010

Ms. Marivic David, Asst. US Attorney
Office of the Asst. US Attorney for Guam
Suite 500, Sirena Plaza
Hagatna, Guam 96910

Subject: Filing of criminal complaint regarding voter fraud in the Guam 2010 General Election

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Sincerely,

Carlo Branch

U.S Attorney's Office
Districts of Guam & NMI
NOV 30 2010 1:05 pm
Received in Dbase

January 31, 2012

Hafa Adai,

Congratulations on your decision to seek an elected public office. The Guam Election Commission members and staff look forward to this election year and are prepared to provide you with the best possible assistance and service. The Candidate's Handbook for Elected Public Office is prepared to assist you in your campaign. It contains a compilation of information and procedures on running for elected public office in Guam.

We request your cooperation in adhering to all the policies, rules, procedures, and regulations of the Guam Election Commission, and the Election Laws of Guam. We welcome any comments, suggestions, or questions you may have on the upcoming 2012 elections. Saina ma'ase'.

Sinseramente,

MARIA I.D. PANGELINAN
Executive Director

Guam Election Commission
Ms. Alice M. Taijeron, Chairperson
Hon. Martha C. Ruth, Vice Chairperson
Mr. Joseph F. Mesa, Member
Mr. Johnny P. Taitano, Member
Mr. Christopher L. Carillo, Member
Mr. Donald I. Weakley, Member
Atty. G. Patrick Civille, Member

Legal Counsel
Atty. Jeffrey A. Cook

Guam Election Commission Staff
Mr. George L.G. Lujan, Systems and Program Admin.
Ms. Genedine Q. Moser, Administrative Assistant
Mr. Joseph P. Iseke, Program Coordinator
Mr. Thomas H. San Agustin, Program Coordinator
Ms. Helen M. Atalig, Program Coordinator

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan
P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: director@gec.guam.gov Website: www.gec.guam.gov

REGULAR BOARD MEETING MINUTES
4 p.m. Wednesday, February 23, 2011
GEC Conference Room, Suite 201, GCIC Bldg., Hagatna, Guam

The following is the minutes of the Guam Election Commission (GEC) Board Members Meeting held on Wednesday, February 23, 2011 at 4:00 p.m.:

I. CALL TO ORDER

Duly convened by Chairman John Taitano at 4:15 p.m. with the following appointed board members *present* a quorum was established:

Alice Taijeron, Vice Chairperson
Joseph F. Mesa, Member
Martha C. Ruth, Member
Robert G. P. Cruz, Member
Joshua Tenorio, Member
John Terlaje, Member

Also present were:

Atty. Cesar Cabot, Legal Counsel
Genedine Q. Moser, Administrative Asst.
David P. Chargualaf, Jr., Program Coordinator
Stephanie Chargualaf, Program Coordinator

II. APPROVAL OF AGENDA

Member Joshua Tenorio requested an amendment to the Agenda noting there is continuing *Old Business* relative to the iVotronic and Tabulating Machines. Member Tenorio also requested *Item4 iVotronic and Tabulating Machines be added to the Old Business.*

There was no further discussion Member Tenorio *moved* to approve the Agenda, *seconded* by Member Martha Ruth. There were no objection, *motion carried.*

III APPROVAL OF MINUTES

Chairman Johnny Taitano made a *motion* to approve the following Board Meeting Minutes *subject to correction*:

January 26, 2011 Regular Board Meeting
December 27, 2010 Reconvened Board Meeting
December 22, 2010 Regular Board Meeting
December 15, 2010 Reconvened Board Meeting
December 10, 2010 Reconvened Board Meeting
November 30, 2010 Reconvened Board Meeting
November 26, 2010 Reconvened Board Meeting
November 17, 2010 Regular Board Meeting
October 29, 2010 Regular Board Meeting
October 20, 2010 Regular Board Meeting

The motion was up for *discussion*.

Member Martha Ruth noted the following *correction*:
Minutes for October 29, 2010 Reconvene Board Meeting *should read* October 28, 2010.

Member Ruth requested a Status Report on unpaid bills.

Chairman Johnny Taitano requested for a follow-up task to be reported to the Board Members.

IV. ORDER OF BUSINESS

A. Executive Director's Report

Stephanie Chargualaf reported the following:
- GEC is continuing on their day to day operation;
- GEC is currently working on the informing Public Officials who are required to file their Financial Disclosure Statement which is due April 22, 2011;
- GEC has submitted the 2010 Election Administration and Voting Survey on February 21, 2011 which was due March 1, 2011;
- GEC is communicating with ES&S to replace and upgrade the CVRS (Centralized Voter Registration System). David Chargualaf reported that the hardware needs to be replaced for GEC to be current with the requirements for the voter registration system. Mr. Chargualaf also reported that the vendor servicing the CVRS is DMR (Data Management Resource); they will replace two of the hard drives which are currently on order.

Member Joshua Tenorio inquired about the status and the amount of the HAVA account.

Stephanie Chargualaf stated that she will obtain information regarding the status and make a report on the next Board meeting.

B. Old Business

1. GEC Office Space – Status Report

Stephanie Chargualaf reported that the Lease with the GCIC Management Office has been signed and submitted to BBMR. The monthly lease is $9830.00; a purchase order was issued by GSA for the months of February 2011 to the end of the fiscal year. The invoice for February has been submitted to Department of Administration awaiting payment to be disbursed.

Member Martha Ruth inquired about the keys to the office spaces that GEC is leasing. Stephanie Chargualaf informed the Board Members that the GCIC Management Office is also in possession of the keys.

Chairman Johnny Taitano reminded Stephanie Chargualaf that the GCIC Management Office has agreed to exchange storage room space with the GEC.

2. GEC Subcommittee – Status Report

   - Response Letter to Complainants

     Chairman Johnny Taitano informed the Board Members that the Response Letters have been signed and will be mailed to the Complainants.

   - Voter Absentee – Provisional Discrepancy (Spreadsheet)

     Member Joshua Tenorio *moved* to accept the Voter Absentee-Provisional Discrepancy (Spreadsheet), *seconded* by Member Joseph Mesa. There were no further discussion and no objection, *motion carried.*

3. Appointment of Independent Member

   - Cruz, Robert G.P., Esq.
   - Hoskins, John-Paul
   - O'Mallan, Robert James
   - Silos, Albert

   Chairman Johnny Taitano requested that a scheduled interview be conducted during the Board Meeting during Executive Session with the four (4) above named registered voters.

4. iVotronic and Tabulating Machine

   Member Joshua Tenorio instructed Stephanie Chargualaf to communicate with ES&S to obtain written information regarding establishing the value of the iVotronic Machines.

   Member Tenorio also reminded Mrs. Chargualaf that at the presentation conference with ES&S the GEC was given several options regarding trade-ins.

For Information Purpose Only

Chairman Johnny Taitano instructed Stephanie Chargualaf to provide a copy of the budget to the Board Members prior to submission.

C. New Business

1. Letter of Resignation GEC Executive Director

   Information Purpose Only

   Chairman Johnny Taitano signed the Acting Executive Director Appointment Letter appointing Stephanie Chargualaf.

   Member Joshua Tenorio recommended that the Board Meeting go into Executive Session to further discuss the vacancy.

2. Bill No. 50-31; Testimony

Stephanie Chargualaf reported that Bill No. 50-31 is to repeal the Early Voting Service to the community. Mrs. Chargualaf stated that she has prepared a written Testimony with the assistance of Legal Counsel Cesar Cabot.

Chairman Johnny Taitano recommended that each Board Member submit a copy of their written testimony.

3. Bill No. 54-31; Testimony

Stephanie Chargualaf reported that Bill No. 54-31 is an act to amend several sections of Title 3 Guam Code Annotated §7105, §16301(a), §16301(d), and §16301(e), and to mandate the GEC to adopt the policy and procedures in accordance with the MOVE ACT.

Member Martha Ruth inquired about separating the federal ballot.

Legal Counsel Cesar Cabot responded that if GEC should separate the Federal ballot, how would it be monitored with the cross overs. Legal Counsel stated that the intent of the Bill is to place the republican and the democrat race on either the front or the back or on a separate ballot. Legal Counsel further stated that the current coding of the ES&S ballot is Columns 1, 2, and 3, are on one side of the ballot; Columns 4, 5, and 6, are on the other side.

Chairman Johnny Taitano recommended that each Board Member submit a written testimony, and for Legal Counsel Cabot to draft a letter to the Legislative Committee indicating that the GEC Board Members are interested in working with the Committee in regards to this Bill

4. Administrative Complaint

Stephanie Chargualaf reported that the GEC has received an Administrative Complaint submitted by Lourdes Bascon Mendiola (Legal Guardian) on behalf of Clifford Bascon Wooten.

Stephanie Chargualaf also reported that Ms. Mendiola's has stated that her son is a registered voter at Tamuning, and was not allowed to vote. Upon further review and research, her son has not registered to vote.

Chairman Johnny Taitano requested for Legal Counsel Cesar Cabot to do a research and report back to the Board Members if there is a time frame for submission of Administrative Complaints. Legal Counsel acknowledged the request.

Chairman Johnny Taitano instructed Dina Moser to ensure that a Response Letter to the Complainant is addressed and mailed out.

V. PUBLIC COMMENTS

Florenzo T. Ramirez - Mr. Ramirez referenced the 2010 General Election and commented that a 50 +1 vote must be obtained to be certified a winner. Mr. Ramirez also commented on the results that the reason for 233% vote is due the three (3) separate ballots.

VI. LITIGATION UPDATES

Legal Counsel Cesar Cabot stated that Litigation Updates will be addressed during Executive Session.

VII. EXECUTIVE SESSION

Member Joshua Tenorio *moved* to proceed to Executive Session, *seconded* by Member John Terlaje. There were no objection, *motion carried.*

Items to be discussed:

- Administrative Complaint submitted by Lourdes Bascon Mendiola; and
- Current Litigation Update – no report.

VIII. ADJOURNMENT

Chairman Johnny P. Taitano called for a *motion* to recess the meeting until 4:00 p.m., Monday, February 28, 2011. *Moved* by Vice Chairperson Alice Taijeron, *seconded* by Member Joshua Tenorio. There were no objections, *motion passed.* Meeting recessed at 6:48 p.m.

Submitted by:

STEPHANIE N. CHARGUALAF
Acting
Executive Director

Approved by:

JOHNNY P. TAITANO
Chairman

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to come in to vote again. Before I was able to complete finishing all the signatures crossed off that we initialed for the	

	absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee. Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes they were in the envelope – what	We didn't have any problems with the 56 ballots. They were all accounted for.	When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there We didn't have a problem with any of the absentee ballot. We received five (5) absentee ballots at the table (at the

happens after that? Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	University) They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the classroom?	8 p.m., after the polls were closed? We were in the classroom, the windows are up high. There are no chairs on the outside. The windows were	Is this a complaint against 15C? No sir, it was not. So someone had to be standing on a chair to look in. Officer Rivera was present the remainder of the voting.

They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.	only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	

Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are four(4) people. I want to make sure that I am accounted for in each and every one of these signatures. If they say us counting –

		I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate each

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away? And then you actually heard Carmina - ...to ask or had she already called her sister and said we're short, come on down, where are you or something? To her sister? And she was the one that had received training already? Carol. And how about Carmina's	Yes. Because she said she was late. I heard her calling her sister. Well when Carol left, she picked up her cell phone and she said hurry up because you are late. Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in. She did because she worked Primary. Which one are you talking about? Carol? Yes she received training. She was here.

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here? Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures? For that one, right? Well this one, I don't know why they – ***Steff (GEC Staff)*** Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out. I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures. **Commissioner Joshua Tenorio** Ok.	guys, when we were counting it, Carmina tried getting - ????? I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back. Yes. Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional. And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Chairman Robert Cruz There must be a mix up. Q: You said this was at the University of Guam?	There was some short inside the absentee ballots, sometimes 2, sometimes only 1. Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		
Do you notice if there is a signature on Francis G. Quintanilla?		

Do you agree that there is a signature on that line?		There shouldn't be.
		That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started working on the absentee ballot. I believe he went back and verify the signature, and those that didn't

		show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
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If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		
Do you notice if there is a signature on Francis G. Quintanilla?		

Do you agree that there is a signature on that line?		There shouldn't be. That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started working on the absentee ballot. I believe he went back and verify the signature, and those that didn't

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Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** **END OF INTERVIEW** *****		

12.11.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	**Precinct 15B** **Barrigada** **Mariquita Mafnas**	
	Commissioner Joshua Tenorio Q: Mrs. Mafnas, you were a Judge	Yes, I was one of them.
	We wanted to find out about this page – what your recollection was about this page of the signature roster?	Okay. My recollection was when we went up to turn in everything – something about it doesn't balance. Our Inspector was told that – actually she mentioned that the reason why we don't balance is because of the Provisional. So they told her – they told us that whoever writes fast can write in all those so we can balance.
	Did she come back with a list of names?	Well she had a list of names from the –
	Do you know who gave her the list?	That's from the provisional list – I don't know who got the list.
	Was it handwritten list that she came back with?	I don't remember. The only thing I remember is that somebody wrote this.
	Do you remember who it was?	It was Maeann. She was the one who wrote it because she said she can write fast. So we went back to the table and she was the one that wrote everything down. I don't know where she got the list, but I know she had a list.
	Can you tell me about this up here?	I can't because it was Mina that wrote the thing down.
	So when you signed this, the notes were there – the ones in red were already there before you signed?	That was down at the Tabulation Center.

	Was there already a tally? Do you recall when this was put in? Were you there – The one in blue. Oh okay – so you all witnessed it. I don't have anything else. Joe do you have anything else? That is it.	 The one in red? At the tabulation center.
***** **END OF INTERVIEW** *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Carmina Blas Acquininoc
	Chairman Robert Cruz ***Q:*** What was your role at the election?	I was the inspector.
	Chairman Robert Cruz ***Q:*** You served as an inspector before?	Yes, Primary.
	Commissioner Tenorio ***Q:*** Were you ever a poll watcher before?	No.
	Commissioner Tenorio: ***Q:*** So your first time would be just in the Primary, you were a precinct official also? You weren't the inspector, though?	Yes. During the Primary I was the Inspector. I volunteered; they didn't have one for 15B. Inspector is my job, so I told David that I would go ahead and take the position.
	Subcommittee Chairman Cruz: ***Q:*** We've had complaints from two (2) different people that ballots were not secured properly in the voting are. They were left stacked, I don't know if they were on the floor, or on a table. At the polling place? What village?	What we had done was as we were counting the ballots in stacks of fifty (50). There was a person issuing the ballots at the end of the table. No one had access to the ballots except for us on the other side of the table. Yes. We weren't given a room, it was a cafeteria. It was an open area so we tried to barricade it as much as we could with the materials and the furniture that we had to use it wasn't that great. Barrigada. 15B.

	Commissioner Tenorio ***Q:*** There were two (2) precincts in the cafeteria?	Yes.
	And there is also two(2) - one each in individual classrooms, or were there three (3) precincts in the cafeteria?	No, there are two (2) precincts in the cafeteria, and two (2) at individual classrooms.
	The other precinct in the cafeteria is which one with you?	I was at the right side.
	Do you know what the other precinct was? It wasn't continuous, there was a precinct in between, right?	I can't remember. I think it is ***Ck*** thru There was some people directing left or right. Asking people what their last name is.
	What letters of the alphabet do you have?	L thru P.
	Are you familiar with a situation, how many people attempted to double vote in your precinct?	I didn't have any.
	Do you recall an incident where a voter came in to vote but indicated that she wasn't there to vote but there to check on her name? Any voter come in to check if there name was crossed off because they had early voted?	No. I know there was an incident where somebody – I think so, yea. Something like that, but I was on the phone with GEC speaking about something, and then they said, yea there name is here but it is crossed out already. So I instructed them not touch the name because it is crossed out already.
	Elaborate more on that incident.	They were just asking then they left. I wasn't a big thing about it.
	They came to vote?	No. They were with other people, so those people voted & they wanted to see if their thing was in.

	They wanted to see if their ballot came through?	Yes.
	How long did it take you to clear out all the absentee ballot?	It tooks us almost two (2) hours, because we were short staff by two(2). We had one of the alternates come in.
	So you asked someone to come in, were those the two (2) clerks – MaeAnn Sonato and Tammy Vawter?	Yes.
	So MaeAnn and Tammy are the two (2) new ones that came in that day?	Yes.
	Were there the same number of cast ballots and signatures on their?	Yes.
	Do you recall?	Yes.
	They had the same number?	Yes. The only thing that I was short on was the gubernatorial. I was short one (1) ballot on that. The absentee ballots had two(2) envelopes, some would only have one (1) ballot, some would have three(3) ballots in one envelope – they were all different. At the tabulation center when we were counting the absentee ballots I guess we weren't really counting on how many ballots were in there because they were all mixed up and we wouldn't know which one it came from. That is where we figured where it came from – why we were short a ballot
	So you were short a ballot. You weren't really sure because there were so many envelopes you were sorting through– is that what you are saying?	Yes, because we didn't have an extra ballot box just for those absentee ballots – they were taking up space in the ballot boxes. They were so full that *we couldn't find the last one*

	On Election Day, when you had the absentee ballots, I think there 66 given to Precinct 15B– You said it took 2 hours to – from what you open?	About an hour and a half to two hours- something like that. Yes.
	So you processed all – all those ballots that were cast like about mid-morning?	Between those two (2) hours. We had to hold one (1) absentee ballot behind because it was either not listed on the list or it was a different last name from our precinct, so we turned that in on election night.
	That was the Ballot Transfer Sheet that you got – there were some that you got that shouldn't be in yours.	Yes.
	Tell me about when the polls closed at 8, what was your process? When was your last voter done.	My last voter was done probably about 7:55, and we were taking down the –
	So you had nobody in line at 8 to vote?	No.
	How about the other Precinct that you were with?	I'm pretty sure – yes they had some people still there. So what we were doing with our voting booths, we left one open; we took down the signs from the other booths. We tried to break it down as fast as we could. I went out side and Tracy said something like "the polls are closed", then we went inside and broke it down completely. But our first was to close up the ballot boxes and move them away to the inner section. Then we started defacing.
	Again your precinct is 15B?	Yes.
	Did you notice if Precinct 15C was taking a longer time to close than you guys?	Yes, they always take long.

	Do you mean always because of the Primary?	Always as in the Special Election. They have been working as precinct officials for a while – 15C right?
	How long have you been – how many times have you been an official?	Pretty long.
	Like many years?	Yes.
	Were you a precinct official in 2006?	Yes.
	Were you ever a poll watcher?	No.
	Chairman Robert Cruz: Q: Do you have any comments you would like to make?	The only thing that I would complain about is, as an Inspector I would like for the people to show up on time. If we could get a contact number for the people who actually sign up and try to be in sync with them instead of just waiting for them to show up. To get started – especially this time with three (3) ballots was really hard. We were short in almost every stack. It would help if we had our staff complete. And if we can get people who can count - educated people, not just people who need the money.
	Have you seen people like that?	Yes, even people who just try to procrastinate. Everyone knows when to start breaking down. You have 20 minutes left, you take away 100 ballots because guarantee you will not have 100 people walk through those doors in an hour or twenty (20) minutes. You can start closing off and start on procedures. Everyone was finish except Precinct 15C. It took them about an hour and a half – over the time that we were done .
	Commissioner Mesa Q: Did you try to help?	Yes. I actually went in to try to help. Their Inspector started yelling that she doesn't need help –

	What were they doing?	They were counting the unused ballots. The Inspector and the Judge didn't want anyone to touch anything. They were the only ones to do all the work.
	Commissioner Tenorio Q: You had the letter M –M was in your precinct? One last thing, earlier we talked about a voter who came in – was the voter a male or female? A male?, do you recall any female individual who came to check whether or not her name had been marked off as in an absentee ballot? Who was at the signature roster? Vaughtner? Tammy or MaeAnn, right?	Yes. It was a male. No, not a female, it was a male. Tammy. Yes. I don't really know her last name. Yes.
******END OF INTERVIEW******		

	Precinct 15B Barrigada	
12.11.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa GEC Chairman Johnny Taitano Commissioner Joshua Tenorio GEC Staff Dina Moser	Amber Pocaigue, Judge Tammy Vawter, Clerk	
	Subcommittee Chairman, Robert Cruz Q: What was the process used to come up with reconciliation total? We noticed that because we were running short of supplies, on the ballot envelopes. The staff was trying to make the ballot envelopes last.	We had one (1) missing ballot, right? We noticed that you know how there are supposed to be three (3) ballots, sometimes when we open the envelope, we don't have all three (3). Sometimes we don't have the gubernatorial; sometimes we don't have Madeleine's. We noticed that, but we only had one missing ballot.
	Commissioner Joshua Tenorio Q: Tammy and Amber were you officials in the Primary? You were on the original list that morning there were four (4) of you, do you recall how the fifth person was selected and what time that was? Who, the Inspector? Did you know that we received a report that there was an alternate that – Was there another person that was sworn in?	Tammy: I was Tammy: Our Inspector called her sister. I got there about 6:30. Amber: I was there before 6, she was there about 6:15. No, the sister. Yes, there was, it was a male and he was at 15C already, so we couldn't have him at 15B so our Inspector called her sister. Tammy: There was a lady wearing glasses, she's skinny, but she came late – very late.

	So MaeAnn came before that lady?	Yes. That lady, maybe she is in her mid-30's she came like way after.
	Subcommittee Chairman Robert Cruz: Q: When you say late and way after, like what time?	Everyone is supposed to be there by 6:15, if you are not there by 6:15 your alternate is supposed to be there. So when 6:15 came around and we still had no alternate that is when our Inspector called her sister Maeann to come. The older lady with glasses she came maybe – 6:40, and she had already sworn in Maeann.
	Commissioner Tenorio Q: The precincts weren't open yet? So the lady that was already sworn in, she wasn't accepted, but the other one was, right	No. Yea, she knew she was late.
	Subcommittee Chairman Robert Cruz Q: Do you what happened, did she just go home? We could have used her in another precinct. Oh so she did work?	I have no idea. I think she was at Precinct 15A. Yea, I think so. What's her name - do you remember what her last name is? I think she is a Cepeda. Skinny with glasses, maybe in her mid-30's, if I am not mistaken.
	Commissioner Tenorio Yea, I think her name is Carol Cepeda. Q: Tammy you were the Clerk, so you handled the signature roster? Can you tell us the process when the poll – both of you, can you let us know – (I think Amber you already answered this), but Tammy a bunch of early vote came in, can you –	Tammy: We weren't able to finish all of them when we first opened, but as there were no people we were able to work on them. We were also questioned by one of the voters is that your absentee ballot, "why is it that they are not all accounted for yet?"

	So you did the best you could, is what you are saying?	Yes.
	At the end when the polls closed, tell us what was your process? What was your experienced procedure? First, where were you in the classroom or in the cafeteria?	Cafeteria. I had to count of these numbers, and add them all up. Then our Inspector did a check and balance. Then we all counted all the ballots that weren't used.
	Turn to the back page, what time in the evening did you guys sign this?	Eight.
	Were you still down there?	We wrapped it up pretty quickly. But we were still at the school until about 9:30.
	Because there was still another Precinct you were waiting for?	
	The certification of the signature roster is made at the school or at UOG?	At the school.
	Where did you count the signatures? All of you signed?	Yes. At the school.
	I noticed there is a different color ink used here; do you recall this being changed?	This is not my writing. I know that we had to do it three times, because the first we counted all of this – all of our absentee, all of our provisional, all of our curbside – we had to keep on counting to make sure everything was accounted for.
	This number - do you have seven – I am not sure what that says – Seven forty plus – there is an additional red ink notes.	Seven forty. Seven forty plus ten is seven fifty. The absentees that we couldn't figure out if their names were here.
	Did you receive some ballots at UOG?	I think that's what it is. Do you remember if we received this three up there? Yea, we received some. *~I think we should all be here to answer this ~*

	Can you check if Mrs. Mafnas is here or anyone from their precinct.	
	I think here you have three ballots received at Tabulation Center. So go back to this – I guess it does say it – seven forty plus three absentee at Tabulation Center – including absentee write-in.	Yes we received these three at UOG. Its says at the Tabulation Center
	Can you tell us about this page?	That was the absentee ballots – these right here. These people were the ones that came in, they were already registered with you guys – GEC, but their names aren't on this stuff. So we are on the phone calling you guys to verify if this person is from this precinct, and yes they did vote.
	How about the other names?	These are all from the absentee ballots.
	Do you remember when the names were written? The ones with blue ink.	We wrote these in at UOG Tabulation Center.
	Who wrote these in?	Carmelita. This is not my handwriting. This here is -
	The three?	
	You were there when they wrote the blue ones in – what said during that time? Did somebody – I guess- why were they written in?	Carmelita - Carlina said the names had to be written in She just came back and said to write it in. She said one of the staff – the lady in red that night - These are the names that are not on this master list -
	Commissioner Joseph Mesa Q: Look for the name Orsini, you see the name written in the back?	Orsini, Rikki Rae Q.?
	Commissioner Joshua Tenorio Why don't you check the other names.	You would have to question Carmelita why.

	Commissioner Joseph Mesa Q: Do you have any reason why the names are written on the back? Q: So in your overall count did you count those names again? The ones written in blue. We are just trying to figure out why they were written in.	I have no idea why? I think she went to one of the stations or one of the staff, and she came back and said we have to write it in the names. They were already written in with their name and absentee. Oh that's like a double count or something?
	Commissioner Joshua Tenorio If it was counted again.	I didn't write it.
	Commissioner Joseph Mesa Q: So the Inspector wrote it?	Yea, I think it was the Inspector. That's not my handwriting.
	Commissioner Joshua Tenorio Q: Tell me about when you counted, Tammy are you the one that counted? That's when you came up with the seven forty (740). It says the number of signatures of voters who signed on the signature roster – it says 750 and there is a note on the back. We have seven fifty (750)right? Then at the back it says seven forty (740) and tabulated on election night was seven fifty one (751) which is real close. The signature roster when you did the count, did you see this Form before you signed it? Did she show you the numbers, she showed everyone. This was completed before everybody signed?	I first counted, then Maeann counted, then we both counted a third time. Yes. We didn't account for one missing ballot. Yea, it says seven forty plus the three (3) from the Tabulation Center is seven forty three (743). Our Inspector did. Yes. I think we had to get a – the first sheet we got we used as scratched – everything was wrong so we trashed it. We did one that was more visible and clean.

	Why would everybody be signing seven fifty (750)? How did you get that count? If you look at the back of the signature roster. Do have anything you could remember or want to add on?	I don't know how. The only way I could say that that could come out to seven fifty is counting the second time.
	Commissioner Joseph Mesa Q: So the Inspector is the one that wrote that at UOG? By her? Did she explain to the group as to why? The last station?	Yes. The blue ink was written at the Tabulation Center. Yes. I don't remember why, but after we went to the last station they told us – as to why I don't know. Where we bring all of our stuff – there.
	Commissioner Joshua Tenorio Q: When you crossed out for absentee, did you check it again? Meaning that each affidavit envelope you check that? So when she said to write those names down, did she show – these are the affidavit envelopes they are not on the list, so therefore we have to write the names down? Did she come with a list of names? Joe do you think you could pull that transfer sheet for 15B	Twice. I looked at the packet and double checked the date of birth. Yes, I looked at the back of the envelope. No, not that I know. We had already the list of names from the absentee sheet. There was a sheet that had all the absentee names on it. We had to check and balance, if the package was to the name. If it was correct then I would be the one to cross it out and write absentee where the signature is supposed to be. Yes that paper.

	Would you find this paper complete or incomplete?	Incomplete because it had some errors. But we figured - like for instance this lady – it was a name that had a typo – she is here on this list, if I see it, I'll let you know.
	Commissioner Joseph Mesa Q: It would throw your numbers off. And you found her?	This lady right here – Lolita – this last name we couldn't find it. But when I went through every single name, it was under something else. That was one of the absentee I didn't cross off immediately because we couldn't find where her name was. When it wasn't busy I went through every single name and every single date of birth to figure out where she is. We found her.
	Commissioner Joshua Tenorio Q: The handwriting at the back is the Inspector's? Under the certification. Yes, you know the ones in blue. What's the difference the names on the ballot transfer sheet and the signature roster. Other than typographical errors, were there missing names on the ballot transfer sheet? Meaning that you had affidavit envelopes but the names weren't there. No. vice-versa. In other words did you receive more ballots than what was given to you? So they pretty much equaled out?	The way back? Amber: I really don't know We had envelopes with the names on here but not on the roster. No. Yes.
	Commissioner Joseph Mesa Q: If you go to her name – Losongeca, Evelyn R. – she's not crossed out, right?	Yea, she didn't vote. But it says that she had an absentee ballot
	Commissioner Joshua Tenorio Q: These four names I don't know they are not on the list,	You said four, are the other three on that list?

	when they early voted. We should ask her – she should have written the names on the ballot transfer sheet and not on the roster. She mixed it up. I don't have any further questions.	 Maybe she – Yea.
	Subcommittee Chairman Robert Cruz Q: Is there anything the two of you would like to share?	One guy came in saying that he wanted to check if his name appears on the list in front of the door. When we wasn't satisfied, he came to us and you guys said he wasn't not registered.
	Commissioner Tenorio Q: Were you told that you can give him a provisional ballot? A provisional ballot is when a person comes in and their name is not on the register, there is an affidavit envelope and they fill out the precinct and the voter information they'll send it in to the Election Commission. What is supposed to happen is we are supposed to review it and make a determination on it. Did they not tell her to give him a provisional ballot?	Even though GEC said he wasn't registered? Carmen did all the procedural stuff, she's the one that calls GEC. Otherwise I would have handed it to him and wrote his name down. I only saw one lady with a provisional ballot. She said make sure it doesn't go in the box and for her to give it to me.
	Commissioner Mesa Q: Why did she have to vote provisional?	I don't know. She just told me to make sure she doesn't put it in the box.
***** **END OF INTERVIEW** *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away? And then you actually heard Carmina - ...to ask or had she already called her sister and said we're short, come on down, where are you or something? To her sister? And she was the one that had received training already? Carol. And how about Carmina's	Yes. Because she said she was late. I heard her calling her sister. Well when Carol left, she picked up her cell phone and she said hurry up because you are late. Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in. She did because she worked Primary. Which one are you talking about? Carol? Yes she received training. She was here.

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here? Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures? For that one, right? Well this one, I don't know why they – ***Steff (GEC Staff)*** Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out. I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures. **Commissioner Joshua Tenorio** Ok.	guys, when we were counting it, Carmina tried getting - ????? I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back. Yes. Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional. And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Chairman Robert Cruz There must be a mix up. Q: You said this was at the University of Guam?	There was some short inside the absentee ballots, sometimes 2, sometimes only 1. Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
NOV 05 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: MANLEY First Name: Dolores M.I.: C.
Address: P.O. Box 22604
City: GMF State: GUAM Zip Code: 96921
Day Phone: 789-7715 Evening Phone: SAme Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: activity after 8 pm at the Poll

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Dec. 06, 2012
P.O. Box 23240 Hagatna, Guam 96932

(Rev 4/05)

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

On Election Day I witness on Precinct 15C in Barrigada an official was writting & kept turning the roster or log book after 8 P.M. then another official blocked our view (front of the official) but kept on writting & turning the log book, they were the last to finish around 8:40 my husband & I were pollwatch

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: Nov. 5, 2010 (Date) at: Agana, Guam (City / State or Territory)

Signature of Person Filing Complaint: Dolores C. Manley

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Guam) Hagatna) SS

On: Nov. 5 2010 (Date) before me, Melissa T. Rasmussen (Name of Notary)

personally appeared Dolores C. Manley (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

Melissa T. Rasmussen
(Notary Signature)

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Oct. 05, 2012
P.O. Box 2830 Hagatna, Guam 96932

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

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E-Mail: director@gec.guam.gov Website: www.guamelection.org

FEB 23 2011

Dolores C. Manley
P.O.Box 22604
GMF 96921
DOB: 03.24.1950
AOR# 016967

Re: GEC Administrative Complaint Filed on November 5, 2010

Dear Ms. Manley,

Buenas yan Hafa Adai! This letter is written to acknowledge receipt of your complaint filed at the Guam Election Commission's office following the 2010 General Election. We fully appreciate and understand your concerns and we applaud your effort in exercising your right to bring such matters to the attention of the Commission. Acting Chair Alice Taijeron appointed a subcommittee consisting of Independent Member Attorney Robert G.P. Cruz, Member Joshua Tenorio (Democratic Party Representative), and Member Joseph Mesa (Republican Party Representative) who are investigating every complaint. This working group interviewed dozens of individuals and recommended appropriate action to the full Commission.

Please be assured that all the issues, concerns and problems that may have occurred on November 2, 2010, and brought to the attention of the Commission, are being addressed. While some complaints might be resolved through a change in Guam's established election policies, others may require action by the Guam Legislature. Still others may be referred to the Attorney General's office for prosecution or other appropriate action. The Guam Election Commission will reevaluate its procedures in order to make for smoother and more complaint-free elections in the future.

On behalf of the Members of the Guam Election Commission, thank you once again for taking the time to submit your Administrative Complaint form.

Senseramente,

JOHNNY P. TAITANO
Chairman

cc: GEC Members
GEC Legal Counsel
File

GUAM ELECTION COMMISSION
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Address: P.O. Box 22604 GMF. Guam 96921

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Day Phone: 789-7715 Evening Phone: _____ Fax No: _____

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- ☐ I observed precinct officials neglecting to perform their duties.
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Federal Law Violations

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- ☐ I was not allowed to vote using a provisional ballot.
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- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

MELISSA T. DIMAGUIBA
NOTARY PUBLIC
In and for Guam, U.S.A.

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

NOV. 2, 2010, ON Election day I observed BARR. PRINCT 15-B, and 15-C outside the Window. 15-B was completed approximately 8:1 but Princt 15-C still Flipping and writing on Roster and what Got m attention was one official was standing on half prone Position on tbl on Front blocking while one princt official continued Flipping and writing on log book. I Got the attention of officer Rivaria that was

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: NOV. 5, 2010 (Date) at: Guam (City / State or Territory)

Signature of Person Filing Complaint: William F. Manley

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Hagatna)
Guam) SS
)

On: Nov. 5, 2010 (Date) before me, Melissa T. Rasmussen (Name of Notary)

personally appeared William F. Manley (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

Melissa T. Rasmussen
(Notary Signature)

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Oct. 05, 2012
P.O. Box 2830 Hagatna, Guam 96932

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

GUAM ELECTION COMMISSION
Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932
Tel: (671) 477-9791/2 • Fax: (671) 477-1895
E-Mail: director@gec.guam.gov Website: www.guamelection.org

FEB 23 2011

William F. Manley
P.O.Box 22604
GMF 96921
DOB: 05.01.1950
AOR# 016971

Re: GEC Administrative Complaint Filed on November 5, 2010

Dear Mr. Manley,

Buenas yan Hafa Adai! This letter is written to acknowledge receipt of your complaint filed at the Guam Election Commission's office following the 2010 General Election. We fully appreciate and understand your concerns and we applaud your effort in exercising your right to bring such matters to the attention of the Commission. Acting Chair Alice Taijeron appointed a subcommittee consisting of Independent Member Attorney Robert G.P. Cruz, Member Joshua Tenorio (Democratic Party Representative), and Member Joseph Mesa (Republican Party Representative) who are investigating every complaint. This working group interviewed dozens of individuals and recommended appropriate action to the full Commission.

Please be assured that all the issues, concerns and problems that may have occurred on November 2, 2010, and brought to the attention of the Commission, are being addressed. While some complaints might be resolved through a change in Guam's established election policies, others may require action by the Guam Legislature. Still others may be referred to the Attorney General's office for prosecution or other appropriate action. The Guam Election Commission will reevaluate its procedures in order to make for smoother and more complaint-free elections in the future.

On behalf of the Members of the Guam Election Commission, thank you once again for taking the time to submit your Administrative Complaint form.

Senseramente,

JOHNNY P. TAITANO
Chairman

cc: GEC Members
GEC Legal Counsel
✓File

GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932

Tel: (671) 477-9791/2 • Fax: (671) 477-1895

E-Mail: gec@ite.net Website: www.guamelection.org

RECEIVED
NOV 05 2010
GEC

Administrative Complaint Form

Please Type or Print all of the information on this form.

Section 1 – Your Personal Information

Last name: MANLOY First Name: William M.I. F.

Address: P.O. Box 22604 G.M.F. Guam 96921

City: _____ State: _____ Zip Code: _____

Day Phone: 789-7795 Evening Phone: _____ Fax No: _____

Section 2 – Subject of your Complaint

Your complaint may be a Guam or Federal law violation. Common complaints are listed below. Please check off the subject of your complaint and explain in detail in Section 3 on the reverse side.

Guam Law Violations

- ☐ I was not allowed to vote in private.
- ☐ I was not allowed to turn in my absentee ballot.
- ☐ I was not allowed to ask questions or ask for assistance.
- ☐ I was not allowed to vote, even though I was standing in line before the polls closed.
- ☐ I was not able to vote because I was not given assistance to accommodate my disability.
- ☐ I was not able to vote because I was not given assistance in my own language.
- ☐ I was not provided election materials in my own language.
- ☐ My voter registration information was altered.
- ☐ I did not observe a sample ballot at the polls.
- ☐ I observed the casting of a fraudulent vote.
- ☐ My polling place was not open on time, or not at all.
- ☐ I observed pollworkers acting or saying something discriminatory.
- ☐ I observed inappropriate electioneering or campaigning too close to the polls.
- ☐ I was not allowed to re-vote after I made a mistake.
- ☐ I observed precinct officials neglecting to perform their duties.
- ☐ Other Guam Law violation: Activity AT THE Polls AFTER 8:00 P.M.

Federal Law Violations

Note: All allegations of Federal law violations must be notarized (see reverse side). The Help America Vote Act (P.L. 107-252) allows individuals to file a complaint if a violation has occurred, is occurring, or is about to occur.

- ☐ I was not allowed to vote using a provisional ballot.
- ☐ Required voting information was not publicly posted in a polling place on Election Day.
- ☐ Other Federal Law Violation: _____
- ☐ Provisions regarding verification of new voter registration were not followed.
- ☐ I was not able to determine whether my provisional ballot was counted.

Continue on Reverse Side

(Rev 4/05)

MELISSA T. PINOCO-KASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires:
P.O. Box 3240 Hagatna, Guam 96932

Section 3 – Details of the Complaint.

Explain the details of your complaint. Include names (such as names of any witnesses), addresses (including the address of the polling place), dates, and any other information to fully describe what happened. If you need additional space, please attach a separate sheet.

Was Walking around at approximately 8:25. I ask him can you check what seem to be the hold up 15-C he told me may I their Working on absnte Ballot. He then Walk in and said guys everybody is done and Writing for you then Walk out. 15-C still Flipping and writing on logbook approximately 8:40 They're are done.

Section 4 – Sign and Attest.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: Nov. 5, 2010 (Date) at: Guam (City / State or Territory)

Signature of Person Filing Complaint: William F. Manley

If your complaint is a Federal Law Violation, a notary public must complete the following certificate of acknowledgment.

CERTIFICATE OF ACKNOWLEDGMENT

Hagatna)
Guam) SS
)

On: Nov. 5, 2010 (Date) before me, Melissa T. Rasmussen (Name of Notary)

personally appeared William F. Manley (Name of Complainant)

personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed above and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature the person, or the entity upon behalf of which the person acted, executed this instrument.

WITNESS my hand and official seal.
(Notary Seal)

Melissa T. Rasmussen
(Notary Signature)

MELISSA TYDINGCO RASMUSSEN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: Oct. 05, 2012
P.O. Box 2830 Hagatna, Guam 96932

Return this form to:
Executive Director, Guam Election Commission
414 West Soledad Avenue
Hagatna, Guam 96910

	Precinct 15C	
11.16.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio Commissioner Joseph Mesa GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to	

	come in to vote again. Before I was able to complete finishing all the signatures crossed off that we initialed for the absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee.		When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there

Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes they were in the envelope – what happens after that?	We didn't have any problems with the 56 ballots. They were all accounted for.	We didn't have a problem with any of the absentee ballot. We received five (5) absentee ballots at the table (at the University)
Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the	 8 p.m., after the polls were closed? We were in the classroom, the	 Is this a complaint against 15C? No sir, it was not. So someone had to be standing on

classroom? They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning	windows are up high. There are no chairs on the outside. The windows were only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	a chair to look in. Officer Rivera was present the remainder of the voting.

the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.		
Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are

		four(4) people. I want to make sure that I am accounted for in each and every one of these signatures. If they say us counting – I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate the signature is there.
	Right here is one. We did this at the Fieldhouse. If you notice the different color ink.	
		I tried one year with tick marks, it didn't work, so I decided to try something else. The mistake that we made on that one page was that we were only counting the male and the female I told them to stop and go back to count the signatures, so when time comes to count and add up the clerk will be the one to do it.
What are the inadequacies or the areas that you saw the Commission has to improve for the next election?		3 clerks for the absentee ballot. It takes us over an hour to validate the contents of the box. You are asking our opinion; I think it would be at the Fieldhouse.
Tell us more about that.	The security of the ballots. When we reached the last table where we turn in our ballot boxes. There were – I don't know if that's the table they were being stacked – but after working at the polls you know the color of the ballots. I noticed that the ballots were on a table.	What we saw Stephanie when we released our ballot box at Station 4, we just happen to look and noticed that there was only one back person there with over thousands of ballots that will make or change this island. There is no other person to authenticate the integrity of the ballots. Why the police officers at the front, there were should have been a police officer at each of the ballot counter.

	What is GEC doing about bringing back electronic voting?	
Chairman Cruz A: The problem is the law; it prohibits GEC from using it. The machines must be certified. We are looking at getting new machines or possibly be a tabulator at each precinct where the voter puts their ballot through.		
		Why is it that the Director unlocks the ballot boxes?
Commissioner Tenorio A: By law the director		
		What is your decision making process at hiring precinct officials?
Chairman Cruz A:		
***** END OF INTERVIEW *****		

	Precinct 15C	
12.13.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	Oath Administered by Subcommittee Chairman Robert Cruz	
	Jeremy Cepeda, Clerk	
	Commissioner Joshua Tenorio Q: Jeremy you were the Clerk	Yes, the only Clerk.
	What about Latoya Baza?	Oh, I don't know. I don't remember their names.
	When you said that you were the only Clerk, what did you mean by that?	Oh I know that there are supposed to be two clerks assigned, but it was only me doing it.
	Where was the other clerk?	Oh I don't know. There was only five (5) of us.
	There was another male aside from you, the Inspector, and two other females – Ann Marie Mesa and Latoya Baza do you know what they did, what their role was?	Yea – they were counting something on the side – I don't know. I forgot what they were counting.
	Throughout the day?	Yea. The Judges were doing their job. They were on the side counting for a few hours.
	Do you know if they were counting all the absentee envelopes?	I think so. We were one of the last ones to leave.
	You know one of the process we saw was – you know all the initials. I can give you the signature roster to look at, but tell us what time you came in and the process when you came in to work that day.	

	Were you one of the last minute –	No. It was me and my mom, but I woke up late. We were supposed to be there like 5, but we arrived about 5:15 -5:30.
	So you were there when the ballots arrived?	Yes.
	So tell us how you set up your supplies.	Well actually by the time we got there, everything was set up. The polls were across us, to the left was the poll watchers by the door.
	You were in the classroom?	Yea. Pretty much from there, the only time I left my spot was to go use the restroom.
	You were the only one handling the roster?	Yes.
	Were the others referring to the roster? – let me show you something. Have you ever seen this kind of envelope? It is not specific to the voter's name, but have you seen this during election day?	They are like the absentee?
	Right.	Yea. Everytime they are telling me to write it down. Check the names and cross it out and sign it.
	They – meaning – Mrs. Viloria, the Inspector?	No, it was the other guy. He was the one reading it to me.
	So he would take each one and read it? If you found the name – what would happen?	I would cross it out then next to where it says signature I would put absentee
	When will the initials come in? Do they do it at the same time	Oh that is from – They didn't really tell me to write my initials yet, until he was like are you sure your writing your initials. I said nobody told me to do that.
	So you had to go back –	Yeah I had to go back and knowing they had the folder – I don't know which one they went through already, so I am

		thinking like what is the last name of the voter. I would remember a few and I would write it
	Other people would get the roster and initial also?	Yes – but I think it is only –
	Would they initial where you initial?	Yea, I think it was for the absentee ballot and the curbside
	You would be the first one to initial?	Yea
	For example – Latoya Baza I have not seen this book all day I wouldn't know what the procedure is for the day. Would I look for your initials and initial next to it?	
	How did the other initials get there?	They will initial probably after - when no one is coming in they will do it.
	Where there any time when they said you forgot to initial and they told you to?	I don't recall.
	So the only ones that you initialed was after they told you?	Yes. But if I didn't know it, I just said forget I am not going to do it. It was me the other guy and the inspector.
	Do you recall if there was a voter that –. Yea, what would you tell them?	If a voter was not registered in Barrigada? I would bring it up to somebody like the Inspector. She would check. We will tell them that they are not registered in Barrigada or that precinct. I don't know, she called a few times.
	You were there when they gave provisional ballots, do you know if anybody put the ballot straight in without a provisional envelopes?	When I went through the roster, I missed two names – I didn't count. The only ones that we were counting were the ones that were crossed out. I was counting male – female and writing it on the right side.
	Oh I see -	
	GEC Chairman Johnny Taitano	

	Q: Who did this page? Do you remember writing that?	Me and our inspector. No. Maybe the first two, but the rest no.
	Commissioner Tenorio Q: When Mr. Sablan was announcing the absentee names was there ever a time someone came in to vote and their signature was crossed out? Look at this name, Julie Ulloa-Heath. This Julie Ulloa-Heath was an early voter, but there is a signature over her name. Do you recall anyone coming for that name? Well she may have come in but – I am going to show you the signatures don't look the same.	Their own? No. No. So she voted early and she came in again?
	GEC Chairman Johnny Taitano Q: When the other person started calling out absentee or in office voting – you mentioned that you would cross it out and then put – And then later on they started to initial. When did you get the bulk of that done? When? Do remember receiving anymore when you went up to the University? And then – was it the same process?	Put absentee – or put av The signature? Well every time they mentioned that to me. When there is no one coming in and in the beginning. Yes, we received a few. I don't recall. I don't remember.
	Commissioner Tenorio Q: If you look at 3409 – you can see	Julie Ulloa-Heath.

	the name – can you read that out.	
	Take a look at the signature. I want you to compare it to what is on the roster.	Maybe it was crossed out. Yea it is different.
	Take a look at Francis G. Quintanilla – there is a signature over that – there is also initials, why would there be a signature over that when it was absentee?	Absentee – yes. I don't know maybe they signed over the wrong one. Because I know that there has been quite a few times that they sign the wrong one.
	Maybe they signed the wrong one?	
	This lady – if you look at her ballot envelope the application the bottom right - you can see the voter signature.	
	How about you look at Carmela Quinata – Carmela Marie T. Quinata.	Carmela Marie?
	Do you notice there is a signature there also? This is the affidavit that came with it.	
	The other one that we called – Quintanilla, right? Take a look at – why don't you compare both signatures.	With Francis?
	Yes.	
	You don't have an idea what that would be? To your recollection, Jeremy – do you recall ever initialing next to a line that was crossed out but had a signature on it?	No. Once I crossed these out I would put av as an absentee.
	Because it should not have a signature on it, right?	
	Take a look at Carmen T. Quichocho. I'm sorry Carmen L. Is there a signature next to Carmen Quichocho?	Carmen T.? I don't know what this is.
	Carmen F. Quichocho is also an early	

	voter. I noticed there is no initial. You mentioned earlier that you missed some – by the way no other precinct had the rule that Sablan had. It is not standard, I don't want you to feel bad that – because that is not something that you are really supposed to do. It is something additional – it may or may not be a good thing. I don't want you to think that you messed up by not putting your initials it is not required and no other clerk in other precincts were asked to put their initials next to an absentee.	Yea our inspector is the one – she said to make sure I put an initial either av or absentee.
	Gregory Sanchez – it says that this voter did not bring back his ballot envelope. He put his ballot in the ballot box instead. This voter was not on the register, but indicated that he voted on the 2006 General Election. As per Stephanie treat as a cast ballot – regular voter.	
	This is a provisional voter – do remember that situation or talking about that?	No.
	That somebody got a ballot and it should have been provisional because it was sealed and it should come to us to make a decision, but they went on ahead and put the ballot in.	No. I was trying to focus on what I have to do - I was busy looking out for my job where everybody should – the box is all the way on the right side and I'm way over here in the corner near the door. Whoever is responsible for that should be looking out for that.
	That's all the questions I have.	
	So you never seen a ballot transfer receipt or a ballot transfer slip? It was a sheet of paper that had the list of all of the absentee that were received?	A sheet of paper?
	Yea it had names -	No. The people were just reading it to me – either Joe
	So you never saw it yourself? They just read out the name and you	They never really told me to go through it and check the names. They were the

	crossed them out. You wouldn't know if they were reading other names off that list? So whatever they said, you would cross out? So can you tell us about the night of tabulation, why you guys were the last ones to close up. What do you mean that you miss them? How did you identify the names? In other words you weren't counting signatures, were counting the male or female? So you weren't counting the signatures? How did you know which two you counted? Oh I see, but the signatures were there but you just figured out on the page where you accidently didn't include that on the count?	ones reading it to me. I would say it was more – when I miss that two count. How I said I miss them – I went through it I counted it. I put the numbers at the bottom. We went through it again. I guess there were some that were crossed out but didn't have a circle on them – Yea. If it wasn't crossed out then – Yes. Yes I was counting the signatures and also the ones that was crossed out. But whatever wasn't crossed out – that I didn't count. Then again, I missed two. We went through it and we saw that it wasn't – and I knew that I was counting where the circles were – Yes.
	GEC Chairman Johnny Taitano Q: Do you have any recommendations to make the process smoother?	I don't know what the others have to say, but for me – I just tried to do my job the best I can, if I had extra help it would have been better.
	Commissioner Tenorio Q: Do you know why the other clerk was not there with you at the table?	
***** **END OF INTERVIEW** *****		

	Precinct 15C	
12.13.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Chairman Johnny Taitano GEC Staff Dina Moser	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		

Do you notice if there is a signature on Francis G. Quintanilla?		
Do you agree that there is a signature on that line?		There shouldn't be. That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started

		working on the absentee ballot. I believe he went back and verify the signature, and those that didn't show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Carmina Blas Acquininoc
	Chairman Robert Cruz ***Q:*** What was your role at the election?	I was the inspector.
	Chairman Robert Cruz ***Q:*** You served as an inspector before?	Yes, Primary.
	Commissioner Tenorio ***Q:*** Were you ever a poll watcher before?	No.
	Commissioner Tenorio: ***Q:*** So your first time would be just in the Primary, you were a precinct official also? You weren't the inspector, though?	Yes. During the Primary I was the Inspector. I volunteered; they didn't have one for 15B. Inspector is my job, so I told David that I would go ahead and take the position.
	Subcommittee Chairman Cruz: ***Q:*** We've had complaints from two (2) different people that ballots were not secured properly in the voting are. They were left stacked, I don't know if they were on the floor, or on a table. At the polling place? What village?	What we had done was as we were counting the ballots in stacks of fifty (50). There was a person issuing the ballots at the end of the table. No one had access to the ballots except for us on the other side of the table. Yes. We weren't given a room, it was a cafeteria. It was an open area so we tried to barricade it as much as we could with the materials and the furniture that we had to use it wasn't that great. Barrigada. 15B.

	Commissioner Tenorio ***Q:*** There were two (2) precincts in the cafeteria?	Yes.
	And there is also two(2) - one each in individual classrooms, or were there three (3) precincts in the cafeteria?	No, there are two (2) precincts in the cafeteria, and two (2) at individual classrooms.
	The other precinct in the cafeteria is which one with you?	I was at the right side.
	Do you know what the other precinct was? It wasn't continuous, there was a precinct in between, right?	I can't remember. I think it is ***Ck*** thru There was some people directing left or right. Asking people what their last name is.
	What letters of the alphabet do you have?	L thru P.
	Are you familiar with a situation, how many people attempted to double vote in your precinct?	I didn't have any.
	Do you recall an incident where a voter came in to vote but indicated that she wasn't there to vote but there to check on her name? Any voter come in to check if there name was crossed off because they had early voted?	No. I know there was an incident where somebody – I think so, yea. Something like that, but I was on the phone with GEC speaking about something, and then they said, yea there name is here but it is crossed out already. So I instructed them not touch the name because it is crossed out already.
	Elaborate more on that incident.	They were just asking then they left. I wasn't a big thing about it.
	They came to vote?	No. They were with other people, so those people voted & they wanted to see if their thing was in.

	They wanted to see if their ballot came through?	Yes.
	How long did it take you to clear out all the absentee ballot?	It tooks us almost two (2) hours, because we were short staff by two(2). We had one of the alternates come in.
	So you asked someone to come in, were those the two (2) clerks – MaeAnn Sonato and Tammy Vawter?	Yes.
	So MaeAnn and Tammy are the two (2) new ones that came in that day?	Yes.
	Were there the same number of cast ballots and signatures on their?	Yes.
	Do you recall?	Yes.
	They had the same number?	Yes. The only thing that I was short on was the gubernatorial. I was short one (1) ballot on that. The absentee ballots had two(2) envelopes, some would only have one (1) ballot, some would have three(3) ballots in one envelope – they were all different. At the tabulation center when we were counting the absentee ballots I guess we weren't really counting on how many ballots were in there because they were all mixed up and we wouldn't know which one it came from. That is where we figured where it came from – why we were short a ballot
	So you were short a ballot. You weren't really sure because there were so many envelopes you were sorting through– is that what you are saying?	Yes, because we didn't have an extra ballot box just for those absentee ballots – they were taking up space in the ballot boxes. They were so full that *we couldn't find the last one*

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	On Election Day, when you had the absentee ballots, I think there 66 given to Precinct 15B– You said it took 2 hours to – from what you open?	About an hour and a half to two hours- something like that. Yes.
	So you processed all – all those ballots that were cast like about mid-morning?	Between those two (2) hours. We had to hold one (1) absentee ballot behind because it was either not listed on the list or it was a different last name from our precinct, so we turned that in on election night.
	That was the Ballot Transfer Sheet that you got – there were some that you got that shouldn't be in yours.	Yes.
	Tell me about when the polls closed at 8, what was your process? When was your last voter done.	My last voter was done probably about 7:55, and we were taking down the –
	So you had nobody in line at 8 to vote?	No.
	How about the other Precinct that you were with?	I'm pretty sure – yes they had some people still there. So what we were doing with our voting booths, we left one open; we took down the signs from the other booths. We tried to break it down as fast as we could. I went out side and Tracy said something like "the polls are closed", then we went inside and broke it down completely. But our first was to close up the ballot boxes and move them away to the inner section. Then we started defacing.
	Again your precinct is 15B?	Yes.
	Did you notice if Precinct 15C was taking a longer time to close than you guys?	Yes, they always take long.

	Do you mean always because of the Primary?	Always as in the Special Election. They have been working as precinct officials for a while – 15C right?
	How long have you been – how many times have you been an official?	Pretty long.
	Like many years?	Yes.
	Were you a precinct official in 2006?	Yes.
	Were you ever a poll watcher?	No.
	Chairman Robert Cruz: Q: Do you have any comments you would like to make?	The only thing that I would complain about is, as an Inspector I would like for the people to show up on time. If we could get a contact number for the people who actually sign up and try to be in sync with them instead of just waiting for them to show up. To get started – especially this time with three (3) ballots was really hard. We were short in almost every stack. It would help if we had our staff complete. And if we can get people who can count - educated people, not just people who need the money.
	Have you seen people like that?	Yes, even people who just try to procrastinate. Everyone knows when to start breaking down. You have 20 minutes left, you take away 100 ballots because guarantee you will not have 100 people walk through those doors in an hour or twenty (20) minutes. You can start closing off and start on procedures. Everyone was finish except Precinct 15C. It took them about an hour and a half – over the time that we were done .
	Commissioner Mesa Q: Did you try to help?	Yes. I actually went in to try to help. Their Inspector started yelling that she doesn't need help –

	What were they doing?	They were counting the unused ballots. The Inspector and the Judge didn't want anyone to touch anything. They were the only ones to do all the work.
	Commissioner Tenorio Q: You had the letter M –M was in your precinct? One last thing, earlier we talked about a voter who came in – was the voter a male or female? A male?, do you recall any female individual who came to check whether or not her name had been marked off as in an absentee ballot? Who was at the signature roster? Vaughtner? Tammy or MaeAnn, right?	Yes. It was a male. No, not a female, it was a male. Tammy. Yes. I don't really know her last name. Yes.
******END OF INTERVIEW******		

	Precinct 15B Barrigada	
12.11.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa GEC Chairman Johnny Taitano Commissioner Joshua Tenorio GEC Staff Dina Moser	Amber Pocaigue, Judge Tammy Vawter, Clerk	
	Subcommittee Chairman, Robert Cruz Q: What was the process used to come up with reconciliation total? We noticed that because we were running short of supplies, on the ballot envelopes. The staff was trying to make the ballot envelopes last.	We had one (1) missing ballot, right? We noticed that you know how there are supposed to be three (3) ballots, sometimes when we open the envelope, we don't have all three (3). Sometimes we don't have the gubernatorial; sometimes we don't have Madeleine's. We noticed that, but we only had one missing ballot.
	Commissioner Joshua Tenorio Q: Tammy and Amber were you officials in the Primary? You were on the original list that morning there were four (4) of you, do you recall how the fifth person was selected and what time that was? Who, the Inspector? Did you know that we received a report that there was an alternate that – Was there another person that was sworn in?	Tammy: I was Tammy: Our Inspector called her sister. I got there about 6:30. Amber: I was there before 6, she was there about 6:15. No, the sister. Yes, there was, it was a male and he was at 15C already, so we couldn't have him at 15B so our Inspector called her sister. Tammy: There was a lady wearing glasses, she's skinny, but she came late – very late.

	So MaeAnn came before that lady?	Yes. That lady, maybe she is in her mid-30's she came like way after.
	Subcommittee Chairman Robert Cruz: Q: When you say late and way after, like what time?	Everyone is supposed to be there by 6:15, if you are not there by 6:15 your alternate is supposed to be there. So when 6:15 came around and we still had no alternate that is when our Inspector called her sister Maeann to come. The older lady with glasses she came maybe – 6:40, and she had already sworn in Maeann.
	Commissioner Tenorio Q: The precincts weren't open yet? So the lady that was already sworn in, she wasn't accepted, but the other one was, right	No. Yea, she knew she was late.
	Subcommittee Chairman Robert Cruz Q: Do you what happened, did she just go home? We could have used her in another precinct. Oh so she did work?	I have no idea. I think she was at Precinct 15A. Yea, I think so. What's her name - do you remember what her last name is? I think she is a Cepeda. Skinny with glasses, maybe in her mid-30's, if I am not mistaken.
	Commissioner Tenorio Yea, I think her name is Carol Cepeda. Q: Tammy you were the Clerk, so you handled the signature roster? Can you tell us the process when the poll – both of you, can you let us know – (I think Amber you already answered this), but Tammy a bunch of early vote came in, can you –	Tammy: We weren't able to finish all of them when we first opened, but as there were no people we were able to work on them. We were also questioned by one of the voters is that your absentee ballot, "why is it that they are not all accounted for yet?"

	So you did the best you could, is what you are saying?	Yes.
	At the end when the polls closed, tell us what was your process? What was your experienced procedure? First, where were you in the classroom or in the cafeteria?	Cafeteria. I had to count of these numbers, and add them all up. Then our Inspector did a check and balance. Then we all counted all the ballots that weren't used.
	Turn to the back page, what time in the evening did you guys sign this?	Eight.
	Were you still down there?	We wrapped it up pretty quickly. But we were still at the school until about 9:30.
	Because there was still another Precinct you were waiting for?	
	The certification of the signature roster is made at the school or at UOG?	At the school.
	Where did you count the signatures? All of you signed?	Yes. At the school.
	I noticed there is a different color ink used here; do you recall this being changed?	This is not my writing. I know that we had to do it three times, because the first we counted all of this – all of our absentee, all of our provisional, all of our curbside – we had to keep on counting to make sure everything was accounted for.
	This number - do you have seven – I am not sure what that says – Seven forty plus – there is an additional red ink notes.	Seven forty. Seven forty plus ten is seven fifty. The absentees that we couldn't figure out if their names were here.
	Did you receive some ballots at UOG?	I think that's what it is. Do you remember if we received this three up there? Yea, we received some. *~I think we should all be here to answer this ~*

	Can you check if Mrs. Mafnas is here or anyone from their precinct.	
	I think here you have three ballots received at Tabulation Center. So go back to this – I guess it does say it – seven forty plus three absentee at Tabulation Center – including absentee write-in.	Yes we received these three at UOG. Its says at the Tabulation Center
	Can you tell us about this page?	That was the absentee ballots – these right here. These people were the ones that came in, they were already registered with you guys – GEC, but their names aren't on this stuff. So we are on the phone calling you guys to verify if this person is from this precinct, and yes they did vote.
	How about the other names?	These are all from the absentee ballots.
	Do you remember when the names were written? The ones with blue ink.	We wrote these in at UOG Tabulation Center.
	Who wrote these in?	Carmelita. This is not my handwriting. This here is -
	The three?	
	You were there when they wrote the blue ones in – what said during that time? Did somebody – I guess- why were they written in?	Carmelita - Carlina said the names had to be written in She just came back and said to write it in. She said one of the staff – the lady in red that night - These are the names that are not on this master list -
	Commissioner Joseph Mesa Q: Look for the name Orsini, you see the name written in the back?	Orsini, Rikki Rae Q.?
	Commissioner Joshua Tenorio Why don't you check the other names.	You would have to question Carmelita why.

	Commissioner Joseph Mesa Q: Do you have any reason why the names are written on the back? Q: So in your overall count did you count those names again? The ones written in blue. We are just trying to figure out why they were written in.	I have no idea why? I think she went to one of the stations or one of the staff, and she came back and said we have to write it in the names. They were already written in with their name and absentee. Oh that's like a double count or something?
	Commissioner Joshua Tenorio If it was counted again.	I didn't write it.
	Commissioner Joseph Mesa Q: So the Inspector wrote it?	Yea, I think it was the Inspector. That's not my handwriting.
	Commissioner Joshua Tenorio Q: Tell me about when you counted, Tammy are you the one that counted? That's when you came up with the seven forty (740). It says the number of signatures of voters who signed on the signature roster – it says 750 and there is a note on the back. We have seven fifty (750)right? Then at the back it says seven forty (740) and tabulated on election night was seven fifty one (751) which is real close. The signature roster when you did the count, did you see this Form before you signed it? Did she show you the numbers, she showed everyone. This was completed before everybody signed?	I first counted, then Maeann counted, then we both counted a third time. Yes. We didn't account for one missing ballot. Yea, it says seven forty plus the three (3) from the Tabulation Center is seven forty three (743). Our Inspector did. Yes. I think we had to get a – the first sheet we got we used as scratched – everything was wrong so we trashed it. We did one that was more visible and clean.

	Why would everybody be signing seven fifty (750)? How did you get that count? If you look at the back of the signature roster. Do have anything you could remember or want to add on?	I don't know how. The only way I could say that that could come out to seven fifty is counting the second time.
	Commissioner Joseph Mesa Q: So the Inspector is the one that wrote that at UOG? By her? Did she explain to the group as to why? The last station?	Yes. The blue ink was written at the Tabulation Center. Yes. I don't remember why, but after we went to the last station they told us – as to why I don't know. Where we bring all of our stuff – there.
	Commissioner Joshua Tenorio Q: When you crossed out for absentee, did you check it again? Meaning that each affidavit envelope you check that? So when she said to write those names down, did she show – these are the affidavit envelopes they are not on the list, so therefore we have to write the names down? Did she come with a list of names? Joe do you think you could pull that transfer sheet for 15B	Twice. I looked at the packet and double checked the date of birth. Yes, I looked at the back of the envelope. No, not that I know. We had already the list of names from the absentee sheet. There was a sheet that had all the absentee names on it. We had to check and balance, if the package was to the name. If it was correct then I would be the one to cross it out and write absentee where the signature is supposed to be. Yes that paper.

	Would you find this paper complete or incomplete?	Incomplete because it had some errors. But we figured - like for instance this lady – it was a name that had a typo – she is here on this list, if I see it, I'll let you know.
	Commissioner Joseph Mesa Q: It would throw your numbers off. And you found her?	This lady right here – Lolita – this last name we couldn't find it. But when I went through every single name, it was under something else. That was one of the absentee I didn't cross off immediately because we couldn't find where her name was. When it wasn't busy I went through every single name and every single date of birth to figure out where she is. We found her.
	Commissioner Joshua Tenorio Q: The handwriting at the back is the Inspector's? Under the certification. Yes, you know the ones in blue. What's the difference the names on the ballot transfer sheet and the signature roster. Other than typographical errors, were there missing names on the ballot transfer sheet? Meaning that you had affidavit envelopes but the names weren't there. No. vice-versa. In other words did you receive more ballots than what was given to you? So they pretty much equaled out?	The way back? Amber: I really don't know We had envelopes with the names on here but not on the roster. No. Yes.
	Commissioner Joseph Mesa Q: If you go to her name – Losongeca, Evelyn R. – she's not crossed out, right?	Yea, she didn't vote. But it says that she had an absentee ballot
	Commissioner Joshua Tenorio Q: These four names I don't know they are not on the list,	You said four, are the other three on that list?

	when they early voted. We should ask her – she should have written the names on the ballot transfer sheet and not on the roster. She mixed it up. I don't have any further questions.	 Maybe she – Yea.
	Subcommittee Chairman Robert Cruz Q: Is there anything the two of you would like to share?	One guy came in saying that he wanted to check if his name appears on the list in front of the door. When we wasn't satisfied, he came to us and you guys said he wasn't not registered.
	Commissioner Tenorio Q: Were you told that you can give him a provisional ballot? A provisional ballot is when a person comes in and their name is not on the register, there is an affidavit envelope and they fill out the precinct and the voter information they'll send it in to the Election Commission. What is supposed to happen is we are supposed to review it and make a determination on it. Did they not tell her to give him a provisional ballot?	Even though GEC said he wasn't registered? Carmen did all the procedural stuff, she's the one that calls GEC. Otherwise I would have handed it to him and wrote his name down. I only saw one lady with a provisional ballot. She said make sure it doesn't go in the box and for her to give it to me.
	Commissioner Mesa Q: Why did she have to vote provisional?	I don't know. She just told me to make sure she doesn't put it in the box.
***** END OF INTERVIEW *****		

12.11.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	**Precinct 15B** **Barrigada** **Mariquita Mafnas**	
	Commissioner Joshua Tenorio Q: Mrs. Mafnas, you were a Judge	Yes, I was one of them.
	We wanted to find out about this page – what your recollection was about this page of the signature roster?	Okay. My recollection was when we went up to turn in everything – something about it doesn't balance. Our Inspector was told that – actually she mentioned that the reason why we don't balance is because of the Provisional. So they told her – they told us that whoever writes fast can write in all those so we can balance.
	Did she come back with a list of names?	Well she had a list of names from the –
	Do you know who gave her the list?	That's from the provisional list – I don't know who got the list.
	Was it handwritten list that she came back with?	I don't remember. The only thing I remember is that somebody wrote this.
	Do you remember who it was?	It was Maeann. She was the one who wrote it because she said she can write fast. So we went back to the table and she was the one that wrote everything down. I don't know where she got the list, but I know she had a list.
	Can you tell me about this up here?	I can't because it was Mina that wrote the thing down.
	So when you signed this, the notes were there – the ones in red were already there before you signed?	That was down at the Tabulation Center.

	Was there already a tally? Do you recall when this was put in? Were you there – The one in blue. Oh okay – so you all witnessed it. I don't have anything else. Joe do you have anything else? That is it.	 The one in red? At the tabulation center.
***** END OF INTERVIEW *****		

Present	Precinct 15B	
11.15.2010 Subcommittee Chairman Robert Cruz Commissioner Joseph Mesa Commissioner Joshua Tenorio GEC Staff Dina Moser	Oath administered by Subcommittee Chairman Robert Cruz, precinct officials instructed to state full name and their role during election:	
		Marakita S. Mafnas - Judge
	Subcommittee Chairman Robert Cruz ***Q:*** What was your role at the election?	I'm one of the precinct officials, which is a Judge.
	Subcommittee Chairman Robert Cruz ***Q:*** Is this the first time you've done this?	Well I did it on Primary, this is not my first time, this will be my second time, I would say, I did it before I left to Okinawa, in the 90s.
	Subcommittee Chairman Robert Cruz ***Q:*** Is there anything that you observed that you'd like to bring to our attention, or anything that you can suggest to improve our process?	Ok in 15B what happened was, well actually I came in a little bit late because I wasn't planning on coming in because I had the flu. But then I said that's ok, I'll go ahead and give it a shot. So I came in about 6:15 and Carmina, who is the Inspector, told me that if I didn't come in within another 5 minutes she would have to swear in somebody I guess. So she said thank God you came, so I came. And then she said we were short by one, so I don't know who didn't show up that was assigned to our precinct. It just so happen that Carol Cepeda, who is stationed in Precinct 15, was supposed to go to 15, but she was late, she came in about 6:30, so I guess the Inspector there and Tracy Palomo went ahead and swore in somebody. Tracy told her to go around and check who is short. And maybe they could just go ahead and take here in, because she was sworn in already and we had the training. Carol came over to our precinct and she said "Tita do you know of anybody that needs help

		because I'm late and Tracy had already sworn in somebody". So I said to Carmina, "hey we have somebody here that could fill in the shortage" and she said no she's late. And then later on she picked up the phone and called up her sister, and then her sister showed up about maybe, I don't know if whether that's her half-sister, but she came in about almost 7 o'clock. And you know it doesn't make sense. The poor girl Carol was there already, but just because she was late on the other precinct they had sworn in somebody, so she was told to go around and check who was short so she can fill in somebody.
	Chairman Robert Cruz ***Q:*** But you saw that, you actually saw her turn her away?	Yes. Because she said she was late.
	And then you actually heard Carmina -	I heard her calling her sister.
	...to ask or had she already called her sister and said we're short, come on down, where are you or something?	Well when Carol left, she picked up her cell phone and she said hurry up because you are late.
	To her sister?	Yes. To her sister, so I don't know whether she called her prior to, but the thing is she was already there, the individual was already there that was sworn in.
	And she was the one that had received training already?	She did because she worked Primary. Which one are you talking about? Carol?
	Carol.	Yes she received training. She was here.
	And how about Carmina's	

	sister? She received training?	Carmina sister was there during the primary and she was in 15C I think. She was here for that training for Barrigada.
	Commissioner Joshua Tenorio ***Q:*** Which one is her sister, Tammy or MayAnn? **Commissioner Joshua Tenorio** **Q:** MayAnn is the sister?	MayAnn MayAnn is the sister. I was told that was her sister.
	Q: Mrs. Mafnas you know there was a complaint that came in from a voter, saying that when she came in to vote, did you ever handle the signature roster? Who was doing that? Tammy? Ok. Well no actually what it was, was umm , a voter claimed that she went to check, she had voted early, so she went in to check whether or not her name	No. That was.... I think it was, to be honest with you, I don't know who the other girls are, I only know Carmina, because I dealt with them during the primary. What do you call that, it was, MayAnn was one of them. I know she sat there the minute she came in. She sat there and then, this is what you are going to do because you are going to be a clerk, she was told by Carmina. Then she asked me what am I supposed to do, I said I am the Judge. I don't know about the complaint about the each of us. No. Because I was standing next to the ballot box, I was giving the partisan, non-partisan, and delegate.

	was crossed off already, and it wasn't, and she claimed – this is what she said – "I went to the last names beginning in M, showed my ID and I told the female worker who attended to me that I already voted at the GEC office. She was kind enough to check my name and then looked up to me, that my name is there and that nothing is showing that I already voted. So she asked me if I wanted to cast my vote and I said no and that I feel it is not right. So she said it's up to me. And then I left." So I'm just trying to take a look at that specifically and see whether or not you knew about, or did you hear about that kind of situation.	I know that they were still doing it as the voters were coming in.
	How many, for the early voting, when the ballots came in the morning with the envelopes, how was that process handled and when did it finish?	Maybe I would say, maybe about 7:30.
	What time did they finish?	Yes. In the morning.
	In the morning?	Yes. They were able to do it but like I said it was Carmina, MayAnn, and the other girl.
	Oh so, they were able, that's pretty good compared to...	Yes crossing it out. And the only thing that I did was the Absentee Ballots. It was given to me to put it in the box.
	They were the ones that were crossing out the –	Yes. But I did verify when we went up to UOG, I verified the listing because that's what they gave me and asked me to do, is count how many voters, while Carmina is writing down the...I was the 3rd counter. I did question why is that they crossed out the first name of an individual, I forgot which one, but they put in another name. And they told me, Carmina told me it was because the last name is correct but what they printed out for GEC was wrong, but the DOB
	And when they came in, was the procedure to read out the names?	

		was correct. The first name was not the same.
	So the last name and the DOB was the same, but the first name was different? Ok.	I even questioned, like I said I wasn't involved during the election process listing. I did question when I was asked to triple count the number of voters that came. I questioned why is it that we have 10 added in on the list. And I was told that those were provisional voters. If you look at that listing, I don't whether there were 10 added or 9
	They might have been. It actually says, this is 15B correct? It actually says there was only 1 provisional ballot and then 3 more absentee ballots received on election, at UOG. Can you bring me 15B, Dina. Oh Amber. She just left. Why don't you go ahead and show what you mean?	Yes. But then why Is it that there were 10 names added on the back of that listing? Do you that listing? I know that either 10 or 9. I wouldn't know because they took the other – I forgot what's the other girls name. Amber? I know because she said you're next. See all these names? What are these? They told me that they are absentee and some are provisional? What are those? When we were short with that 1 ballot, the one that's in front of you

	And they're not here?	guys, when we were counting it, Carmina tried getting - ?????
	Well at least the first 2 names that are appearing crossed out as absentee here but they are written also – Do you know were these counted as signatures?	I think so. Yes. Because Carmina is the one that worked on this. She just asked everybody to sign. And she made remarks on the back.
	For that one, right?	Yes.
	Well this one, I don't know why they –	Yes that's what I'm saying. They just wrote it out. And I did question it and she told me it was provisional.
	Steff (GEC Staff) Their names are listed in the – maybe they couldn't find it at the time. Oh so they just wrote it out.	
	I'm not sure why she would write it out like that and then go to the roster and vote it absentee. But if they counted it double signatures then they will have too many signatures.	And also, when we got up to UOG I was counting that folder and then I overheard when they were opening up the absentees, "oh how come we have only 2 ballots, how come there's only one in here, I don't know, because I wasn't involved with that" because I was busy doing that.
	Commissioner Joshua Tenorio Ok.	
	Chairman Robert Cruz There must be a mix up.	There was some short inside the absentee ballots, sometimes 2, sometimes only 1.
	Q: You said this was at the University of Guam?	Yes.

	Didn't you do that at the polling place?	Which one? – No we didn't open the absentee, we only cross out the name on the list from the front page of the absentee, but we didn't open the absentee folders. Because like I said it was given to me to put in the ballot. So we opened it up at UOG.
	How come you didn't do it at the polling place?	I don't know.
	Commissioner Joshua Tenorio **Q:** You were told not to do that?	No. they told me to just put the absentee ballot in the box, as they were closing –
	In other words, the absentee ballot within the envelope?	Yes.
	So then which you only verified the envelope.	Yes.
	Not the ballots inside?	Not the ballots. Until we got to UOG.
	Why?	
	Commissioner Joseph Mesa I thought it was in the box?	Yes it was in the box.
	Commissioner Joshua Tenorio But when you're counting the number of ballots. So these are really just envelopes now? This number?	
	Stephanie Chargualaf – GEC Staff Yes. And then they would insert the inner envelope inside the ballot box. And then its opened	

	up at UOG. **Commissioner Joshua Tenorio** Why? ***Stephanie Chargualaf – GEC Staff*** Because then the jeopardy of the voter would be compromised, because they would know who that voter voted for if they open up the envelopes. **Commissioner Joshua Tenorio** So that's the standard practice? ***Stephanie Chargualaf – GEC Staff*** Yes. **Commissioner Joshua Tenorio** So you don't know really – you are counting envelopes but you don't know if there are ballots inside? ***Stephanie Chargualaf – GEC Staff*** Correect. Until you open it. **Commissioner Joshua Tenorio** Ok. ***Stephanie Chargualaf – GEC Staff*** Yes the procedure changes. **Commissioner Joshua Tenorio** So this should read enter the total # of absentee ballot envelopes. ***Stephanie Chargualaf – GEC Staff*** Correct.	And that's the one that I am saying, sometimes there are only two envelopes or one.

	Commissioner Joshua Tenorio There are not really ballots? ***Stephanie Chargualaf – GEC Staff*** See depending on the election, depends on how many ballot envelopes we have **Commissioner Joshua Tenorio** Ok. Alright. I don't have anything else. **Chairman Robert Cruz** Thank you very much Mrs. Mafnas	
******END OF INTERVIEW******		

	Precinct 15C	
12.13.2010 Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Chairman Johnny Taitano GEC Staff Dina Moser	Subcommittee Chairman Robert Cruz reminded Mr. Sablan and Ms. Viloria that they are still under oath.	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Commissioner Joshua Tenorio Q: Latoya Baza – what was her role?		Judge.
She is listed here as a clerk. The other judge is Annmarie Mesa. What was Latoya doing on Election day – what was her job?		Her job was also a clerk, but I had her working on the absentee ballots because I wanted to make sure that we get those logged into the signature roster and I also had her validate all the absentee ballots that were logged in.
We went through the supply boxes where all the affidavit envelopes for every village. What we did was if a person is marked off absentee on the roster then they should have a matching envelope in this box. We spent quite too many days doing that for every single one. We found a couple of things that we would want to ask about.		
If you could turn and find the name Francis G. Quintanilla – on the roster.	What is the middle initial?	
G.	What is the date of birth? P.O.Box is -	1/19/1965
I think we are looking more at the signature.		

Do you notice if there is a signature on Francis G. Quintanilla?		
Do you agree that there is a signature on that line?		There shouldn't be. That's an absentee ballot.
Correct.		The only signature that should be there is –
Your initials.		Right.
Why don't you turn to Carmen F. Quichocho.		
By the way, before you do that – let me just show you Francis F. Quintanilla – this is her signature on her application.	It says here male, but this is a female.	
Either way – there shouldn't be a signature on there, right?		Yea, there shouldn't be.
The reason why this process was checked is to see if people tried to vote or got away with voting twice – that is one of the reasons we validated the signatures because of the security.		
How about – can you check Carmen Quichocho.	Which one – Carmen R. or Carmen F?	
Carmen F. – do you notice if there is a signature?		Yes.
There is? This is Carmen Quichocho's signature.		We were really adamant about checking in everybody and checking it off against the roster. However I believe I may have an explanation for that – half way through Latoya had asked us why Joshua was not making them sign the roster. I think the first 10 people that came in – because it was his first time – I don't think he read his policy. I'm glad Latoya caught it – we had already started

		working on the absentee ballot. I believe he went back and verify the signature, and those that didn't show up – thinking that it was blank it needed to be filled out.
Can you turn to Carmela T. Quinata.		Same signature as Quintanilla.
This is Carmela's signature.		I figured it out, it's the same as Quintanilla's, but these are our initials.
	Can you pull up the other one before that?	
Carmen T. Quichocho's?		The only legitimate answer I have for that is when Latoya approached us that she noticed Joshua wasn't having people sign in once he checked them in. He did everything right, except the signature. Which I went back to him and asked him how many did we miss?
But those are for voters coming in?		Correct. I believe that he didn't see exactly this – then he started to put everything in there, but by then there's already about 10-15 people and he just started filling in.
So this is about 7?		About 7 or 7:30
Could you take a look at Julie Ulloa-Heath. You probably already saw it because it's an absentee. This is Julie Ulloa-Heath's signature –		We received five (5) absentee ballot at the check in.
When you came in?		Yes.
Do you recall the names?	Not at the top of my head.	No. But we did receive five (5).
I think that – we also went through the ballot transfer sheets. What we did was spent a significant time going through signature rosters – the Commission should have given a list of		Some were correctly annotated on the transfer sheet. It is normal human error - it takes a lot of scrutiny to look at each and everyone.

names. We crossed check to see how many voters affidavit was not listed on the transfer receipt. There are errors on the transfer sheet. Right, because we are actually supposed to be the one. I don't have any more questions, Bob. Was Latoya a judge? I don't have anything else Bob.		I was trying to get the police officer and the secretary from the Mayor's office to help get the precinct in order. As an Inspector, it is my responsibility. It was probably an oversight on my part, but I take full responsibility. I am glad that my judges - Joe and Latoya - were on top of stuff helping. The clerk was Joshua. Annmarie was a judge. She did mention to me that she didn't feel comfortable being a judge, but I told her that its ok.
***** END OF INTERVIEW *****		

	Precinct 15C	
12.13.2010 Robert Cruz, Subcommittee Chairman Joseph Mesa Joshua Tenorio Johnny Taitano, GEC Chairman Dina Moser, GEC Staff	Oath Administered by Subcommittee Chairman Robert Cruz	
	Jeremy Cepeda, Clerk	
	Commissioner Joshua Tenorio	
	Q: Jeremy you were the Clerk	Yes, the only Clerk.
	What about Latoya Baza?	Oh, I don't know. I don't remember their names.
	When you said that you were the only Clerk, what did you mean by that?	Oh I know that there are supposed to be two clerks assigned, but it was only me doing it.
	Where was the other clerk?	Oh I don't know. There was only five (5) of us.
	There was another male aside from you, the Inspector, and two other females – Ann Marie Mesa and Latoya Baza do you know what they did, what their role was?	Yea – they were counting something on the side – I don't know. I forgot what they were counting.
	Throughout the day?	Yea. The Judges were doing their job. They were on the side counting for a few hours.
	Do you know if they were counting all the absentee envelopes?	I think so. We were one of the last ones to leave.
	You know one of the process we saw was – you know all the initials. I can give you the signature roster to look at, but tell us what time you came in and the process when you came in to work that day.	

	Were you one of the last minute –	No. It was me and my mom, but I woke up late. We were supposed to be there like 5, but we arrived about 5:15 -5:30.
	So you were there when the ballots arrived?	Yes.
	So tell us how you set up your supplies.	Well actually by the time we got there, everything was set up. The polls were across us, to the left was the poll watchers by the door.
	You were in the classroom?	Yea. Pretty much from there, the only time I left my spot was to go use the restroom.
	You were the only one handling the roster?	Yes.
	Were the others referring to the roster? – let me show you something. Have you ever seen this kind of envelope? It is not specific to the voter's name, but have you seen this during election day?	They are like the absentee?
	Right.	Yea. Everytime they are telling me to write it down. Check the names and cross it out and sign it.
	They – meaning – Mrs. Viloria, the Inspector?	No, it was the other guy. He was the one reading it to me.
	So he would take each one and read it? If you found the name – what would happen?	I would cross it out then next to where it says signature I would put absentee
	When will the initials come in? Do they do it at the same time	Oh that is from – They didn't really tell me to write my initials yet, until he was like are you sure your writing your initials. I said nobody told me to do that.
	So you had to go back –	Yeah I had to go back and knowing they had the folder – I don't know which one they went through already, so I am

		thinking like what is the last name of the voter. I would remember a few and I would write it
	Other people would get the roster and initial also?	Yes – but I think it is only –
	Would they initial where you initial?	Yea, I think it was for the absentee ballot and the curbside
	You would be the first one to initial?	Yea
	For example – Latoya Baza I have not seen this book all day I wouldn't know what the procedure is for the day. Would I look for your initials and initial next to it?	
	How did the other initials get there?	They will initial probably after - when no one is coming in they will do it.
	Where there any time when they said you forgot to initial and they told you to?	I don't recall.
	So the only ones that you initialed was after they told you?	Yes. But if I didn't know it, I just said forget I am not going to do it. It was me the other guy and the inspector.
	Do you recall if there was a voter that – Yea, what would you tell them?	If a voter was not registered in Barrigada? I would bring it up to somebody like the Inspector. She would check. We will tell them that they are not registered in Barrigada or that precinct. I don't know, she called a few times.
	You were there when they gave provisional ballots, do you know if anybody put the ballot straight in without a provisional envelopes?	When I went through the roster, I missed two names – I didn't count. The only ones that we were counting were the ones that were crossed out. I was counting male – female and writing it on the right side.
	Oh I see -	
	GEC Chairman Johnny Taitano	

	Q: Who did this page? Do you remember writing that?	Me and our inspector. No. Maybe the first two, but the rest no.
	Commissioner Tenorio Q: When Mr. Sablan was announcing the absentee names was there ever a time someone came in to vote and their signature was crossed out? Look at this name, Julie Ulloa-Heath. This Julie Ulloa-Heath was an early voter, but there is a signature over her name. Do you recall anyone coming for that name? Well she may have come in but – I am going to show you the signatures don't look the same.	Their own? No. No. So she voted early and she came in again?
	GEC Chairman Johnny Taitano Q: When the other person started calling out absentee or in office voting – you mentioned that you would cross it out and then put – And then later on they started to initial. When did you get the bulk of that done? When? Do remember receiving anymore when you went up to the University? And then – was it the same process?	Put absentee – or put av The signature? Well every time they mentioned that to me. When there is no one coming in and in the beginning. Yes, we received a few. I don't recall. I don't remember.
	Commissioner Tenorio Q: If you look at 3409 – you can see	Julie Ulloa-Heath.

	the name – can you read that out.	
	Take a look at the signature. I want you to compare it to what is on the roster.	Maybe it was crossed out. Yea it is different.
	Take a look at Francis G. Quintanilla – there is a signature over that – there is also initials, why would there be a signature over that when it was absentee?	Absentee – yes. I don't know maybe they signed over the wrong one. Because I know that there has been quite a few times that they sign the wrong one.
	Maybe they signed the wrong one?	
	This lady – if you look at her ballot envelope the application the bottom right - you can see the voter signature.	
	How about you look at Carmela Quinata – Carmela Marie T. Quinata.	Carmela Marie?
	Do you notice there is a signature there also? This is the affidavit that came with it.	
	The other one that we called – Quintanilla, right? Take a look at – why don't you compare both signatures.	With Francis?
	Yes.	
	You don't have an idea what that would be? To your recollection, Jeremy – do you recall ever initialing next to a line that was crossed out but had a signature on it?	No. Once I crossed these out I would put av as an absentee.
	Because it should not have a signature on it, right?	
	Take a look at Carmen T. Quichocho. I'm sorry Carmen L. Is there a signature next to Carmen Quichocho?	Carmen T.? I don't know what this is.
	Carmen F. Quichocho is also an early	

	voter. I noticed there is no initial. You mentioned earlier that you missed some – by the way no other precinct had the rule that Sablan had. It is not standard, I don't want you to feel bad that – because that is not something that you are really supposed to do. It is something additional – it may or may not be a good thing. I don't want you to think that you messed up by not putting your initials it is not required and no other clerk in other precincts were asked to put their initials next to an absentee.	Yea our inspector is the one – she said to make sure I put an initial either av or absentee.
	Gregory Sanchez – it says that this voter did not bring back his ballot envelope. He put his ballot in the ballot box instead. This voter was not on the register, but indicated that he voted on the 2006 General Election. As per Stephanie treat as a cast ballot – regular voter.	
	This is a provisional voter – do remember that situation or talking about that?	No.
	That somebody got a ballot and it should have been provisional because it was sealed and it should come to us to make a decision, but they went on ahead and put the ballot in.	No. I was trying to focus on what I have to do - I was busy looking out for my job where everybody should – the box is all the way on the right side and I'm way over here in the corner near the door. Whoever is responsible for that should be looking out for that.
	That's all the questions I have.	
	So you never seen a ballot transfer receipt or a ballot transfer slip? It was a sheet of paper that had the list of all of the absentee that were received?	A sheet of paper?
	Yea it had names -	No. The people were just reading it to me – either Joe
	So you never saw it yourself? They just read out the name and you	They never really told me to go through it and check the names. They were the

	crossed them out. You wouldn't know if they were reading other names off that list? So whatever they said, you would cross out? So can you tell us about the night of tabulation, why you guys were the last ones to close up. What do you mean that you miss them? How did you identify the names? In other words you weren't counting signatures, were counting the male or female? So you weren't counting the signatures? How did you know which two you counted? Oh I see, but the signatures were there but you just figured out on the page where you accidently didn't include that on the count?	ones reading it to me. I would say it was more – when I miss that two count. How I said I miss them – I went through it I counted it. I put the numbers at the bottom. We went through it again. I guess there were some that were crossed out but didn't have a circle on them – Yea. If it wasn't crossed out then – Yes. Yes I was counting the signatures and also the ones that was crossed out. But whatever wasn't crossed out – that I didn't count. Then again, I missed two. We went through it and we saw that it wasn't – and I knew that I was counting where the circles were – Yes.
	GEC Chairman Johnny Taitano Q: Do you have any recommendations to make the process smoother?	I don't know what the others have to say, but for me – I just tried to do my job the best I can, if I had extra help it would have been better.
	Commissioner Tenorio Q: Do you know why the other clerk was not there with you at the table?	
***** END OF INTERVIEW *****		

	Precinct 15C	
Present: Subcommittee Chairman Robert Cruz Commissioner Joshua Tenorio GEC Staff	Oath administered by Subcommittee Chairman Robert Cruz	
	Joseph E. Sablan - Judge	Bertha Pangelinan Viloria - Inspector
Chairman Cruz Q: Is this your first time to serve in this capacity?	No.	No.
	2008 I was an inspector for the General. Primary I was a Clerk but moved up to a Judge. For this past Primary and General I was an Inspector.	I was an inspector during the Primary. I was a judge for the Special Election then moved up to an Inspector.
Chairman Cruz there are specific issues that we are looking at in Barrigada.		
Commissioner Tenorio Q: Can you explain the process of the absentee votes. You are in 15C, right – you should have gotten 56 envelopes. Tell me the process of the votes.		As an Inspector, I asked Joe and the other Inspector that once we set up and open up the polls we need to start validating the absentee ballots – opening the envelopes, crossing it out with the signature roster, and have both Judges initial it. We even went as far as having myself and the clerk initial it. By 10 a.m. the process was complete. Joe can explain the rest because I had him sit at the entrance with the Clerk.
	We wanted to make sure that the voters that were coming in that morning, if they had already done an absentee ballot they were not trying to come in to vote again. Before I was able to complete finishing all the signatures crossed off	

	that we initialed for the absentee ballot every name that was called off before we allowed them to vote, I went through the 56 count to check if their name was on any of them.	
Commissioner Tenorio Q: Until you were caught up. No one attempted to double vote?	No, we did not get any incident on double voting.	
Commissioner Tenorio Q: When the process of casting the vote was completed e.g. you call out Joseph Sablan and its an absentee envelope– what happens to the envelope when it is given to you?		Once the Judge validates the information – I always made sure that there were two (2) others with me to authenticate my procedure- we open each envelope of the absentee ballot. We pulled the envelope to double check that it is the envelope for the actual voter then we cast that actual envelope into the ballot box.
Commissioner Tenorio Q: Tell me about University of Guam Fieldhouse, when you are going through the count. Q: How did you find that? Q: They did cross out but they didn't have a signature or indicate absentee. Q: The absentee ballot that came, when it was time to sort the ballots. When you opened up the ballot boxes	We didn't have any problems with the 56 ballots. They were all accounted for.	When we were at the University, we realized we were two short and we had to go back and recount it. When we recounted we verified that our count was correct, however there were some signatures that were not on the register that should have been on the register. They did register to vote, they just didn't sign the register. When we were looking at the register mark out. The Clerk did cross out One was an absentee – Dave Rojas who is in the hospital his signature was not on there We didn't have a problem with any of the absentee ballot. We received five (5) absentee

they were in the envelope – what happens after that? Q: They were waiting for you guys on the table?	No. They were given to us when we checked in with Mr. Blas. When we arrived at the Tabulation Center that is when we received those 5, 2 out of the 5 – were missing the Gubernatorial ballot. The other ballots for the election were all accounted for.	ballots at the table (at the University) They were waiting for us at the University – if that is what you are trying to say. We open the 5 ballots when it was time for us to open the ballot box. Joe and Latoya were opening the ballots and giving it to me at the same time we found two (2) of the envelopes had inconsistencies. There were some envelopes that were delegate some that were partisan, non-partisan. We found the other four (4) - in one envelope three (3) ballots were in it. We didn't find any of that in the 56. Of the five (5), it was brought to my attention by Joe and Latoya that 2 of the envelopes that were open, one (1) was a nonpartisan and it was missing the gubernatorial. There was instructions on how to fill out the ballot.
Commissioner Tenorio Q: Two(2) complainants claimed that – reads : saw precinct officials flipping through and writing on the signature roster after 8 p.m. It was an observation. Is that possible? 15C, were you in the cafeteria or the classroom?	8 p.m., after the polls were closed? We were in the classroom, the windows are up high. There are no chairs on the	Is this a complaint against 15C? No sir, it was not. So someone had to be standing on a chair to look in. Officer Rivera was present the

They are not saying anything malicious. I know that when I visited Barrigada, I think I even spoke to you. I recall that one of the complaints was that precincts were sequentially in order. I know that last minute they had to change the classroom. Reads complaint verbatim: Outside the window, 15B was completed at approximately 8:15, but Precinct 15C was still flipping and writing on roster. What caught my attention is that one of the precinct official was standing on half partition of table in front while blocking the precinct official writing in log book. I got the attention of Officer Rivera that was walking around at approximately 8:25, I asked him, "can you check what seems to be the hold up on 15C", he told me that may they were on absentee ballots. He then walks in and guys everybody is done and waiting for you then walks out. 15C still flipping and writing on log book, at approximately 840 they are done. 2nd complaint: On election day, I witnessed at precinct at 15C Barrigada an official keep writing and turning the roster or log book after 8 p.m., another official blocked our view by standing in front of the official. The official just kept writing and turning the log book. They were the last to finish at approximately 8:40, my husband and I are poll watchers.	outside. The windows were only open, so the lights on the inside could shine outside, because the lady that was at the office didn't have a key to open the store room where all the hall lights are. Why would we be writing on the signature roster? I know that we didn't finish what we were supposed to initial.	remainder of the voting.

Q: Were you both the last one to finish at 8:40?		Yes sir, and I can tell you why. Being that I have taken an oath, I take it very seriously and everyone in my precinct agrees with me. I have always had complaints from the other precincts. Most of them don't do their tabulation until they get to the University. Every election they always tell me to hurry up, I tell them that when I am ready to leave my precinct, I will leave, until then I am going to count. I can tell you what they are saying. The first thing I told my clerk at the end is to go through your signature roster and count the total of signatures and put the total on bottom and circle it. If there is an absentee that I did not initial, get my attention and I will sign it before we turn it over. The door closed at 8 o'clock, if it was after 8 then somebody else came in what I do know is that the other precincts would come in and tell me they are ready to go. I tell them that they did this to me the last time, please leave until I am done with my tabulation. I didn't have any problems.
Please show me on 15C.		There are numbers at the bottom. 11 numbers that tell me there are 11 signatures on that page. If we had to recount, I had the clerk count it all and the judge was there to witness it. Every page has a number at the bottom, if you see 3 or 4 signatures that's an absentee ballot. That means myself as an inspector, the 2 judges and the clerk signed that, so there is not just 1 person signing it there are four(4) people. I want to make sure that I am accounted for in each and every one of these

		signatures. If they say us counting – I mean writing, this is what it was. There's numbers at the end of each page and each page is flipped and I have to validate the signature is there.
	Right here is one. We did this at the Fieldhouse. If you notice the different color ink.	
		I tried one year with tick marks, it didn't work, so I decided to try something else. The mistake that we made on that one page was that we were only counting the male and the female I told them to stop and go back to count the signatures, so when time comes to count and add up the clerk will be the one to do it.
What are the inadequacies or the areas that you saw the Commission has to improve for the next election?		3 clerks for the absentee ballot. It takes us over an hour to validate the contents of the box. You are asking our opinion; I think it would be at the Fieldhouse.
Tell us more about that.	The security of the ballots. When we reached the last table where we turn in our ballot boxes. There were – I don't know if that's the table they were being stacked – but after working at the polls you know the color of the ballots. I noticed that the ballots were on a table.	What we saw Stephanie when we released our ballot box at Station 4, we just happen to look and noticed that there was only one back person there with over thousands of ballots that will make or change this island. There is no other person to authenticate the integrity of the ballots. Why the police officers at the front, there were should have been a police officer at each of the ballot counter.

Chairman Cruz A: The problem is the law; it prohibits GEC from using it. The machines must be certified. We are looking at getting new machines or possibly be a tabulator at each precinct where the voter puts their ballot through.	What is GEC doing about bringing back electronic voting?	
Commissioner Tenorio A: By law the director		Why is it that the Director unlocks the ballot boxes?
Chairman Cruz A:		What is your decision making process at hiring precinct officials?
***** END OF INTERVIEW *****		

Date	Present	Discussion	Action
VN620040 11.11.2010 Thursday	Chairman Robert Cruz Member Joseph Mesa Member Joshua Taitano	**DUTIES OF THE COMMITTEE:** Tasked to physically review all complaints; Decide the process with the final disposition deriving from the Commission Members as a whole;	
		COMPLAINTS REVIEWED: *Exhibit A*. Affidavit Complaint Review	Write a Letter to each Complainant
		GEC Staff David Chargualaf: Informed Committee Members he retrieved documents (Record of Poll Status) from the binder in the Precinct Supply Box. It notates which Precinct Official failed to show up and who replaced absent Officials. He stated he will maintain custody of original document to continue reviewing.	
		QUESTION: Chairman Cruz Were the early vote checklist crossed checked against the precinct official list if there were any duplicate vote? Did every precinct check off early vote listing, was this done at the precinct? At what point were the early voter list crossed checked? DAVID CHARGUALAF: At the precinct. It would be after the polls open and after it closes.	
		QUESTION: Member Tenorio On tabulation night, do you know if were there any double votes that were discovered DAVID CHARGUALAF: I think so. *QUESTION*: You think so, based on? DAVID CHARGUALAF: Based on early voting and then someone signing the roster. *QUESTION*: In other words when the number of voters were being counted DAVID CHARGUALAF: I came across one, I think in Dededo, but I forgot what precinct. *QUESTION*:	

		What is the process when a staff comes across something like that is it recorded? DAVID CHARGUALAF: Yes. It should be recorded on the EC13. *QUESTION*: Did you yourself come across any of the notes on the EC13? DAVID CHARGUALAF: I haven't really reviewed them. I know for sure MTM	

Date	Present		Discussion	Action
VN20041 11.10.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Dina Moser GEC Staff	**Complainant No. 11** » Rosalie Matanane	

Date	Present		Precinct	Discussion	Action
VN620046 11.12.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Tom San Agustin GEC Staff		**Homebound** » Consists of hospital & home visits. Voters that have not been serviced is 49, of that 43 have been contacted the remaining were not serviced due to applicant not responding to GEC follow up telephone call. **UOCAVA** » the Delegate ballot was sent first to UOCAVA voters due to the 45 day timeline. By October 1st the remainder of the ballots (partisan & nonpartisan) were mailed **Complainant No. 12** » Navarro on behalf of (Maria C. & Lugenie) GEC made several attempts to schedule date & time for homebound voting. Applicant did not vote, due to minor child answering telephone stating that parent is still asleep.	» **UOCAVA** documents will be submitted to subcommittee
				Complainant No. 16 » Chelsea Cruz (Early Vote)	

				Complainant No. 20 » Gerald Yingling. UOCAVA voter requested for his ballot to be mailed, Mr. Yingling arrived on island and voted at the precinct, he returned his Delegate ballot.	
				Complainant No. 2 (11.8.2010) Rosie Tainatongo Homebound Applicant » Tomasa Atoigue and *John Quincy* – applications have not been reviewed, and have yet to be received.	
			PRECINCT	**DISCUSSION**	**ACTION**
VN620447 11.15.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Stephanie Chargualaf GEC Staff Oscar Flores Inspector Jane Chargualaf	 **Precinct 9** **TALOFOFO** **Precinct 9** **TALOFOFO**	**Increase Count of Provisional Ballots: from 160 to 168 of that 8 were returned to precinct for tabulation** Voter failed to transfer her registration from Yigo to Talofofo. Ballot count was off by 15 ballots being combined due to ballot boxes being full. Ballot count didn't balance with voter signature.	 Subcommittee will review Precinct 9 signature rooster.
		Tiffany San Nicolas Judge	**Precinct 9** **TALOFOFO**	Due to the ballot box being full the ballots were combined, which caused confusion to balancing the count.	
		Lourdes Farfan Judge	**Precinct 9** **TALOFOFO**	Ballots were combined which caused the recounting numerous times.	
		Carmina Blas Acquininoc Inspector	**Precinct 15B** **BARRIGADA**	Procedures prior to opening and closing of polls.	Subcommittee will review Precinct 15B signature rooster.
		Mariquita S. Mafnas Judge	**Precinct 15B** **BARRIGADA**	Shortage of precinct officials & the Inspector refused to swear in a precinct official who was late from another precinct. Does she have any knowledge of a voter wanting to verify if her name was crossed off the early voter list? The voter informed the precinct official that she voted early, the official informed	

				her that there is no indication that she had early voted and asked her if she wanted to vote. Ms. Mafnas questioned why the voter's names were written on the back of the signature rooster?	
		Michael Arceo Judge	**Precinct 17A TAMUNING**	▪ Process & Procedures for closing of poll and the counting of ballots at UOG.	
		Rosalina Guzman Clerk	**Precinct 17A TAMUNING**	▪ Process & Procedures for closing of poll and the counting of ballots at UOG.	
		Elita Domingo	**Precinct 18D DEDEDO**	▪ Amount of Ballots in ballot envelope, some envelopes contained 1 or 2 ballots.	
		Adela Aguilo Judge	**Precinct 18D DEDEDO**	▪ Amount of Ballots in ballot envelope, some envelopes contained 1 or 2 ballots.	
VN620048 11.16.2011	Chairman Robert Cruz Member Joseph Mesa Member Joshua Tenorio	Elizabeth San Nicolas Inspector	**Precinct 17A TAMUNING**	▪ Procedures for processing Ballot envelopes.	
11.16.2011		Christian Leddy Clerk	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Process & Procedures for Absentee Ballot	
11.16.2011		Jesusa Muna Judge	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Process & Procedures for Absentee Ballot	
11.16.2011		Tracey Mendiola Inspector	**Precinct 18G DEDEDO**	▪ Parent requesting for minor child to vote ▪ Parent requesting for minor child to vote	
11.16.2011		Rudy Borja	**Precinct 18G DEDEDO**		
11.16.2011		Paz DeFlores Inspector	**Precinct 18D DEDEDO**	Procedures for processing Ballot envelopes	
11.16.2011		Teresita Balajadia Inspector	**Precinct 12 SINAJANA**	**~ Precinct to be interviewed was 12A ~**	
11.16.2011		Doris Yakoi Judge	**Precinct 12 SINAJANA**		
11.16.2011		George Quitugua	**Precinct 12**		

		Judge	**SINAJANA**		
11.16.2011		Leslie English Judge	**Precinct 12** **SINAJANA**		
		John Blas Executive Director GEC		▪ Security of Ballots ▪ Keys for: Ballot Boxes GEC Office Cabinets GEC ▪ Security of GCIC Bldg ▪ Temporary Employees	▪ Specifics of GCIC Bldg. camera ▪ Rules & Regulations RE: Provisional Ballot ▪ Brief on CVRS (Central Voter Registration System) ▪ Security of envelopes for Early Voting – signature over tape ▪ Review Campaign Contribution for Calvo-Tenorio to ensure that Cabot Mantanona LLC has no Contribution.
11.16.2011		Joseph E. Sablan Judge	**Precinct 15C** **BARRIGADA**	▪ Process of Absentee Ballots ▪ Signature Roster (Officials still marking after 8 p.m.)	Subcommittee will review Signature roster
11.16.2011		Bertha P. Viloria Inspector	**Precinct 15C** **BARRIGADA**	▪ Process of Absentee Ballots ▪ Signature Roster (officials still marking after 8 p.m.)	Subcommittee will review Signature roster
620049 11.16.2010	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	David P. Chargualaf, Jr. GEC Staff Joseph P. Iseke GEC Staff John Blas Executive Director		▪ Number of Ballots Printed ▪ Custody of Ballot Film & Template ▪ Process and /or documentation of destruction of spoiled ballots during printing ▪ Process of Absentee & Provisional Ballots at Tabulation	▪ Provide a Statement to Subcommittee RE: destruction of ballots, and custody of film and template.
20049 11.16.2010	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	Tom San Agustin GEC Staff John Blas Executive Director GEC		▪ Log Book for Early Voting (In Office) ▪ Process of Early Voting (In Office) ▪ Instruction on Ballot Envelope and GEC instruction to voters off island RE notary of envelope.	▪ Subcommittee will review Notarized Ballot Envelopes

VN620051 11.17.2011	Robert Cruz, Chairman Joseph Mesa, Member Joshua Tenorio, Member	Joan Swadell Inspector	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	Police Officer gave John Blas custody of ballot at Tabulation Center
11.17.2011		John Camacho Judge	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
11.17.2011		Joey Manibusan	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
11.17.2011		Anthony L.J. Toves Voter (Democrat camp)	**(Wettengel)**	NO SHOW. RE: observation of individuals from the CT Camp offering individuals from GA Camp $50 bribery for vote.	Teleconference. No observation of any money being exchanged.
11.17.2011		Cecelia C. A. Perez Judge	Precinct 12A Sinajana	▪ Ballot boxes full ▪ Process of Absentee Envelope ▪ Voter gave custody of ballot to Police Officer	
		Josephine Cruz Poll Watcher	Precinct 7	▪ Ronnie Barcinas (voter) name crossed out on her list	Subcommittee verified name on CVRS, no registered voter listed as Ronnie Barcinas.
11.17.2011				Complaint From: Gutierrez-Aguon RE: ▪ GEC Legal Counsel Cabot Mantanona LLC having a work relationship with Calvo-Tenorio; ▪ Campaign Contribution for Calvo-Tenorio if Cabot Mantanona LLC or family members made donation(s)	
VN620053		Lorinda	Precinct 18L Dededo	Voter name not on roster 2 voters attempted to vote at the polls after (Early Voting) In Office voting	
VN620054 11.20.2010	Joshua Tenorio	**SUMMARY:**			

		▪ **Discrepancies with Ballot Transfer Sheet and Absentee Voter based on signature roster;** ▪ **Review EC13 Forms – Absentee voters ballots going to Tabulation Center and not precinct;** ▪ **Review and cross check Signature Roster against ballot envelopes for possible double voting;** ▪ **Contact voter's Julie Ulloa-Heath (Precinct 15) and Rosa Bangoose (SP?) (Precinct 18A) to inquire if double voting has occurred. Forward to Attorney General's Office for further investigation;** ▪ **For Executive Director John Blas to inquire with the GGIC Management Office regarding the security camera's in the vicinity;** ▪ **For Executive Director John Blas to inquire with the GCIC Management Office regarding the issuance and custody of GEC office keys;**			
	Joseph Mesa	**SUMMARY:** ▪ Significant number of absentee voter's name crossed out but no vote was cast; ▪ Significant number of voter's name crossed out but no indication of type of vote;			
0056					
VN20057 11.26.2010(?)	Robert Cruz Joseph Mesa Joshua Tenorio	John Blas GEC Executive Director		▪ Follow-up with GCIC Management Office RE: custody of GEC office keys and security camera; ▪ Cabinet keys – ballots; ▪ Process and procedure RE in office voting – Log Book; ▪ Ballot film and template; ▪ Official signature on Voter application; ▪ Review & inspection of supply boxes - Affidavits	
				DISCUSSION	**ACTION**
VN20059 (Thursday) (date?)	Robert Cruz Joseph Mesa Johnny Taitano Joshua Tenorio	John Blas Executive Director GEC		▪ Rules and Regulations RE Provisional Voting; ▪ Inspect precinct supply boxes to verify voter Affidavits against signature roster;	▪ Contact Carlo Branch for interview RE Administrative Complaint CNMI voters; ▪ Contact CNMI Election Commission to verify if voters listed on complaint have voted; ▪ Review signature roster to verify

					If names listed on complaint have Voted; ▪ Contact Ray Rosales (Precinct Official) for teleconference RE Administrative Complaint; ▪ Submit Statement RE custody of Ballot film and template ♦ Executive Director John Blas, ♦ GEC Staff David Chargualaf, ♦ GEC Staff Joe Iseke; ▪ Submit Ballot Stock Order Receipt (copy) to Subcommittee
VN20060-20062 12.08.201	Joshua Tenorio Joseph Mesa Johnny Taitano	***EXHIBIT B.*** ***Physical Inspection of Precinct Supply Boxes – Ballot Envelopes and Signature Roster***			
				DISCUSSION	**ACTION**
VN20064 12.10.2010	Robert Cruz Joshua Tenorio	Dina Moser GEC Staff		**UPDATE** on inspection of supply boxes ▪ Provisional Ballot Envelope 8 valid votes cast at varies precincts; ▪ Off island Affidavit Envelopes Some were not notarized; ▪ GEC has not in previous elections conduct a Verification of signatures on the roster; ▪ of the 11 UOCAVA ballots 8 remain unopened and not tabulated; ▪ 12 provisional ballots cast by confirmed registered voters remain not tabulated; ▪ 36 off island ballots (mostly military personnel) received after election day that remain sealed and not tabulated; ▪ 133 provisional ballots; ▪ 9 provisional ballots with notes from GEC	▪ Schedule interview with precinct Officials from Precinct 18F RE voters signature (13) that have not been crossed out; ▪ GEC Staff verifying number of voter signature on roster; ▪ Interviewing precinct officials from Barrigada Precinct 15B; ▪ Schedule Interview for Joe Iseke GEC staff

				Indicating that the applicant has not completed the registration process lacking supporting documents; ▪ GEC staff will be sending out notices to the voters who have voted provisional encouraging them to register to vote; ▪ 8 ballots returned by the Post Office due to occupant either no longer resides at the home, or incorrect address; ▪ 12 ballots returned due to voter casting ballot at the polls on election day; ▪ there appears to be that the voter either presented themselves or someone on their behalf where it appears that double voting has taken place based on the voter affidavit and the signature roster; ▪ 4 voters who voted in office whose name was crossed out on the signature roster but also handwritten it appears that they may have been counted twice;	
VN20068	Robert Cruz Joseph Mesa Johnny Taitano Joshua Tenorio	Dina Moser		▪ Calvo-Tenorio Campaign Contributions ▪ Discrepancies within supply box	▪ Present Administrative Complaint RE Calvo-Tenorio Campaign Contributions to the GEC Commission for their disposition. ▪ Present the list of discrepancies to the GEC Commission for their disposition.

GUAM ELECTION COMMISSION

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District	Precincts		Polling Site	Inspection Assessment/Discrepancies	Remarks
Hagåtña	1	A-Z	Guam Legislature		
Asan-Maina	2	A-Z	Asan-Maina Mayor's Office		
Piti	3	A-Z	Jose Rios Middle School (Cafeteria)	**Parking Lot** 1. There are two (2) ADA-designated parking stalls that need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA parking signs needs to be placed on post. 4. A Van Accessible Parking stall needs to be added. 5. There are cracks along the drop off area that need to be repaired. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. The restrooms are not located near the polling area and can't be easily found. **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
Agat	4 4A 4B	A-D E-P Q-Z	Oceanview Middle School (Rooms G703,G704,G705)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA parking stalls need to be repaved. **Bathrooms (Male/Female)**	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** • The GEC found no discrepancies.	
	Santa Rita	5 5A	A-K L-Z	Harry S. Truman Elementary School (Room 2 , 3)	**Parking Lot** • The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** • There is no accessible restroom stall located near the voting place. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. The poll's main entrance needs a ramp 1:12 (one (1) inch high, twelve (12) inches in length.) **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
	Umatac	6	A-Z	F.Q. Sanchez Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. There are no tactile signs. 2. There are no accessible handles on the doors 3. There are no accessible restroom stalls. 4. Bathrooms need to have 32 inch wide entrance and more maneuvering space for wheelchairs. 5. Bathrooms need at least 36 inch wide pathway to all fixtures. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					Path of Travel The path of travel needs to be painted with non-skid paint. **Lighting** 1. The lighting needs to be replaced along the path of travel. 2. The lighting within the parking lot may need to be replaced. 3. Lighting is insufficient along the path of travel.	
	Merizo	7 7A	A-K L-Z	Merizo Martyr's Middle School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability. 4. More maneuvering space is needed for persons in wheelchairs. 5. Grab bars are needed in stalls that are designated for persons with disability. **Polling Site Entrance / Area** Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day*
	Inarajan	8 8A	A-F G-Z	Inarajan Middle School (Rooms 7 & 8)	**Parking Lot** 1. There are two (2) ADA-designated parking stalls that need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. ADA-compliant van accessible parking is needed. **Bathrooms (Male/Female)** 1. Accessible handles are needed at the main entrance doors and stall doors. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. Poll's main entrance door pathway needs to be at least thirty-two (32) inches wide. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced.	

					2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	
	Talofofo	9 9A	A-M N-Z	Talofofo Elementary School (Cafeteria)	**Parking Lot** • The ADA parking stalls need to be repainted blue. **Bathrroms** • The restrooms are too far from the voting area. **Polling Site Entrance / Area** • Accessible handles are needed at the main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Lighting in the Parking Area needs to be replaced.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day* *The GEC will change the polling area to Rooms 20 and 21*
	Yona	10 10A 10B	A-E F-P Q-Z	M.U. Lujan Elementary School (Cafeteria)	**Parking Lot** 1. All three (3) parking stalls need to painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. 3. Two ADA parking signs need to be replaced. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability . **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. (The following light bulbs are needed: 500K CFL BWT Compact Fluorescent) 2. Designated lights for the parking lot need to be replaced. 3. Lighting in the polling area needs to be replaced. (The following light bulbs are needed: 13 sets of 48 inch fluorescent)	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*
	Ordot/Chalan Pago	11 11A	A-K L-Z	Ordot-Chalan Pago Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Accessible handles are needed at the main entrance doors and stall doors.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					2. Accessible handles are needed to operate faucets. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement. 3. Lighting within the cafeteria needs to be replaced.	
	Sinajana	12 12A	A-L M-Z	C.L. Taitano Elementary School (Cafeteria)	**Parking Lot** 1. The parking stalls and lines need to be painted blue. 2. The Accessibility Symbol needs to be painted blue within each stall. 3. The ADA-designated parking is located a great distance from the voting place. **Bathrooms (Male/Female)** • Plumbing problems were discovered at the time of inspection in the stall designated for persons with disabilities. **Polling Site Entrance / Area** • The GEC found no discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** • The GEC found no discrepancies in this area.	**The GEC may temporarily procure/provide portable restroom stalls for Election Day if problem is not fixed.*
	Agana Heights	13 13A	A-J K-Z	Agana Heights Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall that is designated for ADA parking. **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each bathroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible bathroom stalls for persons with disability. 4. More maneuvering space is needed for persons in wheelchairs. 5. The main entrance to the bathroom needs to be at least thirty-two (32) inches wide. 6. The distance between all bathrooms fixtures need to be at least thirty-six (36) inches wide. **Polling Site Entrance / Area** • Accessible handles need to be placed at the poll's main entrance doors. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint.	**The GEC will temporarily procure/provide portable restroom stalls for Election Day.*

					Lighting 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement. 3. Light fixtures are needed in the hallway adjacent to the cafeteria (polling area).	
	MTM	14 14A	A-L M-Z	J. Q. San Miguel Elementary School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. ADA-compliant van accessible parking is needed. 3. The Universal Accessibility Symbol needs to be painted blue within each stall. 4. ADA parking signage is needed for each designated parking stall. **Bathrooms (Male/Female)** • There is no accessible restroom stall located near the voting place. **Polling Site Entrance / Area** • The GEC did not find any discrepancies in this area. **Path of Travel** • Path of travel beginning from the main entrance to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures and light bulbs within the parking lot need maintenance and/or replacement.	**The GEC will temporarily procure/provide portable stalls for Election Day*
	Barrigada	15 15A 15B	A-D E-O P-Z	L.P. Untalan Middle School (Cafeteria)	**Parking Lot** 1. Lines that are designated for ADA parking stalls need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. The doorway needs to be widened to be at least thirty-two (32) inches wide. 3. There are no accessible handles at the main entrance doors. 4. There are no accessible handles for stalls that are designated for persons with disabilities. 5. Faucets cannot be operated with a closed fist. 6. There is insufficient maneuvering space for persons in wheelchairs. 7. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** • Accessible handles are needed at the main entrance to the polling area. **Path of Travel** 1. The path of travel needs to be painted with non-skid paint. 2. Path of travel needs resurfacing, especially at ramps. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will temporarily procure/provide portable stalls for Election Day*

	Mangilao	16 16A 16B	A-D E-O P-Z	Price Elementary School (Cafeteria)	**Parking Lot** 1. The parking stalls and lines need to be painted blue. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. 3. There is no Universal Sign of Accessibility. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. The doorway needs to be widened to be at least thirty-two (32) inches wide. 3. There are no accessible handles at the main entrance doors. 4. There are no accessible handles for stalls that are designated for persons with disabilities. 5. There is insufficient maneuvering space for persons in wheelchairs. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Door hardware is located at a height greater than forty-eight (48) inches from the floor. **Path of Travel** • The path of travel needs to be painted with non-skid paint. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will temporarily procure/provide portable stalls for Election Day* *The GEC will move this polling facility to the University of Guam.*
	Tamuning	17 17A 17B 17C		John F. Kennedy High School (17, 18, 19, 20, 21)	**Parking Lot** 1. There are no ADA-designated parking stalls that are van accessible. 2. The parking stalls and lines need to be painted blue. 3. The Universal Accessibility Symbol needs to be painted blue within each stall **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Door hardware is located at a height greater than forty-eight (48) inches from the floor. 3. Ramp to the main entrance of the polling area is too steep. **Path of Travel** 1. The path of travel needs to be painted with non-skid paint. 2. There are noticeable cracks and bumps along the pay of travel. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting along the path of travel. 3. There is insufficient lighting in the parking lot.	**The GEC will move the poll location to the Tamuning Elementary School.* **The GEC will temporarily procure/provide portable stalls for Election Day*

	Dededo	18 18A 18B 18C 18D		Wettengel Elementary School (13,14,15,16,17)	**Parking Lot** 1. The parking stalls and lines need to be painted blue and re-measured. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. 3. The entrance to the polling area has a threshold that is greater than ½ an inch. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* *The GEC will temporarily provide/procure portable* restroom stalls for Election Day. *The GEC plans to move the voting area to the Cafeteria.*
		18E 18F 18G 18H		M.A. Ulloa Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great a distance from the polling area. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions were deplorable at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting**	* The GEC will temporarily provide/procure portable restroom stalls for Election Day. The GEC will move its poll area to rooms K1,K2, K3, K4

	Dededo	18 18A 18B 18C 18D		Wettengel Elementary School (13,14,15,16,17)	**Parking Lot** 1. The parking stalls and lines need to be painted blue and re-measured. 2. The Universal Accessibility Symbol needs to be painted blue within each stall. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. 3. The entrance to the polling area has a threshold that is greater than ½ an inch. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* *The GEC will temporarily provide/procure portable* restroom stalls for Election Day. *The GEC plans to move the voting area to the Cafeteria.*
		18E 18F 18G 18H		M.A. Ulloa Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great a distance from the polling area. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions were deplorable at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The GEC found no discrepancies in this area. **Lighting** 1. There is insufficient lighting in the polling area. 2. There is insufficient lighting in the parking lot. 3. Light fixtures/bulbs need replacement.	* The GEC will temporarily provide/procure portable restroom stalls for Election Day. The GEC will move its poll area to rooms K1,K2, K3, K4

		18I 18J 18K 18L		Astumbo Elementary School (1,2,3,4)	**Parking Lot** 1. The ADA-designated parking stalls are located too great distance from the polling area. 2. The parking stalls and lines need to be painted blue. **Bathrooms (Male/Female)** 1. There is no tactile signage identifying the bathrooms. 2. There are no accessible handles at the main entrance doors. 3. There are no accessible handles for stalls that are designated for persons with disabilities. 4. There is insufficient maneuvering space for persons in wheelchairs. 5. Stall doors and bathroom fixtures cannot be operated with a closed fist. 6. The paths to all fixtures are not at least thirty-six (36) inches wide. 7. The restroom conditions needed sanitary attention at the time the survey was conducted. **Polling Site Entrance / Area** 1. Accessible handles are needed at the main entrance to the polling area. 2. Accessibility entrance needs to be moved closer to the parking lot. **Path of Travel** • The path of travel needed resurfacing. **Lighting** 1. There is insufficient lighting in the polling area. 2. Light fixtures/bulbs need replacement.	* The GEC will temporarily provide/procure portable restroom stalls for Election Day.
	Yigo	19 19A 19B 19C		Simon Sanchez High School (Cafeteria)	**Parking Lot** 1. ADA parking stalls need to be painted blue. 2. A blue Universal Accessibility Symbol needs to be painted within each stall. 3. One (1) ADA parking sign needs to be replaced **Bathrooms (Male/Female)** 1. Tactile signs need to be placed at the entrances of each restroom. 2. Accessible handles are needed at the main entrance doors and stall doors. 3. There are no accessible restroom stalls for persons with disability. **Polling Site Entrance / Area** 1. Accessible handles need to be placed at the poll's main entrance doors. 2. The entrance needs a ramp with the following ratio measurement; 1:12. (One (1) inch high, Twelve (12) inches in length) **Path of Travel** • Path of travel beginning from the ADA parking stalls to the main entrance of the polling site needs to be painted with non-skid paint. **Lighting** 1. Lighting from the main parking in route to the main entrance of the polling area needs to be replaced. 2. Light fixtures/bulbs in the parking need to be addressed and/or replaced.	`**The GEC will temporarily procure/provide portable stalls for Election Day.*