

U.S. ELECTION ASSISTANCE COMMISSION



2014 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2014 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

We have provided you with your answers to the 2012 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2012 with an "X" as shown below:

X No Change Since 2012 (2012 Responses not shown)

If the response has changed since 2012, please mark Changed Since 2012 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2012 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2012

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin definition (a) below this line.]

§ 11114 of Title 3 of Guam Code Annotated (GCA). 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.

[End definition (a) above this line.]

b. Under-vote

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin definition (b) below this line.]

[End definition (b) above this line.]

c. Blank ballot

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin definition (c) below this line.]

3 GCA § 11114 (c). 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.[End definition (c) above this line.]

d. Void/Spoiled ballot

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin definition (d) below this line.]

3 GCA § 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).

3 GCA § 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.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

 No Change Since 2012 X Changed Since 2012

2012 Response:

[Begin definition (e) below this line.]

Section 14101 Of Title 3 of the Guam Code Annotated (GCA) defines a “provisional ballot” as “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.

[End definition (e) above this line.]

f. Absentee

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (f) below this line.]

3 GCA § 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.

[End definition (f) above this line.]

g. Early voting

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (g) below this line.]

Guam Public Law 31-58 Section 2. Repeal of Provisions for Early Voting Service to the Community. §10129 of Chapter 10 of Title 3, Guam Code Annotated (Early Voting Service to the Community), is hereby repealed. [Signed into law May 24, 2011]

[End definition (g) above this line.]

h. Active Voter

☒ **No Change Since 2012** ☐ **Changed Since 2012**

2012 Response:

[Begin definition (h) below this line.]

3 GCA § 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.

[End definition (h) above this line.]

i. Inactive Voter

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin definition (i) below this line.]

3 GCA § 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.

[End definition (i) above this line.]

j. Other terms (please specify) _____

 No Change Since 2012 Changed Since 2012

2012 Response:

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any significant changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

X No Change Since 2012 _____ Changed Since 2012

2012 Response:

[Begin response to above question (A2) below this line.]

Both provisional and absentee ballots may be tabulated ten days after the election. Provisional Voting is now Chapter 14 of 3 GCA. UOCAVA requirements are now included in Chapter 10 Absentee Voting.

§ 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.

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.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B1) below this line.]

Guam's voter registration database is best described as a top-down system.

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above clarification question to B1 below this line.]

N/A

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B2) below this line.]

§ 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.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B3) below this line.]

3 GCA § 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.

§ 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.

These procedures are the same for UOCAVA voters.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B4) below this line.]

No. Guam's voter registration database cannot share information with Guam Division of Motor Vehicle, nor can it be linked with other Guam or federal agencies.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (B5) below this line.]

Guam does not use National Change of Address.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically

restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 X **No Change Since 2012** **Changed Since 2012**

2012 Response:

[Begin response to above question (B6) below this line.]

3 GCA § 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....

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

 X **No Change Since 2012** **Changed Since 2012**

2012 Response:

[Begin response to above question (B7) below this line.]

§ 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. This is inclusive of UOCAVA voters.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

 No Change Since 2012 X Changed Since 2012

2012 Response:

[Begin response to above question (a) below this line.]

3 GCA § 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.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (b) below this line.]

3 GCA § 10115. Disposition of [Absentee] 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.

Absentee Ballots. 3 GCA § 10114. 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 on or before 5:00 p.m. on the (10th) day after any election.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (c) below this line.]

Absentee votes are added to the in-precinct results and reported as just a single number.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

 No Change Since 2012 X Changed Since 2012

2012 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are added to the in-precinct results and reported as just a single number.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C2) below this line.]

3 GCA § 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.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C3) below this line.]

Guam Public Law 31-58 Section 2. Repeal of Provisions for Early Voting Service to the Community. §10129 of Chapter 10 of Title 3, Guam Code Annotated (Early Voting Service to the Community), is hereby repealed. [Signed into law May 24, 2011]

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (C4) below this line.]

No.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

 No Change Since 2012 X Changed Since 2012

2012 Response:

[Begin response to above question (C5) below this line.]

3 GCA § 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.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

 No Change Since 2012 X Changed Since 2012

2012 Response:

[Begin response to above question (C6) below this line.]

3 GCA § 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.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

 X **No Change Since 2012** **Changed Since 2012**

2012 Response:

[Begin response to above question (C7) below this line.]

Guam law does not require post election audits.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

 X **No Change Since 2012** **Changed Since 2012**

2012 Response:

[Begin response to above question (C8) below this line.]

§ 4105. Qualifications of Precinct Board Members.

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.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (D1) below this line.]

Central machine tabulators capture over-votes and under-votes.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (a) below this line.]

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

(a) ...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.

(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);

[End response to above question (a) above this line.]

b. casting an in-person ballot;

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (b) below this line.]

§ 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.

Voters are required to present a picture I.D. at the polls.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

[Begin response to above question (c) below this line.]

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

_____ **No Change Since 2012**

_____ **Changed Since 2012**

2012 Response:

[Begin response to above question (d) below this line.]

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

_____ No Change Since 2012

_____ Changed Since 2012

2012 Response:

[Begin response to above question (e) below this line.]

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

_____ No Change Since 2012

_____ Changed Since 2012

2012 Response:

[Begin response to above question (D3) below this line.]

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

 X No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (E1) below this line.]

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

 No Change Since 2012 Changed Since 2012

2012 Response:

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.