U.S. ELECTION ASSISTANCE COMMISSION

2016 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 2016 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☐ **No Change since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

☐ **Changed since 2014**

b) Under-vote

☐ **No Change since 2014**

This term has no legal definition.

☐ **Changed since 2014**

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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

☑ **No Change since 2014** ☐ **Changed since 2014**

§ 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.

b) Under-vote

☑ **No Change since 2014** ☐ **Changed since 2014**

c) Blank ballot

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

d) Void/Spoiled ballot

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

e) Provisional/Challenged ballot

☑ **No Change since 2014** ☐ **Changed since 2014**

Section 14101 0f 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.

f) Absentee

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

g) Early voting

☑ **No Change since 2014** ☐ **Changed since 2014**

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]

h) Active Voter

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

i) Inactive Voter

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

j) Other terms (please specify) _____

☐ **No Change since 2014** ☐ **Changed since 2014**

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.

☐ **No Change since 2014** ☑ **Changed since 2014**

Law requiring proof of citizenship was repealed.

New identification requirements for registrants as follows: 3 GCA § 3102 (b) At the time of submitting a voter registration application, a person shall present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school, or government of Guam entity to the registration clerk or volunteer registrar or other authorized election official.

New identification requirements for voters as follows: 3 GCA § 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 and shall present a validly issues photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school, or government of Guam entity to the precinct official or other authorized election official.

3 GCA § 3102(c) Notwithstanding the age requirements of Subsection (a) of this Section, upon satisfactory proof of age, every person that meets all eligibility requirements to register and is sixteen years of age of older, may preregister to vote.

3 GCA § 3102(c)(1) Notwithstanding any other provision of law, a person who is seventeen years old on the date of a primary election and who is otherwise qualified to vote shall be qualified to vote at that primary, if that person will be eighteen years old on the date of the immediately following general election. All references to the requirement that a person must be eighteen years old to vote shall be interpreted in accordance with this Section. For the purposes of this Section, an individual who is seventeen years of age and who will be eighteen years of age on the date of the general election shall be deemed competent to execute and attest to any voter registration forms.

3 GCA § 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, and shall present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school or Government of Guam entity to the precinct official or other authorized election official. If the person desiring to vote is not challenged, a precinct clerk shall issue to him or her only one official primary ballot.

3 GCA § 3102.1. Electronic Registration.
(a) A person who has a valid Guam driver's license or Guam identification card may submit a voter registration application electronically on the Guam Election Commission website.
(b) The applicant must attest, under penalty of perjury, to the truth of the information provided on the application by affirmatively accepting the information as true.
(c) The applicant must affirmatively agree to the use of his or her Guam driver's license or Guam identification card signature for voter registration purposes.
(d) The applicant must acknowledge that a person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a felony in the third degree.
(e) For each electronic application, the Guam Election Commission must obtain a digital copy of the applicant's Guam driver's license or Guam identification card signature from the Department of Revenue and Taxation, Motor Vehicle Division.
(f) The Guam Election Commission may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

16 GCA § 3101.3. Voter Registration Incident to Applications for Driver's Licenses and Identification Cards, and Renewals of Same.
(a) Every person applying at the Department of Revenue and Taxation for a Guam driver's license or the renewal of said license, or a Guam identification card or the renewal of said identification card, and who meets all the eligibility requirements to register to vote pursuant to Chapter 3, Title 3, Guam Code Annotated, shall be afforded the opportunity to register to vote, or if previously registered, to change their address for voting purposes, subject to the closing and opening of registration pursuant to § 3104 of Chapter 3, Title 3, Guam Code Annotated; and subject to the prohibition on the transfer of registration between the primary and general election pursuant to § 3107 of Chapter 3, Title 3, Guam Code Annotated.

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.)

☑ **No Change since 2014** ☐ **Changed since 2014**

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

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

☑ **No Change since 2014** ☐ **Changed since 2014**

N/A

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

§ 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.

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

3 GCA § 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.

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.

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

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

☐ **No Change since 2014** ☑ **Changed since 2014**

Guam uses the National Change of Address for mailing notification to voters of GEC's intent to cancel registration and to verify addresses for absentee voters.

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?)

☑ **No Change since 2014** ☐ **Changed since 2014**

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….

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.).

☐ **No Change since 2014** ☑ **Changed since 2014**

§ 3102.1. Electronic Registration.
(a) A person who has a valid Guam driver's license or Guam identification card may submit a voter registration application electronically on the Guam Election Commission website.
(b) The applicant must attest, under penalty of perjury, to the truth of the information provided on the application by affirmatively accepting the information as true.
(c) The applicant must affirmatively agree to the use of his or her Guam driver's license or Guam identification card signature for voter registration purposes.
(d) The applicant must acknowledge that a person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a felony in the third degree.
(e) For each electronic application, the Guam Election Commission must obtain a digital copy of the applicant's Guam driver's license or Guam identification card signature from the Department of Revenue and Taxation, Motor Vehicle Division.
(f) The Guam Election Commission may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

Voters are able to complete the registration process online.

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 2014** ☐ **Changed since 2014**

Votes are counted centrally.

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

Yes.

☑ **No Change since 2014** ☐ **Changed since 2014**

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 an by 5:00 p.m. on the (10th) day after any election.

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.

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

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

d. How are UOCAVA ballots counted and reported?

☑ **No Change since 2014** ☐ **Changed since 2014**

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

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.)

☑ **No Change since 2014** ☐ **Changed since 2014**

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.

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

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]

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

No.

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 2014** ☐ **Changed since 2014**

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.

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 2014** ☐ **Changed since 2014**

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.

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.

☑ **No Change since 2014** ☐ **Changed since 2014**

Guam law does not require post-election audits.

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

☑ **No Change since 2014** ☐ **Changed since 2014**

3 GCA § 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.

SECTION D: ELECTION DAY ACTIVITIES

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

☑ **No Change since 2014** ☐ **Changed since 2014**

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

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

a. registering to vote;

☐ **No Change since 2014** ☑ **Changed since 2014**

3 GCA § 3102 (b) At the time of submitting a voter registration application, a person shall present a validly issued photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school, or government of Guam entity to the registration clerk or volunteer registrar or other authorized election official.

b. casting an in-person ballot;

☐ **No Change since 2014** ☑ **Changed since 2014**

3 GCA § 9126 Reporting of Name and Signing Roster. A person desiring to vote shall state his or her full name and address to the precincrt officials at the polling place and shall present a validly issues photo identification card issued by a federal, state, Guam secondary school, Guam post-secondary school, or government of Guam entity to the precinct official or other authorized election official.

c. casting a mail-in or absentee vote;

☑ **No Change since 2014** ☐ **Changed since 2014**

§ 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.

d. casting a ballot under UOCAVA;

☑ **No Change since 2014** ☐ **Changed since 2014**

§ 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.

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

☑ **No Change since 2014** ☐ **Changed since 2014**

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 2014** ☐ **Changed since 2014**

3 GCA § 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.

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?

☑ **No Change since 2014** ☐ **Changed since 2014**

Procedures have not been revised since they were first implemented.

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 2014** ☐ **Changed since 2014**

3 GCA § 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.

3 GCA § 2103(d) The Commission shall promulgate rules, pursuant to Title 5 GCA Chapter 9, necessary and convenient to carry out the provisions of this Title.

* 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.

NOTES – please place longer responses below