

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

CHAPTER 11
CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

NOTE: Unless otherwise noted, all sections within this chapter were included in the original Government Code of Guam enacted by P.L. 1-088 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964). During the Fifteenth Guam Legislature, the Compiler announced that Title 3 - Elections had been added to the new, permanent Guam Code Annotated. See 4 Guam Sess. L. Introduction (Mar. 1981).

2024 NOTE: Pursuant to 5 GCA § 1510, *I Maga'hågan/Maga'låhen Guåhan* means "Governor of Guam." Pursuant to 5 GCA § 1510, *I Sigundo Maga'hågan/Maga'låhen Guåhan* means "Lieutenant Governor of Guam."

- § 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.
- § 11105. Signing Roster.
- § 11106. Rejected Ballots.
- § 11107. Delivery of Ballots to Election Return Center.
- § 11108. Election Return Center.
- § 11109. Vote Tabulating Device: Mode of Tallying.
- § 11110. Tabulating at Precincts.
- § 11111. Imperfectly Marked Ballots Void.
- § 11112. Defective Ballots.
- § 11113. Ballot Not Rejected for Technical Error.
- § 11114. Only Invalid Portions of Ballot Rejected; Blank Ballots and Improperly Marked Ballots are Not "Votes Cast" for Calculating a Majority.
- § 11115. Write-in Votes.
- § 11116. Unauthorized Marks on Ballot.
- § 11117. Sealing and Reviewing Counted Ballots.
- § 11118. Certification of Election.
- § 11119. Delivery of Certification of Election.
- § 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.

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

§ 11101. Application of Chapter.

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

SOURCE: GC § 2500. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 11102. Officials Present at Close of Polls.

All members of the precinct boards shall be present at the closing of the polls.

SOURCE: GC § 2501. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2504, entitled "Ballots folded together." Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2503, entitled "Two ballots in one envelope. Codified as 3 GCA § 11104. Reenacted as 3 GCA § 11103 by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2502, as reenacted by P.L. 11-209:27 (Dec. 22, 1972), entitled "Opening boxes and counting ballots." Repealed by P.L. 25-148:9 (July 5, 2000).

§ 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.

SOURCE: GC § 2505, entitled "Ballots exceeding names on roster." Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2504, entitled "Ballots exceeding number on roster." Codified as 3 GCA § 11105. Amended by P.L. 25-148:11 (July 5, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2503, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11103 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2506. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2505. Codified as 3 GCA § 11106. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2504, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11104 by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

§ 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.

SOURCE: GC § 2509, entitled “Rejected illegal ballots.” Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as 3 GCA § 2506. Codified as 3 GCA § 11107. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2505, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11105 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2507, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Amended by P.L. 12-149 (June 19, 1974). Codified as 3 GCA § 11108. Amended by P.L. 25-148:12 (July 5, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2506, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11106 by P.L. 31-255:2 (Dec. 11, 2012).

§ 11108. Election Return Center.

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

SOURCE: GC § 2508, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Amended by P.L. 12-149:20 (June 19, 1974). Codified as 3 GCA § 11109. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2507, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11107 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2509, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Amended by P.L. 15-115:2 (Mar. 25, 1980). Codified as 3 GCA § 11110. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2508, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 11108 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: Added by P.L. 18-040:35 (Nov. 6, 1986) as 3 GCA § 11110.1. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2509, as reenacted by P.L. 11-209:27 (Dec. 22, 1972). Codified as 3 GCA § 11110, which was reenacted as 3 GCA § 11109 by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

§ 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.

SOURCE: GC § 2518. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2511. Codified as 3 GCA § 11111. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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 _____”.

SOURCE: GC § 2512, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2519. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972), as GC § 2513. Codified as 3 GCA § 11113. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2520. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2514. Amended by P.L. 12-149:30 (June 19, 1974). Codified as 3 GCA § 11114. Amended by P.L. 25-146:46 (May 27, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 11115. Write-in Votes.

If the write-in voting oval or other defined space 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. If the total number of write-in votes counted for an office could change the results as to the person having the largest number of votes for that office, the names appearing next to the marked write-in voting oval or other defined space for that office shall be tabulated and published. Otherwise, only the total number of write-in voting ovals or other defined spaces marked shall be tabulated and published.

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

SOURCE: GC § 2521. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2515. Amended by P.L. 12-149:31 (June 19, 1974). Codified as 3 GCA § 11115. Repealed and reenacted by P.L. 22-109:8. (Apr. 1, 1994). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012). Amended by P.L. 37-084:1 (Apr. 3, 2024).

§ 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.

SOURCE: GC § 2512. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2516. Codified as 3 GCA § 11116. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2529. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2522. Codified as 3 GCA § 11122. Amended by P.L. 25-146:47 (May 27, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2517, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 8301 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2530. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2523. Codified as 3 GCA § 11123. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2518, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Reenacted as 3 GCA § 8302 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2524, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2524. Codified as 3 GCA § 11124. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2526, entitled "Same: taking or destroying ballots." Reenacted as 3 GCA § 8303 by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

§ 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.

SOURCE: GC § 2531. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2525. Codified as 3 GCA § 11125. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2527, entitled “Same: interference with board or voters.” Reenacted as 3 GCA § 8403 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2533. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2526. Codified as 3 GCA § 11126. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2528, entitled “Same: removing or defacing results posted.” Reenacted as 3 GCA § 8501 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2534. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2527. Codified as 3 GCA § 11127. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2529, entitled “Sealing counted ballots.” Reenacted as 3 GCA § 11117 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2535. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2528. Codified as 3 GCA § 11128. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2530, entitled “Certification of tally sheets.” Reenacted as 3 GCA § 11118 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2536. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2529. Codified as 3 GCA § 11129. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2524, as repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972). Repealed by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

SOURCE: GC § 2537. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2530. Codified as 3 GCA § 11130. Amended by P.L. 25-146:48 (May 27, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2531, entitled “Disregard of technical error.” Reenacted as 3 GCA § 11119 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2538. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2531. Codified as 3 GCA § 11131. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2533, entitled “Tabulation and publication of returns.” Reenacted as 3 GCA § 11121 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2539. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2532. Codified as 3 GCA § 11132. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2534, entitled “Returns open to public inspection.” Reenacted as 3 GCA § 11122 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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 Micronesia Area Research Center.

SOURCE: GC § 25340. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2533. Codified as 3 GCA § 11133. Amended by P.L. 25-146:69 (May 27, 2000). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2535, entitled “Election center open until tabulation complete.” Reenacted as 3 GCA § 11123 by P.L. 31-255:2 (Dec. 11, 2012).

§ 11129. Death of Candidate After Certification.

Except in the case of the office of *I Maga’hågan/I Maga’låhen Guåhan* or *I Sigundo Maga’hågan/I Sigundo 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’hågan/I Maga’låhen Guåhan* or *I Sigundo Maga’hågan/I Sigundo Maga’låhen Guåhan* and who dies prior to the commencement of his or her term, the vacancy shall be filled as provided by law.

SOURCE: Added by P.L. 22-109:13 (Apr. 1, 1994) as 3 GCA § 11133.1. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2536, entitled “Clerical assistance and expenses.” Reenacted as 3 GCA § 11124 by P.L. 31-255:2 (Dec. 11, 2012).

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

§ 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.

SOURCE: GC § 2533.1, as added by P.L. 15-049:2 (July 4, 1979). Codified as 3 GCA § 11134. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2537, entitled “Incomplete or ambiguous returns.” Reenacted as 3 GCA § 11125 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2541. Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2534. Codified as 3 GCA § 11135. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § GC § 2538, entitled “Same: correction or completion.” Reenacted as 3 GCA § 11126 by P.L. 31-255:2 (Dec. 11, 2012).

§ 11132. Review of Ballots.

The Commission shall not review any ballots except as permitted on a recount.

SOURCE: GC § 2535, entitled “Opening ballots.” Repealed and reenacted by P.L. 11-209:27 (Dec. 22, 1972) as GC § 2535. Codified as 3 GCA § 11136. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2539, entitled “Declaration of results.” Reenacted as 3 GCA § 11127 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

SOURCE: GC § 2543. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2536. Codified as 3 GCA § 11137. Amended by P.L. 22-109:9 (Apr. 1, 1994). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2540, entitled “Certificate of election.” Reenacted as 3 GCA § 11128 by P.L. 31-255:2 (Dec. 11, 2012).

§ 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.

3 GCA ELECTIONS
CH. 11 CANVASS, VOTE TABULATION AND DECLARATION OF RESULTS

SOURCE: GC § 2545. Repealed and reenacted by 11-209:27 (Dec. 22, 1972) as GC § 2538. Codified as 3 GCA § 11139. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2533.1, as added by P.L. 15-049:2 (July 4, 1979). Reenacted as 3 GCA § 11130 by P.L. 31-255:2 (Dec. 11, 2012).
