

3 GCA ELECTIONS
CH. 4 PRECINCTS AND PRECINCT BOARDS

CHAPTER 4
PRECINCTS AND PRECINCT BOARDS

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within this chapter were included in the original Government Code of Guam enacted by P.L. 1-088 (Nov. 29, 1952), and repealed and reenacted by P.L. 7-164 (Aug. 28, 1964).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).

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§ 4101. Designation of Polling Place.

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

SOURCE: GC § 2100. Codified as 3 GCA § 4101. Amended by P.L. 25-146:23 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

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§ 4102. Number of Voters Per Polling Place.

The Commission may fix and designate precincts within each polling place in such a manner that the total number of voters estimated at each precinct will not substantially exceed eight hundred (800).

SOURCE: GC § 2101. Codified as 3 GCA § 4102. Amended by P.L. 21-100:2 (Mar. 31, 1992). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012), amended by P.L. 33-148:13 (Apr. 15, 2016).

§ 4103. Appointment of Precinct Boards.

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

SOURCE: GC § 2102. Codified as 3 GCA § 4103. Amended by P.L. 25-146:24 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4104. Members and Compensation of Precinct Boards.

To every precinct designated for any election, the Commission shall appoint five (5) members, consisting of one (1) precinct leader and four (4) precinct clerks. The concurrence of any three (3) members shall be necessary for any ruling of the precinct board. Each member of a precinct board shall be paid Three Hundred Fifty Dollars (\$350.00) for services rendered for each election. For pay purposes, a runoff election is a separate election from the election that precipitates the runoff. Notwithstanding for any election, the GEC may conduct an election utilizing only one (1) precinct leader and two (2) precinct clerks, should the Commission determine that it is necessary or appropriate.

SOURCE: GC § 2103. Amended by P.L. 10-128:1 (Mar. 21, 1970). Codified as 3 GCA § 4104. Amended by P.L. 16-111:II:7 (Oct. 7, 1982). Repealed and reenacted by P.L. 24-273:3 (Oct. 16, 1998). Amended by P.L. 25-146:25 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 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

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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.

SOURCE: GC § 2104. Codified as 3 GCA § 4105. Amended by P.L. 25-146:26 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4106. Oath of Precinct Board Members.

No person shall act as a member of a precinct board until he or she has taken the oath prescribed in the Election Manual.

SOURCE: GC § 2105. Codified as 3 GCA § 4106. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4107. Notice of Appointment of Precinct Board Members.

The Commission, immediately after appointing the members of the precinct boards, shall maintain and file in its office a list of the full names and addresses of those appointed, and shall mail or deliver to each appointee a notice of such appointment, stating the position and precinct board to which he or she has been appointed and the penalty for failure to be present, and to serve, and such other information as the Commission may determine.

SOURCE: GC § 2106. Codified as 3 GCA § 4107. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4108. Publication of Names of Precinct Board Members.

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

SOURCE: GC § 2107. Codified as 3 GCA § 4108. Repealed and reenacted by P.L. 22-109:5 (Apr. 1, 1994). Amended by P.L. 25-146:27 (June 12, 2000). Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4109. Excusing and Replacing Appointees.

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

SOURCE: GC § 2108. Codified as 3 GCA § 4109. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

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§ 4110. Failure to Appear.

If any member of a precinct board does not appear at the opening of the polls, the precinct leader, if present, shall appoint a substitute to fill the vacancy. The precinct leader shall immediately notify the Commission, which shall either ratify the appointment or make another appointment. If the precinct leader is not present or fails to appear, the members present shall immediately notify the Commission.

SOURCE: GC § 2109. Codified as 3 GCA § 4110. Repealed and reenacted by P.L. 31-255:2 (Dec. 11, 2012).

§ 4111. Change of Designated Polling Place.

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

SOURCE: GC § 2111. Codified as 3 GCA § 4112. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2110, entitled “*Failure to act: penalty.*” Reenacted as 3 GCA § 8404 by P.L. 31-255:2 (Dec. 11, 2012).

§ 4112. Incapacitation of Precinct Leader.

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

SOURCE: GC § 2112, entitled “*Incapacitation of judge or clerk.*” Codified as 3 GCA § 4113. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2111, entitled “*Change of designated polling place.*” Reenacted as 3 GCA § 4111 by P.L. 31-255:2 (Dec. 11, 2012).

§ 4113. Incapacitation of Precinct Clerks.

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

SOURCE: GC § 2113, entitled “*Incapacitation of inspector.*” Codified as 3 GCA § 4114. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

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2012 NOTE: This section was originally codified from GC § 2112, entitled “*Incapacitation of judge or clerk.*” Reenacted as 3 GCA § 4112 by P.L. 31-255:2 (Dec. 11, 2012).

§ 4114. Administration of Oath to Substitute.

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

SOURCE: GC § 2115. Codified as 3 GCA § 4116. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2113 entitled “*Incapacitation of inspector.*” Reenacted as 3 GCA § 4113 by P.L. 31-255:2 (Dec. 11, 2012).

§ 4115. No Fee for Oath.

There shall be no fee or charge for administering an oath to a member of a precinct board.

SOURCE: GC § 2116. Codified as 3 GCA § 4117. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2114, entitled “*Oath of members.*” Repealed by P.L. 31-255:2 (Dec. 11, 2012).

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

Any member of a precinct board may, on the day of an election in which he or she is serving, absent himself or herself from any service or employment in which he or she is then engaged or employed. The precinct board member shall not be liable to any penalty, nor shall any deduction be made from his or her usual salary or wages, nor shall he or she be suspended or discharged from his or her service or employment. Any violation of this provision shall be reported by the precinct board member to the Guam Department of Labor for enforcement and may subject an employer to pay a fine.

SOURCE: GC § 2117. Codified as 3 GCA § 4118. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

2012 NOTE: This section was originally codified from GC § 2115, entitled “*Same: administration to substitute.*” Reenacted as 3 GCA § 4114 by P.L. 31-255:2 (Dec. 11, 2012).

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