



Territory of Guam  
Preliminary State Plan

As required by Public Law 107-252, Help America Vote Act 2002, Section 253 (b)

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## GUAM STATE PLAN INTRODUCTION

Section 253(b) of the Help America Vote Act of 2002 (HAVA) provides for Guam to develop a long-range plan to improve the administration of federal elections in Guam; distribute and monitor federal funds provided to improve the administration of federal elections in Guam; provide for voter education, election official education and training, and poll worker training; establish voting system guidelines and processes; establish a Guam Election Fund; develop an appropriate budget; maintain current expenditures; adopt performance goals and measures; establish an administrative procedure; and describe how federal funds will affect the activities set forth in the Guam State Plan.

The combined support of both the Executive and the Legislative branches of the government of Guam, and with Federal financial support through HAVA, Guam will have the opportunity to update and improve its current election processes and systems. This Guam State Plan establishes the framework for election reform, and achieves full compliance with the requirements of HAVA.

The Guam State Plan also improves election accessibility for individuals with disabilities, and those with alternative language requirements. Guam has already taken steps to improve polling place accessibility, and is beginning the process of implementing an accessible, uniform voting system. Guam will continue to strive toward full accessibility in all aspects of the elections process.

Guam will update and refine the Guam State Plan as necessary over time, to reflect election reform progress, improvements, and future plans. The Guam Election Commission welcomes the challenges of HAVA, and the financial support from the Federal government to continue its efforts to update and improve Guam's elections.

HAVA increases the election administration responsibilities of the Guam Election Commission (GEC), who is responsible for the conduct of elections. The Executive Director of the Guam Election Commission (GEC) administers the election laws of Guam, and performs and discharges all of the powers, duties, purposes, functions and jurisdiction therein. A seven-member board of directors of the Guam Election Commission appoints the Executive Director. Six of the board members are appointed by the Governor of Guam from recommendations submitted by the recognized political parties in Guam. The six appointed members appoint the seventh member. All board members serve two-year terms.

The Executive Director is responsible for implementing, planning, and conducting all island-wide, municipal, and federal elections in Guam, as well as all voter registration activities and maintenance of Guam's voter registration database.

The GEC has five functional sections, i.e., Election Management and Administration, Budget and Personnel, Voter Registration, Public Official Reporting and Disclosure, Campaign Contributions and Expenditures, and the Decolonization Registry. The Executive Director is responsible for voter registration and election management activities for Guam.

The GEC maintains an island-wide electronic voter registration database, referred to as the Voter Registration System (VRS). The VRS is domiciled at the University of Guam Computer Center. The GEC office has real-time access to VRS for viewing and updating voter information. The Voter Registration Supervisor processes all voter registration applications in VRS and assigns each applicant a unique voter registration number. Immediately upon entering information in the system, any member of the public can view the information processed. Although the GEC has an island-wide voter registration database at the UOG Computer Center, the VRS system is antiquated, costly to maintain, and needs to be replaced. Further, it is consistent with the requirements of HAVA that the database be domiciled at the GEC, and that access to the database be provided to all nineteen municipalities in Guam.

Guam has approximately 53,000 registered voters. The voting age population is approximately 100,000. Voter registration is available in the GEC office, and, 30 days prior to an election, at all nineteen municipal offices throughout the island. The Executive Director appoints as voter registration clerks all qualified applicants from political parties, candidate organizations, municipal clerks, and various advocacy groups that provide services to individuals with disabilities. The GEC is currently developing a web site that will include a voter registration process.

Individuals may register to vote in person, or by mail. Voters must be registered to vote at least 30 days prior to an election. If a voter's registration application is incomplete, the GEC notifies the voter and provides the voter an opportunity to properly complete the application.

Guam has 19 municipal districts, and one Congressional district. Voter turnout for the past several general elections are as follows:

**1996 = 76.32%**  
**1998 = 84.98%**  
**2000 = 73.26%**  
**2002 = 73.75%**

Guam has 19 rural village communities and 72 precincts. Each precinct average 700 or more registered voters.

In 2000, the GEC upgraded its optical-scan voting system to an Election Systems and Software (ES&S) Tabulator Model 550. The optical-scan voting system is used island-wide. Except as directed by the GEC Board of Directors or the Court, the GEC does not hand-count ballots. Guam uses a uniform paper ballot in each precinct. Currently, there are no precincts in Guam utilizing direct recording electronic (DRE) voting systems.

There are several alternative voting methods available to Guam voters who are unable to vote at their assigned polling place. For many homebound voters in Guam the only voting method available is by absentee ballot.

**Absentee By Mail** – any qualified voter in Guam may apply to receive an absentee ballot by mail. Guam statute requires a ballot application to be completed each election year.

**Absentee Voting In Person** – any qualified voter may vote through an absentee ballot beginning 30 days prior to election day at the GEC office.

**Home-bound or Special Needs Voting** – if a voter is unable to vote at his or her assigned polling place due to age, illness, or disability, the voter may request an Election Official to deliver the ballot and other voting material.

**Provisional Voting** – is not available at the present time. The GEC is preparing legislation to provide for provisional voting in Guam. The GEC Provisional Voting Program will be available to any voter who does not have identification, or whose name does not appear on the precinct register at the polling place where the voter is attempting to vote. Provisional ballots will be delivered to the GEC Election Central for verification of eligibility before being counted.

Each ballot cast using one of the alternative voting methods, i.e., absentee, off-island, homebound, and in-office, is sealed inside a secret ballot envelope, which in turn is placed inside an affidavit envelope. The affidavit envelope provides for voter information: name, address, identifier, and signature. The voter's affidavit ballot envelope is reviewed, verified, and cross-checked with the voter signature roster to ensure

that the voter has not voted more than once. If approved, the secret ballot envelope is returned to the appropriate precinct official for inclusion with all other ballots.

In addition to conducting the federal election for the Guam Delegate to the U.S. House of Representatives, the GEC is responsible for conducting elections for the Office of the Governor of Guam, the Lieutenant Governor of Guam, the Guam Legislature, Nineteen Mayoral Offices, Five Vice-Mayoral Offices, the Guam Legislature, the Guam Public Auditor, the Attorney General of Guam, the Consolidated Commission on Utilities, the Guam Education Policy Board, the judges of the Superior Court of Guam, the justices of the Supreme Court of Guam, and all public initiatives. Although the GEC is not responsible for conducting elections outside of Guam, it provides election assistance to the Commonwealth of the Northern Mariana Islands, the Republic of Belau, and the Federated States of Micronesia.

Although Guam already has an island-wide voter registration database, and has replaced all punch-card voting systems, there are several improvements needed to meet the specific requirements of HAVA. Guam needs to retrieve its voter registration database from the University of Guam Computer Center. To accomplish this, the GEC must purchase the necessary hardware and upgrade its voter registration software. Further, the GEC must procure the necessary interface software to implement the use of DRE units.

The Guam State Plan is organized as specified in HAVA, section 254, providing a description of current election procedures used in Guam and outlining how Guam will meet the new requirements mandated by HAVA.

### **GUAM STATE PLAN APPROACH**

The Guam Election Commission, comprised of the Executive Director as the chief election official, the seven-member Board as the principal authority, and 5 employees, is responsible for administering and supervising elections in Guam. Collaboration between the GEC and stakeholders is essential to the conduct of successful elections. In addition to fulfilling Federal election responsibilities, Guam's elections community works cooperatively to serve our local government, approximately 60 thousand registered voters, and a number of political campaigns.

Before the passage of HAVA the GEC began laying the groundwork for a new voter registration system and the introduction of Direct Recording Electronic (DRE) voting machines.

Considerable effort and resources are necessary for Guam to meet HAVA requirements. GEC will need to upgrade systems, redesign processes, and revamp training. GEC's ability to provide ongoing operations and maintenance of new capabilities is dependent on adequate resources and funding. In addition, GEC must address core infrastructure needs to provide a solid foundation to sustain new technology and processes. Additionally, the success of Guam's election reform efforts requires implementation at an appropriate point in the election cycle, so that the GEC may utilize new processes in a timely manner.

This Plan is organized as specified in HAVA §254. Each section of this document corresponds to a subsection of §254 and addresses a Plan requirement specified in HAVA. The plan outlines program milestones to address system or procedural changes. Matrices are included to outline the detailed requirements of HAVA, Guam's current status in regard to those requirements, and the actions planned to meet those requirements.

### **STATE PLAN REQUIRED ELEMENTS (HAVA §254)**

**Section 1. Title III Requirements and Other Activities** *“How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections”.* -- HAVA §254 (a)(1)

**1.a §301(a), Voting Systems Standards Requirements.** *Deadline for Compliance: January 1, 2006*

Guam currently uses an optical-scan (ES&S Tabulator System 550) paper-ballot system for all 72 precincts. In a typical election, these optical-scan tabulators are located in a central location, and used to scan and tabulate ballots brought in from all Guam precincts after the polls close. The ballots are optically scanned and votes are tabulated for each race. A significant drawback with this method is that ballots with overvotes are rejected, thus denying the voter with immediate notification and an opportunity to make corrections or changes prior to casting the ballot. The Guam State Plan will correct this deficiency.

Guam’s pursuit of voting system improvements now mandated by HAVA has placed it on course to rectify the above and fulfill other HAVA requirements within the statutory timeframes. The GEC is preparing legislation to allow voters with disabilities to vote privately and independently by using a Direct Recording Electronic (DRE) voting system. Last year, Election Systems and Software (ES&S) of Omaha, Nebraska, provided a demonstration of its iVotronic touch screen DRE voting system. To date, however, Guam has not purchased any DRE voting systems. The GEC plans to dedicate a significant portion of its HAVA entitlement to purchasing at least one DRE voting unit for each of Guam’s polling location.

The Guam State Plan provides for an initial purchase of 21 DRE voting units in 2004. The GEC will locate a DRE unit at each of its 21 polling locations for Election 2004. This will test the DRE voting system’s compatibility with Guam’s current optical-scan voting system, and allow for corrective measures prior to implementing the use of DRE units on a island-wide basis.

Once the GEC is confident that the DRE voting system purchased is able to support the needs of the entire Guam voting community, island-wide implementation will be pursued. The GEC will purchase each DRE unit complete with a combination carrying case/booth. The carrying case/booth will provide a stable voting platform and a secure container, which will adequately handle the stress of transporting the DRE units through the more remote polling locations in Guam. Implementing the use of DRE units at each precinct will require substantial funding.

An extensive training program will be required for the GEC staff. The vendor who is awarded the contract for the purchase of DRE voting system will be required, as part of the contract, to provide training and technical support.

Public outreach / training will be required to familiarize the disabled community with the new voting system. The public will be informed of the availability of these systems at each precinct and polling locations. Additionally, the GEC will need to coordinate with agencies that provide services for the disabled community to ensure that clients are knowledgeable in the use of the new voting system.

Funding is necessary to address the non-compliant issues and to transition to a uniform Guam voting system in order to meet HAVA §301(a) requirements over the next three years.

In addition to numerous voting system requirements, §301(a) also requires states / Guam to define what constitutes a legal vote for each type of voting system used in the state. Guam will need to define what constitutes a legal vote in a uniform manner for each voting system as a regulation.

One aspect of the uniform State / Guam voting systems program will be operations and maintenance:

### **Operations**

- 1) Operating & Maintaining a new uniform Guam-wide voting system
- 2) Maintain and improve voting system software
- 3) Maintain technical infrastructure for software

### **Maintenance**

- The GEC will need to provide additional storage facilities for the DRE units. Storage facilities must be environmentally controlled to prevent corrosion. Funding will be required to accommodate the additional storage requirements.
- The GEC will establish a maintenance program to ensure the DRE units receive required maintenance. This will permit the GEC to conduct periodic maintenance and identify potential problems, make necessary adjustments to the unit, or send the unit to the vendor for more extensive maintenance or repair. The maintenance program may require contractual staffing at some levels to ensure all maintenance requirements are met.

Matrix **301** on the following page outlines the HAVA §301(a) requirements, the “State of Guam’s Current Status” related to these requirements, and the “Action Required”, where applicable.

*Matrix 301*

<b>Voting System Requirements (Section 301)</b>	<b>Current Status</b>	<b>Action Required</b>
1. Permits voter to verify votes before casting ballot	1. Partial Compliance	Implement DRE
2. Provides opportunity to change ballot before casting	2. Partial Compliance	Implement DRE
3. If voter overvotes: a. notify the voter they overvoted. b. notify the effect of the overvote c. provide opportunity to correct ballot	3. Partial Compliance a. non-compliance b. Printed on ballot c. In compliance	Implement DRE
4. For mail-in absentees, establish a voter education program notifying the voter of the effect of overvotes and instruct on how to correct before casting ballot.	4. Partial Compliance	Establish voter education and outreach program.
5. Permanent paper record with manual audit capacity	5. Partially compliant	Implement DRE
6. Voter must be able to change vote before paper record is produced.	6. Partially compliant (Voter may request new ballot)	Implement DRE
7. Paper records must be available for recount.	7. In compliance	None (DRE will enhance this process)
8. System must be accessible to individuals with disabilities.	8. Partially compliant (Disabled is assisted by caretaker)	Implement DRE technology to allow privacy
9. One accessible machine per precinct.	9. Not in compliance	Implement DRE
10. System must provide for alternative language accessibility.	10. In compliance	None required
11. Error rate must comply with federal standards.	11. In compliance	None required
12. State must provide uniform standards for what constitutes a valid vote for each type of voting equipment used in the state.	12. In compliance	None Required

**1.b §302, Provisional Voting and Voting Information Requirements** *Deadline for Compliance: January 1, 2004.* HAVA addresses the process of provisional voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so.

Guam does not have a provisional voting process established. It is a Guam State Plan objective to request the Guam Legislature to enact a law to establish the Guam Provisional Voting Program. Currently, any voter who reports to an assigned polling location, and whose name does not appear on the precinct register, is required to report to the Guam Election Commission for a voter certification. Once certified as an eligible voter, the voter is sent back to his assigned polling location to vote.

In conjunction with the proposed Provisional Voting Program, Guam will implement a free-access telephone system to provide voter information. This free-access telephone system will allow the voter to determine if his or her questioned (provisional) ballot was counted and, if not counted, why the vote or a portion of the vote did not count.

The Guam State Plan will provide for one of the following free-access systems:

- a. Guam will provide an interactive toll-free telephone system that will allow voters to determine their assigned polling place based on their current voter registration record. Additionally, voters can determine their party affiliation during the Primary Election. The Guam Election Commission will expand its current telephone system to allow voters to verify if their vote was counted and if not, why the vote did not count. This system will interface with the voter registration and election management system to access the data specific to the voter.
- b. Guam will utilize its web site on a limited interactive basis that allows voters to check the status of their absentee ballot application. Guam will continue to improve its fledging web site to allow more interaction and enable voters to log-in and verify if their vote was counted and if not, why the vote did not count. This system will interface with the voter registration and election management system to access the data specific to the voter.
- c. Guam will develop informational posters and flyers that inform voters at the polling location when voting a provisional ballot is required and the method established to vote a provisional ballot.

### **Provisional Voting Program Milestones**

The GEC is in the process of proposing updates to legislation governing Guam's provisional voting program:

- 1. Conducting an Impact Assessment  
Assess the requirements of HAVA §302 in collaboration with appropriate agencies  
Review and compare existing Guam legislation with HAVA to determine gaps
- 2. Implementing Revisions  
Develop revisions to Guam law with input from key stakeholders  
Facilitate passage of law in legislature  
Put new law into operation with revised procedures, training, and outreach mechanisms

- 3. Managing

Track and report on provisional voting

In addition to provisional voting requirements, HAVA §302 mandates that States publicly post specific information at the polls on election day. Guam currently displays voting information at each polling place, though the GEC must adjust or add to the content to fully comply with HAVA.

### **Voting Information Program Milestones**

The Guam Election Commission provides an official Voter's Information Pamphlet. This pamphlet is made available to each voter prior to every election. Current Guam law requires full public notice of an election. This public notice is achieved through newspaper advertisements and posting notices in all mayoral offices. Other methods of informing voters include radio advertisements, public service announcements, and direct mailings. Additionally, on Election Day, sample ballots, posters, information flyers and voting instructions are posted in all polling locations.

To improve voting information, Guam will create new media formats that address voting rights under applicable federal and Guam laws. These formats will provide information on alleged acts of fraud and misrepresentations, as well as specific instructions on what to do should a voter suspect that his or her right to vote has been violated. This is a HAVA requirement.

Guam will modify its voter registration, institute provisional voting, and amend its absentee voting forms, as well as other election materials to meet the requirements of HAVA. This will involve modifying all of the current forms in use, and reprinting new stock. Funding is needed to meet the HAVA requirements.

GEC will comply with HAVA requirements for voting information through the following program:

- 1. Conducting an Impact Assessment

Assess the requirements of HAVA §302 in cooperation with the stakeholders  
Review and compare existing voting information posted with HAVA to determine gaps

- 2. Implementing Revisions

Develop revisions to voter information materials posted on election day with input from other key stakeholders  
Put new voting information into operation with revised procedures, election day materials, training, and outreach mechanisms

- 3. Managing

Track and report on the success of posted voting information  
(Details on the current status of voting information and actions planned are found in the compliance Matrices **302.1** and **302.2** on the following page.)

HAVA §302 further provides that voters who vote (pursuant to a court or other order) during extended hours after the normal close of a polling place, cast provisional ballots. These ballots must be kept separate from other provisional ballots.

Matrix 302.1

<b>Provisional Ballots (Section 302)</b>	<b>Current Status</b>	<b>Action Required</b>
1. Provisional ballots to be offered to persons whose names are not on the precinct register.	1. Not in compliance	Amend law or develop GEC Board Policy to establish Provisional Ballot Program
2. Poll worker must notify voter that they may cast a provisional ballot	2. Not in compliance	“
3. Voter executes a written affirmation stating he/she is registered in the jurisdiction and is eligible to vote.	3. In compliance	Revise existing voter registration procedures to implement HAVA requirement
4. At time of casting provisional ballot, voter is given written notice that voter can find out if ballot was counted, or if not, why, through a free access system restricted to the individual voter.	4. Not in compliance	Amend law or develop GEC Board Policy to establish Provisional Ballot Program
5. Voters who vote after polls close pursuant to court or other order extending hours must cast provisional ballot.	5. Not in Compliance	Amend law or develop GEC Board Policy to establish Provisional Ballot Program

Matrix 302.2

<b>Voting Information to be posted at each polling place(Section 302)</b>	<b>Current Status</b>	<b>Action Required</b>
1. Sample ballot	1. Partial compliance	Revisions needed to reflect new HAVA instructions.
2. Date of election and polling hours	2. Partial compliance	Revisions needed re: court orders, etc.
3. Instructions on how to vote and how to cast a provisional ballot.	3. Partial compliance	Amend law or develop GEC Board Policy to establish Provisional Ballot Program
4. Identification instructions for mail registrants who are 1st time voters	4. Partial compliance	Amend procedures to cross-reference DMV, Superior Court, DOC, and other reliable databases.
5. General voting rights under state and federal laws, including right to cast a provisional ballot and who to contact if rights are violated.	5. Not in compliance	Amend law or develop GEC Board Policy to establish Provisional Ballot Program
6. General information regarding fraud and misrepresentation.	6. In compliance	None required

**1.c §303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail.** *Deadline for Compliance: January 1, 2004; State can submit a*

*certification stating “good cause” that will move the deadline for §303(a) compliance to January 1, 2006.*

Currently, official Guam voter registration records are created and maintained at the GEC main office. The voter database and reporting system, however, resides on a mainframe computer located at the University of Guam (UOG) Computer Center. For all practical purposes, the Guam Voter Registration System (VRS) is an antiquated system that does not uniformly include driver’s license numbers or partial social security numbers, as required by HAVA. Further, it is not a fully interactive system. The GEC staff performs routine data-base maintenance which include, among other processes, routine checks for voter registration duplicates.

The mail-in voter registration process in Guam also currently does not meet HAVA requirements. The mail-in voter registration form requires redesign to accommodate information required by HAVA. Also, the voter registration and polling place voter qualification processes must be modified to allow for the verification of identification provided by first-time voters who register by mail.

A new voter registration and election management system must be implemented to effectively serve the voters of Guam. The new system must meet new technology requirements and allow for better management capabilities. The Guam Election Commission is presently looking at several methods to replace the current system:

- a. Assess systems that are currently used in the U.S. mainland to determine if there is a system that meets the needs of Guam.
- b. Assess systems that are being developed or modified to determine if there is a system that meets the needs of Guam.
- c. Research available database programs to determine if developing a voter registration and election management system would meet the needs of Guam.

Guam will have to maintain the VRS at its current program level. In the months to come, the Guam Election Commission will modify or replace the VRS to track those voters who are initial registrants, registrants by mail, as well the additional voter identifying information required by section 303 of HAVA. Specifically, the Guam Election Commission will develop a procedure to match voter-identifying information provided by a first-time registrant, or by a mail registrant, with information maintained by the Guam Division of Motor Vehicles, the Superior Court of Guam, or other reliable databases. Funding is necessary to permit other government of Guam databases to interact with the VRS, and provide the required information.

### **Voter Registration System (VRS) Program Milestones**

GEC’s VRS program will ensure HAVA compliance in both technical and procedural areas of voter registration:

- 1) Planning HAVA voter registration compliance
  - Assess HAVA §303 to determine requirements for system and necessary changes in procedures and regulations/legislation
  - Establish a user group of key stakeholders to guide the VRS program through all phases and milestones

- Develop a training plan (refer to Section 3, p 10, Voter Education, Election Official Education and Training, and Poll Worker Training)
  - Research and assess VRS options (upgrade current system, build new system, acquire replacement system, etc.)
  - Determine options for development of interfaces and data integration between GEC, DMV, Judicial and other appropriate agencies
  - Develop VRS approach (selection of option, risks, pros and cons, cost benefit analysis, rough order of magnitude, level of effort)
- 2) Managing the voter registration system effort through a standardized project management framework
- Create a comprehensive resource plan, schedule, and work plan
  - Develop reporting structures and performance measures to track progress
  - Monitor issues and risks to ensure smooth transition to new voter registration system
- 3) Implementing the new voter registration system
- Implement necessary changes to procedures and regulations/legislation
  - Select and procure software and services
  - Design, build, test, and deploy VRS
  - Develop and deliver appropriate training and outreach to ensure successful VRS transition
- 4) Operating and Maintaining the voter registration system
- Maintain and improve voting system software
  - Utilize the user group to assist GEC in maintaining and improving voting system software
  - Maintain technical infrastructure and accessibility for software

Based on review of HAVA §303, the GEC's voter registration system will require technological and procedural upgrades to comply with the Act. The compliance matrices **303.1-5**, on the following pages includes the specific requirements of HAVA §303, as well as the "Current System" related to these requirements. The "Action Required" column includes next steps for GEC.

*Matrix 303.1*

<b>Computerized Statewide Voter Registration List [Section 303]</b>	<b>Current Status</b>	<b>Action Required</b>
1. Interactive computerized statewide list maintained and administered at the state level, containing name and address of every voter, with a unique identifier	1. Partial compliance (Database contains name and address of every voter.)	Implement VRS(will bring items 1, 2, and 3 to full compliance; will improve all processes in <b>List Maintenance &amp; Voter Registration Requirements</b> )
2. Must coordinate with other agency databases	2. Not in compliance	Implement VRS and integrate w/DMV, Courts
3. Election officials in the state must be able to obtain immediate electronic access to the information.	3. Not in compliance	VRS will be accessible electronically to appropriate officials including mayors, party, etc.
4. State must provide support to the Supervisors of Elections.	4. In compliance	None:(Guam State Plan requirement)

*Matrix 303.2*

<b>List Maintenance [Section 303]</b>	<b>Current Status</b>	<b>Action Required</b>
1. Regular list maintenance with removals pursuant to NVRA	1. Partial Compliance	Provide VRS database links w/ stateside election centers
2. Registration list must be coordinated with state felon records and state death records.	2. Not in compliance	Implement VRS and integrate w/DMV, courts
3. Ensure that: all voters appear on list correctly; ineligible voters and duplicate registrations are removed correctly.	3. Partial compliance	Provide VRS database links w/ stateside election centers
4. System of list maintenance that makes a reasonable effort to remove ineligible voters.	4. Partial compliance	Implement VRS to fully comply w/HAVA

*Matrix 303.3*

<b>Voter Registration Requirements [Section 303]</b>	<b>Current Status</b>	<b>Action Required</b>
1. Application must include driver's license number of applicant, if applicant has a driver's license number.	1. Not in compliance	1. Revise policy and procedure to require the recording of DL number
2. If applicant has no driver's license, applicant must provide the last 4 digits of Social Security number.	2. Not in compliance	2. Revise policy and procedure
3. If applicant has neither driver's license nor Social Security number, state must assign a unique identifying number.	3. In compliance	3. Establish policy and procedure requiring assignment of unique identifier in this instance.
4. Chief election official and head of DMV must enter into an agreement to match information in the voter database with information in the DMV database to verify accuracy of voter information.	4. In compliance	4. Establish agreement between GEC and DMV to match respective databases(voter and drivers license). DMV information will be the official data used for verification.
5. Head of DMV must enter into an agreement with the Commissioner of Social Security to verify voter registration information of applicants using last 4 digits of SS#	4. In compliance	4. Include as part of agreement in item 4 above

*Matrix 303.4*

<b>Voter Registration by Mail [Section 303]</b>	<b>Current Status</b>	<b>Action Required</b>
<p>1. First time voter in the state who registered by mail must provide a copy of photo ID or copy of other prescribed document with name and address of voter.</p> <p>Identification not required if:</p> <p>a. at the time of mail registration, applicant submits a copy of proper documentation; or</p> <p>b. at the time of mail registration, applicant submits a driver's license number or last four digits of social security number and the state matches that information with an existing state record bearing the same number, name and date of birth; or</p> <p>c. the person is entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act or is entitled to vote absentee under any other federal law.</p>	<p>1. Partial Compliance All in-person voters must provide photo ID regardless of whether they registered by mail or in person. No other documentation is allowed.</p> <p>No identification required of regular absentee voters.</p> <p>In-person absentee voters must provide photo identification or complete affidavit.</p> <p>Matching with other state records not performed.</p>	Implement VRS
2. If voter appears in person without proper documentation, voter must vote a provisional ballot.	2. Not in compliance	Implement VRS; Provisional voting legislation required.
3. If voter votes an absentee ballot without proper documentation, treat absentee ballot as provisional	3. Not in compliance	“

*Matrix 303.5*

<b>Contents of Registration Form [Section 303]</b>	<b>Current Status</b>	<b>Action Required</b>
1. “Are you a citizen of the United States of America?”	1. In Compliance	None required
2. “Will you be 18 years of age on or before election day?”	2. In compliance(date of birth is included on form)	None required
3. “If you checked ‘no’ in response to either of these questions, do not complete this form.”	3. Not in Compliance	Revise form
4. Statement informing first time mail registrations of identification requirements.	4. In compliance	None required

#### **1.d §304, Minimum Requirements**

Guam understands that the requirements laid out in HAVA Title III are minimum requirements, and that Guam may establish election technology and administration requirements that are more stringent. Any more stringent requirement that Guam imposes will comply with all Title III requirements, as well as the laws described in HAVA §906.

#### **1.e §305, Methods of Implementation Left to Discretion of State**

The State chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methodology chosen can be found in Sections **1.a** through **1.c** of this State Plan.

#### **1.f §311, Adoption of Voluntary Guidance by Commission**

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. The State will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

#### **1.g §312, Process for Adoption**

The State will stay aware of the progress of the EAC on developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

#### **1.h §251(b) (2) – Other Activities**

The State currently does not have the personnel and technical capacity required to fully achieve HAVA compliance. Ongoing operations and maintenance of the new capabilities required by HAVA cannot be supported with the current technical infrastructure and resources. The State proposes to establish a solid foundation to build and sustain the people, processes, and technology necessary to maintain the new capabilities. The following activities are thus proposed to improve the election system:

- Conduct an assessment of the current technical infrastructure and establish a strategy to standardize technical infrastructure;
- Conduct process review and redesign if necessary;
- Research the possibility of integration of key election management systems;
- Continue expanding polling place accessibility; and
- Document job descriptions and staff positions with resources qualified to conduct election reform activities.

**Section 2. Distribution of Requirements Payment.** *How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of -- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). -- HAVA §254 (a)(2)*

## **2.a Eligibility of local units to receive the payment**

GEC will centrally manage initiatives funded by requirements payments. GEC will be responsible to account for all expenditures, funding levels, program controls, and outcomes.

The State, in conjunction with the GEC Executive director, will determine the appropriate level of support for special local initiatives. State will follow applicable local law regarding the distribution of federal reimbursements.

Note: The State will provide such support as is feasible and appropriate to the GEC if they seek HAVA grants outside the scope of requirements payments.

## **2.b Performance measures for local units**

Funds will be centrally managed as described in Section 2.a, and GEC will monitor the initiatives for which those funds are authorized.

GEC will monitor the performance of each initiative that is funded by requirements payments in three areas: financial controls, compliance with standards, and program results.

Financial Controls: GEC will develop and use standard financial reporting for all initiatives funded by requirements payments.

Compliance with Standards: GEC will develop and use standard program management reporting for all initiatives that are funded by requirements payments.

Program Results: GEC will develop key performance indicators (KPI) for each initiative funded by requirements payments.

### **Section 3. Voter Education, Election Official Education and Training, and**

**Poll Worker Training.** *How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. -- HAVA §254 (a) (3)*

#### **Election Official Training**

Election officials are critical to an efficient, secure, and reliable election process. In Guam, the Executive Director is responsible for providing a comprehensive training program to election officials in their respective districts prior to an island-wide and/or federal election. Training needs are determined by the Executive Director on a district-level need, and targeted towards the following election officials:

- GEC Board of Directors
- Precinct Officials
- Voter Registration Officials
- Absentee Ballot Officials

Improving and implementing an island-wide training resources and procedures is an ongoing process each election year. Working as a team, the Board of Directors and the GEC Executive Director and staff develop uniform training materials that are coordinated with Precinct Official Handbooks, and distributed with election day ballots and supplies. All training materials and handbooks are created for a hard copy ballot utilizing an optical scan tabulator. Training sessions are generally presented in a paper-based format. At this time, there is little use of technology in training presentations. However, it is expected that the GEC will slowly migrate into Direct Recording Electronic (DRE) voting systems for Election 2004, and be paperless by Election 2006.

Election training for candidates, precinct officials, poll watchers, and other election officials is generally conducted between 30 – 45 days prior to the election. A number of handbooks are developed for the various types of officials to facilitate the training. These Handbooks are developed in such a way that if an election official has not received the training, the election official would be able to clearly understand and implement procedures.

To ensure that all election officials have the training and resources available to allow them to successfully conduct elections, Guam will develop a systematic approach to training that includes:

- Developing an island-wide and community-needs comprehensive training plan. This will include acquiring necessary resources for improving training methods and utilizing training coordinators in an effort to bring all training as close to election day as possible.
- Improving training and election day materials and handbooks so they are flexible to accommodate updates and changes, are effective in the trainee's retention of information, and take into consideration the wide variety of skill levels within the training audience.
- Researching and/or implementing training delivery options such as videos, interactive web-based training, and conference style training.
- Recognizing the differences among the various Native Pacific islanders and coordinating training needs, methods, and approaches with their respective community organizations to

obtain input and guidance on delivering training to individuals with diverse cultural backgrounds.

Education and training programs are critical to a successful program of election reform in Guam. The proposed milestones in this document will require change management to ensure that all stakeholders (poll workers, election officials, voters, etc.) are comfortable with the new processes and supporting technologies that HAVA requires.

Currently, training programs are informal. GEC distributes policies and procedures and the GEC Executive Director is responsible for how the messages are delivered to staff members, poll workers, and the public. Often, knowledge is distributed informally, in meetings and at conferences, rather than in formal training sessions. There are no GEC personnel available to take sole responsibility for training. Training conducted is usually organized by each distinct area (voter registration, voting systems, etc.). Formal training is usually presented in a paper-based, person-to-person format; there is little to no use of technology in creating or delivering training.

In general, voter outreach programs are limited. Sample ballots are distributed to each village Mayor's office and a specimen is published in the local paper before each general election. Voters can also obtain voting information through public service announcements such as local news websites. However, when new voting systems or regulations directly affect the voter, outreach will increase exponentially. In the case of implementing a DRE voting system, the outreach associated with this new system will be cost and resource intensive.

A thorough and thoughtful training and outreach program increases the buy-in of all affected stakeholders. It is important to develop the training and outreach program with these stakeholders as they are a critical component to the current and future process and will provide valuable expertise on previous training initiatives. Also the program must account for the changing poll worker and election official workforce, so that training is effective for a group with diverse skills.

Finally, HAVA brings increased accessibility to elections. Training programs must address the needs of the disabled community and individuals with alternative language considerations. In collaboration with the stakeholders, effective training and outreach will help provide for smooth implementation of Guam's Plan.

### **Training and Outreach Program Milestones**

To ensure the success of election reform programs, GEC needs a standard and centralized approach to training and outreach. To this end, GEC will execute a three-step program:

#### 1. Managing Training and Outreach Program

Establish formal training and outreach programs within GEC. Acquire necessary resources for training and outreach. The current resource levels at GEC cannot support this kind of comprehensive training program. GEC will need to bring on the assistance of vendors responsible for new technologies.

#### 2. Planning Training and Outreach Program

Conduct a training needs assessment based on the actions planned to address HAVA requirements. The assessment will include identifying current stakeholders, and documenting current and desired skill levels for each stakeholder group.

HAVA compliance requires that the State use a training delivery method that is easily accessed and re-used by trainees, is flexible enough to accommodate updates and changes, and is effective in the trainee's retention of information. This research will help address the best means for adult learning, taking into consideration the wide variety of skill levels within the State's training audience.

Using the training needs assessment and research, create a user group of relevant stakeholders to develop a training approach document for election officials and poll workers. This document will establish a standard, yet flexible training approach that outlines a strategic direction for training over time, addressing both training content and delivery methods. The approach will cover a variety of topics: the identification of organization(s) responsible for developing training; a matrix of the stakeholders receiving training, the content to be delivered, and phases for training delivery; a discussion of training objectives; a description of the delivery methods for training; and an outline of the types of feedback mechanisms that GEC will use to evaluate the effectiveness of training.

Develop a State outreach and communication plan. Outreach actively provides the voter, the end recipient of State election services, information regarding new election procedures. Increased awareness (and ultimately ownership and sponsorship) on the part of voters will correspondingly increase the success of election reform programs. An outreach and communication plan will describe the strategy for developing and delivering messages to a variety of stakeholder groups. Specifically, the document will outline the proposed audience, the party responsible for delivery, the expected outcome, the key messages, the medium for delivery, and the timing of the communication event.

### 3. Implementing Training and Outreach Program

Design, build, test, and implement training delivery method, leveraging previous training experience. This method will vary dependent on the approach determined in the planning phase. Regardless of whether training is instructor-led, online, paper-based, etc., the training must still go through the design and build phases, and be subject to testing to ensure its success before it is delivered to trainees. Implement outreach and communication plan. Those responsible for delivering various communication messages must ensure that events occur on a timely basis.

## **Section 4. Voting System Guidelines and Processes.** *How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254 (a) (4)*

Guam currently meets most of the voting system requirements required under HAVA. Guam has procedures established for conducting recounts on a district-wide and island-wide level. Guam has a procedure established for system certification. As Guam implements a new voting system, we will maintain the current procedure and create new procedures, guidelines and processes as necessary. New processes and guidelines may take the form of internal procedures, regulations or changes to Guam law.

To attain compliance, Guam must provide DRE units to every polling location and introduce legislation that defines what constitutes a vote.

Guam will adopt legislation mandating uniform voting systems for polling place and absentee voting by 2006. The uniform system mandated by legislation will meet the requirements of HAVA §301. Subsequently, the GEC will create operational standards for the system. As the implementation of the new voting systems occur, GEC will maintain these and create any new guidelines and processes as necessary. The GEC will determine the appropriate method to publicize any new voting system guidelines and processes.

**Section 5. Guam's HAVA Fund Management.** *How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254 (a) (5)*

Working with the Office of the Governor, the Treasurer of Guam, the Department of Revenue and Taxation, and the Director of Administration, the GEC will establish a new program for election reform that is kept separate and distinct from all other programs within the agency. This program will contain both federal and general funds. In accordance with Guam law, the Guam Election Commission will establish an election fund within the Treasurer of Guam whose appropriations are accounted for separately within the Government of Guam accounting system. This fund will contain both federal and general funds. Accounting structures will be in place to ensure federal fund receipts and expenditures are tracked separately from the general funds portion relating to the 5% State match required under HAVA. The election fund will consist of the following amounts:

- a. Amounts appropriated or otherwise made available by Guam for carrying out the activities for which the requirements payment is made to the Guam State Plan under this part.
- b. The requirements payment made to Guam under this part.
- c. Such other amounts as may be appropriated under law.
- d. Interest earned on deposits of the fund.

The Guam Election Commission will work with the Guam Public Auditor, the Department of Administration, and the Director of Revenue and Taxation, to ensure compliance with all mandated fiscal controls and policies.

**Section 6. Guam's HAVA Budget.** *The States proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on — (A) the costs of the activities required to be carried out to meet the requirements of title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment, which will be used to carry out other activities. -- HAVA §254 (a)(6)*

The following table outlines the assumptions regarding Federal funding that Guam used in creating its budget for HAVA activities.

*Table 6.1 Federal Funding Assumptions for Guam*

<b>Federal Fiscal Year</b>	<b>Total Federal Funds</b>	<b>Guam Share</b>	<b>Minimum</b>
Early Payments (§101)	\$650 (appropriated)	\$.65	\$1M
2003 (§252, 257)	\$833 (appropriated)	\$.83	\$1M
2004 (§252, 257)	\$500 (President's Budget; authorized at \$1000)	\$.50	\$1M
2005 (§252, 257)	\$600 (authorized)	\$.60	\$1M
<b>Total</b>	<b>\$2,583M</b>	<b>\$2.8M</b>	<b>\$4M</b>

Based on these funding levels, the Guam HAVA budget is representative of the activities to implement and conduct operations and maintenance through calendar year 2005 for the HAVA Title III requirements and "other" activities. The budget will be revised over time based on the most current information available regarding federal funding.

The duration for the Guam's budget is based on HAVA deadlines and funding. The GEC is concerned, however, that beyond the three years of federal funding, the ongoing costs of operating and maintaining the new voting system and statewide voter registration list will be higher than Guam's maintenance of effort level (see Section 7 of the Guam State Plan). The operation and maintenance of the new systems will be the financial burden of the GEC when HAVA funding is no longer available.

Guam made the following additional assumptions in preparing the budget:

\_\_ Guam is planning to implement a centralized voting system.

\_\_ The cost for the voter registration list (§303(a)) is presented as a range, because it is unclear if the Guam can upgrade its current system to meet HAVA requirements. If so, the cost will be in the lower end of the range. If not, the cost will be in the higher end.

\_\_ The cost for education, training, and outreach (§254 (3)) is presented as a range due to the uncertainty of the Guam's approach for the statewide voter registration list. Additionally, Guam anticipates concurrent initiatives to implement the voting system and voter registration list, which will overextend Guam's current education, training, and outreach resources. Guam will need to develop a core curriculum and central delivery capabilities (see Section 3 of this plan) to respond to these increased demands on resources.

\_\_ The primary and general elections are factored into the budget.

The budget to carry out activities to meet HAVA requirements is provided in table 6.2. Except for costs already incurred for the DRE implementation, the 2003 and 2004 budgets do not include the following costs:

1. Guam's portion of HAVA funding is estimated based on the funding assumptions outlined in table 6.1.
2. Funding source options: State funding other than 5% match, local jurisdiction funding, and/or additional federal funding.
3. Duration for each budget activity is through calendar year 2005.

*Table 6.2*

HAVA Requirements Title III Requirements	Estimated Cost	Funding Source(\$101, \$103, \$252, \$257)				Duration	
		FY '03 \$1M	FY '04 \$1M	FY '05 \$1M	Total	Time Frame	Operations & Maintenance
§301 Voting System Improvements \$3,400.00 x 150 DRE & Accessories \$25,500.00 x 1 Election Reporting System Software	\$550,000.00	\$100,000	\$250,000	\$200,000	\$550,000.00	FY 03 - 06	
§302 Provisional voting and voting information requirements	\$175,000.00	\$175,000	-	-	\$175,000.00	FY 03 - 04	
§303 Computerized statewide voter registration list requirements and requirements for voters who register by mail.	\$550,000.00	\$100,000	\$350,000	\$100,000	\$550,000.00	FY 03 - 04	
<b>Other Election Reform Activities</b>							
§254 (3) Voter education, election official education and training and poll worker training which will assist the State in meeting the requirements of title III	\$500,000.00	\$150,000	\$200,000	\$150,000	\$500,000.00	FY 03 - 06	
§ Establishment of state based administrative complaint procedures to remedy grievances.	\$150,000.00	\$25,000	\$125,000	-	\$150,000.00	FY 03 - 04	
§704 Improvements to military/off-island absentee voting program.	\$325,000.00	\$75,000	\$150,000	\$100,000	\$325,000.00	FY 03 - 06	
§101 Management of State Plan	\$150,000.00	\$30,000	\$60,000	\$60,000	\$150,000.00	FY 03 - 06	
§101 (1.H) State Plan Technology planning/improvements	\$300,000.00	\$100,000	\$100,000	\$100,000	\$300,000.00	FY 03 - 06	
§101 (1.H) Polling Place Accessibility	\$300,000.00	\$100,000	\$100,000	\$100,000	\$300,000.00	FY 03 - 06	
<b>Totals</b>	\$3,000,000.00	\$855,000	\$1,335,000	\$810,000	\$3,000,000.00		

**Section 7. Maintenance of Effort.** *How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. -- HAVA §254 (a)(7)*

Consistent with HAVA §254(a)(7), in using any requirements payment, Guam will maintain expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures in Guam's FY 2000 -- a total of \$573,588.

As in many states, however, this level of funding represents only a small portion of the island-wide aggregate operating budget expenditures needed to sustain elections. The Guam Election Office's budget typically supports year-round core staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, increases in funding are associated with each specific election -- for poll workers, temporary office staff, ballot production, mass mailings, election day support (including personnel, equipment, and supplies), etc.

**Section 8. HAVA Performance Goals and Measures.** *How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254 (a)(8)*

GEC will establish performance goals and will institute a process to measure progress toward the achievement of these goals. This process will provide structure and continued measurable targets for accomplishment. GEC will oversee continuous management of the State Plan. GEC will be responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, the GEC will continue to revisit original goals and objectives and make adjustments as appropriate.

Performance Goals The GEC's goal is to achieve election reform and compliance with HAVA requirements through the successful implementation of the programs outlined in the Guam State Plan. The matrix below details key elements of the Plan and the timeframe for meeting each.

<b>Plan Elements</b>	<b>Time Frame</b>	<b>Responsibility</b>
<b>Voting Systems:</b> -- §301	To be fully implemented by January 1, 2006	GEC/Vendor
<b>Provisional Voting:</b> -- §302	To be implemented by January 1, 2004	GEC/Guam Legislature
<b>Voter Registration:</b>  -- §303(a)	To be fully implemented by January 1, 2006	GEC
-- §303(b)	To be fully implemented by January 1, 2004	GEC
<b>Other Activities</b> -- §101 (b)(1), §251(b)(2)		GEC
Technical Infrastructure		GEC/Vendor
End to End Process Redesign		GEC/Vendor
Election Reform Program Management		GEC
<b>Education and Training:</b> -- §254 (a)(3)		GEC
<b>Budget and Fiscal Controls:</b> -- §254 (a)(6) -- §254 (a)(2) -- §254 (a)(7) -- §254 (a)(10)		GEC/Budget Office
<b>Complaint Procedures:</b> --Title II, §254 (a)(9) --Title IV, §402		GEC

**Section 9. State-Based Administrative Complaint Procedures** *A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254 (a)(9).*

*Deadline for Compliance: Prior to certification of State Plan, but no later than January 1, 2004*

GEC will develop and adopt a procedure for complaints that meets HAVA requirements pursuant to Guam law . Guam election laws provide for the processing of complaints, both at the administrative level and in court. Formal complaints will now follow the procedures developed and adopted by GEC. Matrix 402 outlines HAVA requirements related to complaint procedures and the corresponding current status for Guam.

*Matrix 402*

<b>Section 402 (a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES</b>	<b>Current Status</b>	<b>Action Required</b>
(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS- If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2)	Not in Compliance	Establish Procedures
(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:	Not in Compliance	“
(A) The procedures shall be uniform and nondiscriminatory	Not in Compliance	“
(B) Under the procedures, any person who believes that there is a violation of any provision of Title III(including a violation , which has occurred, is occurring, or is about to occur) may file a complaint.	Not in Compliance	“
(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Not in Compliance	“
(D) The State may consolidate complaints filed under subparagraph (B).	Not in Compliance	“
(E) At the request of the complainant, there shall be a hearing on the record.	Not in Compliance	“
(F) If, under the procedures, the State determines that there is a violation, the State shall dismiss the complainant and publish the results of the procedures.	Not in Compliance	“
(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.	Not in Compliance	“
(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period, which begins on the date the complaint is filed, unless the complainant	Not in Compliance	“

<p>consents to a longer period for making such a determination.</p>		
<p>(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.</p>	<p>Not in Compliance</p>	<p>“</p>

**Section 10. Effect of Title I Payments.** *If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)*

To date, Guam has received Title II “Early Money” payments.

§101. Payments to States for activities to improve administration of elections.

Guam is eligible for approximately \$1.0M under §101. These funds will be used for activities to meet the following requirements:

§301 Voting system	\$ 500,000
§303 Voter registration system	\$ 300,000
§254 (3) Training & outreach	\$ 100,000
HAVA program management	<u>\$ 100,000</u>
<b>Total</b>	<b>\$1,000,000</b>

**Section 11. Guam's HAVA State Plan Management.** *How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change— (A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; (B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254 (a)(11)*

Guam intends to use the Guam State Plan as the foundation for its future strategic direction. Consequently, sound and responsible management of the Guam State Plan will be an essential component of the Guam election community's future success.

Due to the complexity of HAVA and the potential variety of projects it encompasses, GEC will conduct ongoing management of the Guam State Plan, including project planning (for all HAVA-related and other election reform projects) and establishing and implementing program management standards (i.e. performance measures, review and approval processes, issue/risk management, etc.). The GEC will also be responsible for other election functions, including: budget and fiscal, personnel, and office support functions.

Guam understands and agrees to comply with HAVA requirements related to ongoing management of the Guam State Plan. More specifically, Guam agrees that it may not make any material change in the administration of the State Plan unless the change: (A) is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the Guam State Plan; (B) is subject to public notice and comment in accordance with HAVA §256 in the same manner as the Guam State Plan; and, (C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

**Section 12. Changes to State Plan from Previous Fiscal Year.** *In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year. -- HAVA §254 (a) (12)*

This FY 2003 Plan is Guam's inaugural plan under HAVA. This section will be updated in the FY 2004 Guam State Plan, reflecting changes to the Guam State Plan, as well as a summary of 2003 successes.

### **Section 13. State Plan Development and Coordinating Committee.**

Section 255(a) of HAVA requires the chief State election official to develop the State plan through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the States, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official. Accordingly, the Governor of Guam, on June 6, 2003, issued Executive Order 2003-20 relative to establishing the Guam State Plan Development and Coordinating Committee pursuant to the Help America Vote Act (HAVA) of 2002, P.L. 107-252 / H.R. 3295, and appoints the following representatives:

Mr. Gerald A. Taitano, Executive Director, Guam Election Commission /  
Chief State Election Official  
Mr. Frederick J. Horecky, Esq., Chairman, Board of Directors, Guam Election  
Commission  
Mrs. Mary C. Torres, Vice Chairperson, Board of Directors, Guam Election Commission  
Mr. Ignacio C. Aguigui, Esq., Member, Board of Directors, Guam Election Commission  
Mr. Florencio T. Ramirez, Jr., Member, Board of Directors, Guam Election Commission  
Dr. Gregorio C. San Nicolas, Member, Board of Directors, Guam Election Commission  
Ms. Rossana D. San Miguel, Member, Board of Directors, Guam Election Commission  
Mr. John P. Taitano, Member, Board of Directors, Guam Election Commission  
Mr. David J. Sablan, Chairman, Republican Party of Guam  
Mr. Joe T. San Agustin, Chairman, Democratic Party of Guam  
Mr. Joaquin Perez, District Representative, Guam Delegate to the U.S. House of  
Representatives  
Mr. John Blas, Executive Director, Mayor's Council of Guam  
Hon. Scott Duenas, Mayor of Dededo  
Hon. Bob Lizama, Mayor of Yigo  
Mr. James Underwood, Director, Department of Integrated Services for Individuals  
with Disabilities  
Ms. Brenda Leon Guerrero, Administrator, University of Guam Center for Excellence  
in Developmental Disabilities Education, Research, and Service  
Maj. Benjamin Guerrero, USMC, Ret., Director, Guam Veteran's Office  
Mr. Gary Hartz, Student Development Administrator, Guam Community College  
Mr. Daniel Camacho, Program Coordinator (Curriculum and Instructions), Department  
of Education

Other stakeholder representatives are as follows:

Mrs. Pat Botten, Individuals with Disabilities (Mobility)  
Mr. Cesar C. Cabot, Esq., Legal Counsel, Guam Election Commission  
Ms. Jackie Cabrera, Individuals with Disabilities (Visual Impaired)  
Mr. Francisco N. Lizama, Democratic Party of Guam  
Ms. Christine Payne, Guam Legal Services Disability Law Center (Guam Protection  
and Advocacy)  
Mrs. Amber Sanchez, Private Citizen  
Mr. Michael Terlaje, Director, University of Guam System for Assistive Technology

## **Appendices**

### **SUMMARY OF HAVA REQUIREMENTS**

1. Title I allocates \$325 million, on a formula basis, for “activities to improve administration elections.” Minimum payment for Guam is one-tenth of 1 percent or \$325k. The “Guaranteed Minimum Payment Amount” for Guam is \$1 million(Sec.103).
2. Title II establishes the Election Administration Commission, and several associated bodies, at the federal level.
3. Title II allocates \$3 billion(Sec. 257) to states to be used according to a “State Plan” for research on voting technology improvements.
4. Title II creates several grant programs to provide funding for accessibility (\$100 million over 4 years), technology improvements (\$20 million), testing of equipment and technology (\$10 million), protection and advocacy (\$40 million over 4 years), and student mock elections (\$1.2 million over 6 years).
5. Title III establishes requirements for: (a) voting system standards; (b) provisional voting and voting information; (c) computerized voter registration database; and (d) requirements for voters who register by mail.
6. Title IV requires that as a condition for receiving funds “the State shall be required to establish and maintain State-based administrative complaint procedures...”
7. Title V establishes the Help America Vote College Program (\$5 million).
8. Title VII establishes requirements for overseas and military voting.

## **SCHEDULE OF REQUIRED ACTIONS**

Date of enactment: **October 29, 2002**

### **TITLE I – ELECTION ADMINISTRATION**

1. Section 101: Not later than 45 days after enactment (**December 13, 2002**) the General Services Administrator shall establish a program to make payments, based on a voting age population formula, adjusted to ensure each state a minimum amount, to the State “to improve administration of elections.”
2. Not later than 6 months after enactment (April 29, 2003) the Governor, “in consultation and coordination with the chief State election official” (GEC Executive Director) notifies the Administrator that Guam wishes to receive and use Section 101 money.
3. To receive Title I monies, the State must establish an “Election Fund” in the state treasury.

### **TITLE II – ELECTION ASSISTANCE COMMISSION**

1. Election Assistance Commission – 4 members appointed not more than 120 days from enactment (**February 27, 2003**). EAC authorized to have Executive Director, General Counsel, and other staff and functions as national clearinghouse for voluntary standards, studies, hearings, reports, etc. No authority to issue “any rule, promulgate any regulation, or take any other action which imposes any requirement on a State ...” EAC provides for the “testing, certification, decertification” of voting equipment unless a state does it itself.
2. EAC Standards Board – Reviews voluntary voting standards. Not later than 90 days after enactment (**January 28, 2003**) the SOS must notify FEC of: (a) State election official to serve on Board; (b) Local election official to serve on Board (selected by local election officials in a process supervised by SOS).
3. EAC Board of Advisors – 37 members.
4. EAC Technical Guidelines Development Committee – Develop voluntary voting system guidelines, not more than 9 months after all its members have been appointed. EAC and Standards Board and Board of Advisors must accept. No direct appointments for State or locals.

## **TITLE II – REQUIREMENTS PAYMENTS; STATE PLAN**

1. Not later than 6 months after appointment of the EAC (EAC must be appointed no more than 120 days after enactment, so this requirement is not later than 10 months, or **August 29, 2003**), and annually thereafter, the EAC shall make requirements payments to the State, based on voting age population.
2. In order to receive money, State must file a certification with the EAC, 30 or 45 days after publication of the State Plan (Sec. 253,254) in the Federal Register, that the State is in compliance with applicable laws and requirements, including a complaint procedure (Sec. 402), has provided a 5% match to the federal funds, and has established an Election Fund. Methods of compliance are “left to the discretion of the State.”
3. Before filing a State Plan, the State must make a preliminary version of the plan publicly available at least 30 days, take comments, and incorporate comments into the final draft. There is no indication of a deadline for submittal of the State Plan, and each state is guaranteed a sum of money as calculated by the formula. The State Plan must be developed by the GEC with a committee of “appropriate individuals”.
4. Requirements payments must be spent on Title III requirements, or the State must certify that it has implemented Title III, in which case the money may be spent for “other activities to improve the administration of elections...”, including voting equipment obtained after November 2000.
5. Not later than 6 months from the end of each Fiscal year (Federal FY begins in October, therefore reports for each FY would be due **April**) the State must submit a report on activities conducted with the funds.

## **TITLE II – GRANTS**

1. Access for Persons with Disabilities – Not later than 6 months from enactment (**April 29, 2003**) the Secretary of Health and Human Services shall make payments (not formula based) to State or local applicants for polling place access, education, and voting equipment.
2. Research on Voting Technology Improvements – Based on list of potential topics developed by NIST, any “entity” may apply. No application deadline or timetable is specified.
3. Pilot Programs – Same as above
4. Protection and Advocacy – Each State Protection and Advocacy program is allocated between \$35,000 and \$70,000. Funds are for “training and technical assistance” for persons with disabilities.
5. Mock Election – Grants are to the National Student-Parent Mock Election national non-profit organization.

## **TITLE II – VOLUNTARY GUIDANCE**

1. The EAC shall adopt Voting System Standards by **January 1, 2004**. (Section 301)
2. The EAC shall adopt provisional voting standards by **October 1, 2003**. (Section 302)
3. The EAC shall make recommendations with respect to the statewide database by **October 1, 2003**.

## **TITLE III – ELECTION ADMINISTRATION REQUIREMENTS**

1. Voting System Standards – Compliance required by **January 1, 2006** and shall: (a) permit voter to verify ballot and correct it if wrong, and notify the voter re overvotes; (b) provide permanent paper record; (c) have accessible voting, which is at least one DRE per polling place; (d) meet federal language requirements; (e) meet “error rate” standards (machine, not voter) in Section 3.2.1 of voting system standards in effect October 29, 2002; (f) state has uniform definition of what constitutes a vote.
2. Provisional Voting – Compliance required by **January 1, 2004**; except for the addition of a requirement for a “free access system” (phone or Internet) for voter to see if his or her vote was counted.
3. Voting Information – Compliance by **January 1, 2004**; Requires posting at polling place of information, with new requirements for information re mail-in registrants and first-time voters and prohibitions versus fraud or misrepresentation.
4. Voting After the Polls Close – Compliance by **January 1, 2004**; requires that if a court orders a polling place open late all ballots shall be provisional.

## **TITLE III – COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST AND REQUIREMENTS**

1. State shall implement by **January 1, 2004** (can apply for “good cause” waiver for **January 1, 2006**) a “single, uniform, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level” that includes a unique identifier and serves as “the single system for storing and managing the official list of registered voters” and is coordinated with other state agency databases, and provides “immediate electronic access” to any local election official. Voter registration information obtained by local election officials shall be entered into the database “on an expedited basis at the time the information is provided to the local official.” “The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.” State or local officials shall perform list maintenance. The State must coordinate with Department of Corrections for felony convictions, and Department of Health for death records.

2. Voter Registration ID's may not be accepted or processed without a driver's license number or the last 4 digits of the applicant's social security number. If the applicant has neither, the State must assign a unique identifier.
3. State must verify DL or SSN numbers; DMV must cooperate.
4. Mail registrants need to be checked for voter history.

### **TITLE III – VOTERS WHO REGISTER BY MAIL**

1. Compliance for election officials is required by **January 1, 2004**, but for individual voters by **January 1, 2003**. If a voter registers by mail and has not voted in the state; (a) need photo ID to vote in person; (b) to vote by mail include copy of photo ID. If no ID, vote provisional. When registering to vote, provide photo ID, DL number or last four digits of SSN, and these must be verified.
2. Voter Registration Form – By **January 1, 2004** add check off boxes to Voter Registration form re; (a) “Are you a US citizen?” (b) Will you be 18?; (c) New requirements re mail registration. Incomplete forms GEC must notify voter to complete.
3. State is allowed to decide how to comply with Title III.

### **TITLE IV – COMPLAINT PROCEDURES**

1. Not later than **January 1, 2004**, each “nonparticipating” State(those who don't apply for money) must either have the required complaint procedure or tell the EAC how it will meet this requirement. Any written, sworn, notarized complaint by any person concerning a violation of Title III may generate a hearing on the record, and the State must determine, within 90 days, the validity of the complaint, and, if it is valid, an appropriate remedy. If the complaint is rejected, the complainant may appeal.

### **TITLE V – HELP AMERICA VOTE COLLEGE PROGRAM**

1. Not more than 1 year after EAC is appointed it shall develop a Help America Vote Program, in consultation with states, through a Help America Vote Foundation.

### **TITLE VII – MILITARY AND OVERSEAS VOTERS**

1. Provides for requirements on DOD to facilitate voting.
2. For elections **after January 1, 2004**, each State shall designate a single office to provide information regarding overseas voting, including receiving valid voter registration applications, absentee ballot applications, and absentee ballots.
3. Not more than **90 days after each Federal general election**, each State and local jurisdiction must report, on a form developed by the EAC, on the number of ballots sent to and received by overseas voters.
4. For elections after **January 1, 2004**, absentee applications are valid “through the next 2 regularly scheduled general elections for Federal office.”

5. For elections after **January 1, 2004**, the State must provide statistical reports and analysis of overseas voting.
6. For elections after **January 1, 2004**, the State must use the “affirmation” or “standard oath” on AV(absentee voter) documents for overseas citizens.
7. For elections after **January 1, 2004**, the State may not refuse to accept absentee voter applications received before the date the State has set for beginning the application process.

#### **TITLE VIII – TRANSITION**

1. Effective on the appointment of the EAC, all powers and duties of the Federal Election Commission are transferred to the EAC.

#### **TITLE IX – MISCELLANEOUS PROVISIONS**

1. States (actually any recipient of grant or payment) must keep records, and whoever gives the grant or payment may audit these records, and anyone who receives money shall be audited at least once by the Comptroller General. For any money given by the Administrator (Title I), the EAC shall be deemed to be the auditing agency.

**FUNDS AVAILABLE**

1.	<b>Title I – Election Administration</b>			<b>\$325 million</b>
2.	<b>Title I – Punch Card Replacement</b>			<b>\$325 million</b>
3.	<b>Title II – Requirements Payments</b>			<b>\$3 billion</b>
		FY 03	\$1.4 billion	
		FY 04	\$1.0 billion	
		FY 05	\$ .6 billion	
5.	<b>Title II – Grants</b>			<b>\$171.2 million</b>
	<b>Accessibility</b>	FY 03	\$50 million	
		FY 04	\$25 million	
		FY 05	\$25 million	
	<b>Research</b>	FY 03	\$20 million	
	<b>Pilot</b>	FY 03	\$10 million	
	<b>P&amp;A</b>	FY 03	\$10 million	
		FY 04	\$10 million	
		FY 05	\$10 million	
		FY 06	\$10 million	
	<b>Mock Elec.</b>	FY 03-09	\$1.2 million	
6.	<b>Title V – College Grant Program</b>			<b>\$5 million</b>
		FY 03	\$5 million	
		Future sums as necessary		
		<b>TOTAL</b>		<b>\$3.876.2 billion</b>