

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. *27*-31 (COR)

Introduced by:

R.J. RESPICIO 

AN ACT TO REPEAL AND REENACT TITLE 3, GUAM
CODE ANNOTATED CHAPTER 19 §19117 RELATIVE
TO CAMPAIGN ADVERTISING, AND TO PROVIDE
PENALTIES FOR THOSE IN VIOLATION OF THIS
CHAPTER.

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*
3 finds that Guam is one of many jurisdictions across the United States that
4 has been plagued by outmoded laws and inadequate or antiquated
5 administrative procedures relative to the conduct of elections, bringing into
6 question the integrity of election processes.

7 Among the various amendments needed to be made to Guam's
8 election laws are those required to address the challenges of modern
9 advertising and the rapid spread of information through mass mailing and
10 via the internet. The speed at which accurate, inaccurate and fabricated
11 information can be dispensed, especially on the internet, requires that
12 additional safeguards be placed on campaign advertising and messaging.

13 As often as not, misleading information about candidates and their
14 platforms is as plentiful and easy to access during election season as is the

1 factual information produced by the candidates themselves. Voters seeking
2 to learn more about candidates should know if the information they are
3 receiving is actually approved by the candidates themselves, or if it has
4 been fabricated by a candidate's opponent, or a third party, in order to
5 mislead and confuse.

6 It is the intent of *I Liheslatura* to amend existing sections of the
7 election code to ensure that voters seeking information on candidates know
8 the source of the information and whether the candidate or candidates in
9 question have approved the message, and to provide penalties for those
10 who violate the code.

11 **Section 2. § 19117 of Title 3 Guam Code Annotated Chapter 19 is**
12 **amended to read:**

13 **“§ 19117. Advertising.**

14 (a) No person shall cause or submit any advertisement in
15 support of a candidate to be published, broadcast, televised, posted
16 on-line, mass-mailed, canvassed, or otherwise circulated and
17 distributed except under the following conditions:

18 (l) The advertisement shall contain a notice in a
19 prominent location that the literature or advertisement for any
20 medium is published, broadcast, televised, posted on-line,
21 mass-mailed, canvassed, or otherwise circulated with the

1 approval and authority of the candidate, provided that in the
2 event that the literature or advertisement is paid for by a
3 candidate or committee directly associated with a candidate,
4 the notice of approval and authority need not be included; or

5 (2) The advertisement shall contain a notice in a
6 prominent location that the literature or advertisement for any
7 medium is published, broadcast, televised, posted on-line, or
8 otherwise circulated without the approval and authority of the
9 candidate.

10 (b) All advertisements mentioned in Subsection (a) above and
11 all other advertisements of a political nature shall contain the true
12 name and address of the candidate, committee, person or political
13 party paying for same.

14 (c) In the case of video advertisements for any medium, the
15 advertisement shall contain an oral statement that identifies the
16 candidate and states that the candidate either has approved the
17 communication, or the communication is being circulated without
18 the approval and authority of the candidate. Such statement shall be
19 conveyed by the following:

20 (1) for approved communications, an unobscured, full-
21 screen view of the candidate making the statement, or the

1 candidate in voice-over, accompanied by a clearly identifiable
2 photographic or similar image of the candidate; or

3 (2) for non-approved communications, a statement in
4 voice-over, that the communication is being circulated without
5 the approval and authority of the candidate.

6 (d) Such statement shall also appear in writing at the end of the
7 communication in a clearly readable typeface with a reasonable
8 degree of color contrast between the background and the printed
9 statement, for a period of at least 4 seconds.

10 (e) Every person who willfully causes, produces, provides
11 funding for, or assists in the production of advertising which the
12 person knows to be incorrect or purposefully misleading; or for
13 which no statement is included regarding the candidate's approval or
14 disapproval of the message, is guilty of a felony of the third degree.
15 Each and every separately produced message constitutes a separate
16 offense."

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