

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

BILL NO. 203-31(COR)

Introduced by:

A.A. YAMASHITA, PhD 

2011 NOV 10 AM 11:24



**AN ACT TO AMEND § 61542 OF CHAPTER 61, TITLE 21, GUAM
CODE ANNOTATED, RELATIVE TO CAMPAIGN SIGNS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
3 the erection of political signs during election season requires a massive amount of human
4 and natural resources. In an effort to protect our natural resources and to ensure that
5 political signs do not impede public use of streets or endanger pedestrians, *I Liheslatura*
6 intends to adjust the regulations relative to allowable sizes of political signs.

7 **Section 2. § 61542, Chapter 61, Title 21, Guam Code Annotated is hereby**
8 ***amended* to read:**

9 **“§ 61542. Regulation of Political Signs.**

10 Candidates for public office or other persons having an interest in an election may
11 place political signs which advocate voting for or against candidates, or other matters to
12 be considered by the electorate, on government property in accordance with the following
13 provisions:

14 **(a) Definitions.**

15 (1) *Candidate* means a person seeking public office.

16 (2) *Government property* means any tangible or real property held by the

1 government of Guam.

2 (3) *Organization* means any political organization or political action group
3 advocating an issue in a special or general election.

4 (4) *Political sign* means all billboards, posters, banners or displays which
5 advocate a candidate for political office or any matter to be presented to the
6 electorate for vote.

7 (5) *Utility pole* means any pole erected for street lighting, power lines, and
8 cable television lines.

9 **(b) Notice.** Notice shall be posted on the campaign sign that the advertisement
10 has been approved or authorized by the candidate or, if the advertisement has not
11 been authorized by the candidate the name and mailing address of the
12 individual(s) who or organization that paid for the advertisement.

13
14 **(b) (c) Permit: Fee; Deposit.** Any candidate or organization may apply for a
15 permit to post campaign signs with the Department of Public Works. The Director of
16 Public Works is authorized to charge a non-refundable permit fee of One Hundred
17 Dollars (\$100.00) and a deposit of Two Hundred Dollars (\$200.00), or as increased from
18 time to time by rules and regulations promulgated by the Director of Public Works in
19 accordance with the Administrative Adjudication Law. Such rules and regulations shall
20 provide for procedures governing approval or rejection of permits, manner and location
21 of posting, maintenance of sign and surrounding area, procedures for notification,
22 removal of signs, forfeiture of deposit of any sign found in violation of this Section, and
23 any other rules or regulations necessary to ensure the safety of the public.

1 **(e) (d) Restrictions on Posting of Political Signs.**

2 (1) No political sign may be erected or posted upon the shoulder of any
3 roadway unless it is eight (8) feet from the paved portion of the roadway and in
4 such a manner that would not impede traffic or a driver's visibility, or erected
5 upon any traffic median strip, sidewalk, road, or driveway

6 (2) No political sign may be erected upon, on or within any government
7 building, or nailed to any tree or attached to any fence on government property.

8 (3) No political sign may be erected or posted within one hundred (100)
9 feet of any entrance to a public school, or upon any public school property,
10 including school fences and gates, except after 6:00 p.m. on the day before the
11 election date.

12 (4) No political sign may be posted upon any utility pole.

13 (5) No political signs may be posted upon any public park within the
14 jurisdiction of the Department of Parks and Recreation, the Department of Public
15 Works, or the village Mayors.

16 (6) No political sign may be erected or posted within one hundred (100)
17 feet of any intersection.

18 **(d) (e) Period for Posting of Political Signs.** Political signs shall not be erected
19 any earlier than ninety (90) days before any special or primary election.

20 **(e) (f) Size Restriction.** No political sign may exceed ~~one hundred ninety two~~
21 ~~(192)~~ eight (8) square feet in gross sign surface area. Any sign which exceeds ~~one~~
22 ~~hundred ninety two (192)~~ eight (8) square feet shall be removed immediately by the
23 Department of Public Works, and all sign materials and any deposit made shall be

1 automatically forfeited to the government of Guam.

2 ~~(f)~~ **(g) Maintenance of Political Signs.** It shall be the responsibility of every
3 candidate or organization to maintain their sign in a manner which does not impede the
4 safety of the public, and which complies with applicable rules and regulations as adopted
5 by the Department of Public Works. Failure of a candidate or any organization to
6 maintain campaign signs shall be grounds for forfeiture of any deposit and all sign
7 materials.

8 **(g)(h) Removal of Signs.** Any sign in violation of any of the provisions of
9 Subsections (b) (c), (d), (e), ~~or~~ (f) or (g) shall be removed within forty-eight (48) hours by
10 the candidate or organization after notification by the Department of Public Works or a
11 Mayor of the village in which the sign is located. A sign not removed within forty-eight
12 (48) hours of notification may be removed immediately by the Department of Public
13 Works or the village Mayor.

14 Failure to remove any political sign in violation of this Section shall be grounds
15 for forfeiture of any deposit. Every political sign shall be removed no later than fifteen
16 (15) calendar days after the conclusion of any general or special election. Failure to
17 remove any political sign within fifteen (15) days after the conclusion of any general or
18 special election shall be grounds for forfeiture of any deposit.”

19 **Section 3. Severability.** *If any provision of this law or its application to any*
20 *person or circumstance is found to be invalid or contrary to law, such invalidity shall not*
21 *affect other provisions or applications of this law which can be given effect without the*
22 *invalid provisions or applications, and to this end the provisions of this law are severable.*