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**MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
2012 (Second) Regular Session

Bill No. 419,31 (cor)

Introduced by:

B.J.F. Cruz 

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**AN ACT TO AMMEND § 5102, AND § 5103 OF  
CHAPTER 5 OF TITLE 4 OF THE GUAM CODE  
ANNOTATED; RELATIVE TO AN UPDATE AND  
REVISION OF APPROVED POLITICAL ACTIVITY BY  
GOVERNMENT EMPLOYEES.**

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

**Section 1.** §5102 of Chapter 5 of Title 4 of the Guam Code Annotated  
is hereby *amended* to read:

**“§ 5102. Permitted Activity.**

(a) An employee may engage in political activity to the fullest extent consistent with the restrictions set forth in § 5103, so long as such activity does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency or integrity of his department or agency. Each employee specifically retains the right to register and vote in an election and, while not on duty and while not in a uniform identifying him as an employee, to:

(1) Express his opinion as an individual citizen privately and publicly on political issues and candidates;

(2) Display a political picture, sticker or badge or button;

1 (3) Participate in the non-partisan political activities of a  
2 civic community, social labor, professional or similar  
3 organization;

4 (4) Be a member, officer, or delegate of a political party  
5 or other political organization and participate in its activities to  
6 the fullest extent consistent with § 5103;

7 (5) Attend a political convention, rally, fund-raising  
8 function or other gathering;

9 (6) Sign a political petition as an individual citizen;

10 (7) Make, as an individual citizen, a contribution to or  
11 expenditure on behalf of a political party or organization or  
12 candidate;

13 (8) Be free from any obligation to contribute to any  
14 political fund or to render any political service;

15 (9) Participate in political activity in connection with a  
16 question not specifically identified with a political party: for  
17 example, soliciting signatures for petition relative to changing  
18 working conditions or campaigning for an issue in a  
19 referendum; and

20 (10) Serve as member of a precinct board or other  
21 election official who performs ~~non-partisan~~ duties under Title 3  
22 GCA.

23 (b) The head of a department or agency may prohibit or limit  
24 the participation of an employee of his department or agency in an  
25 activity permitted by Paragraph (a) of this Section if such participation  
26 would interfere with the efficient performance of official duties or  
27 create a conflict or apparent conflict of interests.”

1           **Section 2.** §5103 of Chapter 5 of Title 4 of the Guam Code Annotated  
2 is hereby *amended* to read:

3           **“§ 5103. Prohibited Activity.**

4           (a) An employee *shall* not use his official authority or influence  
5 for the purpose of interfering with or affecting the result of an  
6 election.

7           (b) ~~An employee shall not participate in activity in connection~~  
8 ~~with political management or a political campaign, except as~~  
9 ~~permitted by § 5102.~~ Specific activity in which employees are  
10 prohibited from participating include but are not limited to:

11           ~~(1) Serving as an officer of a political party, a member of~~  
12 ~~a committee of a political party, an officer or member of a~~  
13 ~~committee of a partisan political organization or being a~~  
14 ~~nominee for such positions;~~

15           ~~(2) Organizing or reorganizing a political party, partisan~~  
16 ~~political organization or committee thereof;~~

17           (1) ~~(3)~~ Soliciting, collecting, handling, disbursing or  
18 accounting for assessments, contributions or other funds for a  
19 political party, partisan political organization or candidate;

20           (2) ~~(4)~~ Organizing, selling tickets to, seeking support for  
21 or actively participating in a fund-raising activity of a political  
22 party, partisan political organization or candidate;

23           (3) ~~(5)~~ Taking an active part in managing the political  
24 campaign of a candidate;

25           (4) ~~(6)~~ Being a candidate;

1                   ~~(7) Taking an active part in an organized solicitation of~~  
2 ~~votes in support of or in opposition to a candidate, including~~  
3 ~~distributing campaign literature, badges or buttons;~~

4                   ~~(8) Acting as recorder, watcher, challenger or similar~~  
5 ~~officer at the polls on behalf of a political party, partisan~~  
6 ~~political organization or candidate;~~

7                   ~~(9) Driving voters to the polls on behalf of a political~~  
8 ~~party, partisan political organization or candidate;~~

9                   ~~(10) Endorsing or opposing a candidate in a political~~  
10 ~~advertisement, a broadcast, campaign literature, a letter or~~  
11 ~~article in a newspaper (signed or unsigned) or similar material;~~

12                   ~~(11) Serving as a delegate, alternate or proxy to a~~  
13 ~~political party convention;~~

14                   ~~(12) Addressing a convention caucus, rally or similar~~  
15 ~~gathering of a political party in support of or in opposition of a~~  
16 ~~candidate or on a partisan political question;~~

17                   ~~(13) Initiating or circulating a nominating petition for a~~  
18 ~~candidate;~~

19                   (5) ~~(14)~~ Discharging, promoting, demoting or changing  
20 the compensation of any other employee or promising or  
21 threatening to do so, because said other employee advocates or  
22 fails to advocate through contribution, voting or otherwise, a  
23 candidate; and

24                   (6) ~~(15)~~ Using government travel allowances,  
25 government transportation, government supplies or government  
26 facilities for the benefit of any political party, partisan political  
27 organization or candidate.”