

TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session


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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 821, "An Act to add a new Chapter IV, Title IV, to the Government Code of Guam on political activity", was on the 9th day of January, 1975, duly and regularly passed.

  
F. T. RAMIREZ  
Speaker

ATTESTED:

  
G. M. BAMBA  
Legislative Secretary

-----  
This Act was received by the Governor this 13<sup>th</sup> day  
of January, 1975 at 9:10 o'clock A.M.

/s/ RICHARD D. MAGEE

\_\_\_\_\_  
RICHARD D. MAGEE, Acting  
Attorney General of Guam

APPROVED:

151  
\_\_\_\_\_  
RICARDO J. BORDALLO  
Governor of Guam

DATED: 2.1.75  
\_\_\_\_\_  
2:14 P.M.  
PL 12-223

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TWELFTH GUAM LEGISLATURE  
1974 (SECOND) Regular Session

Bill No. 821

Introduced by

F. T. Ramirez  
R. F. Taitano  
J. R. Duenas  
G. R. Salas  
F. G. Lujan  
C. T. C. Gutierrez  
P. J. Bordallo

AN ACT TO ADD A NEW CHAPTER IV, TITLE  
IV, TO THE GOVERNMENT CODE OF GUAM ON  
POLITICAL ACTIVITY.

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

2 Section 1. Chapter IV, Title IV, is hereby added to the  
3 Government Code of Guam to read as follows:

4 "Chapter IV

5 Political Activity

6 Section 3300. Definitions

7 Section 3301. Permitted Activity

8 Section 3302. Prohibited Activity

9 Section 3303. Activities Not Affected

10 Section 3304. Investigations by Civil

11 Service Commission

12 Section 3305. Other Restrictions: penalty

13 Section 3300. Definitions. In this Chapter

14 (a) 'Employee' means a person employed in the  
15 executive branch of the government of Guam, including  
16 autonomous and semi-autonomous agencies thereof, or in  
17 in the judicial branch with the following exceptions:

18 (1) A person holding elective office;

19 (2) A special or Staff Assistant to the Governor;

20 (3) A person appointed by the Governor with the  
21 consent of the Legislature;

22 (4) A person retained from time to time to

23 perform professional or special services

PL 12-223



1 for a specific fee; and

2 (5) A person working on a casual basis on the  
3 days he performs no services.

4 'Employee' includes a person on administrative annual, or  
5 sick-leave unless such person has resigned and has  
6 received a lump-sum payment for such leave. Subject to  
7 (5) above, it includes persons not providing professional  
8 services for a specific fee who are hired on a temporary,  
9 part-time, emergency or casual basis;

10 (b) 'Election' means any local, primary, general or  
11 special election;

12 (c) 'Activity' means the independent action of an  
13 employee, the action of an employee in open or secret  
14 cooperation with others, and the indirect action of an  
15 employee through an agent. 'Activity' does not mean the  
16 independent action of the husband or wife of an employee,  
17 upon his or her own initiative and in his or her own  
18 behalf;

19 (d) 'Political Party' means a national political  
20 party, a territorial political party and an affiliated  
21 organization;

22 (e) 'Partisan' and 'Non-partisan' when used as an  
23 adjectives refer to political parties; and

24 (f) 'Candidate' means (1) an individual as defined  
25 in Subsection (b) of Section 2300 of the Government  
26 Code; and (2) a candidate for an office in a political  
27 party.

28 Section 3301. Permitted Activity. (a) An employee  
29 may engage in political activity to the fullest extent  
30 consistent with the restrictions set forth in Section  
31 3302, so long as such activity does not materially



1           compromise his efficiency or integrity as an employee or  
2           the neutrality, efficiency or integrity of his department  
3           or agency. Each employee specifically retains the right  
4           to register and vote in an election and, while not on  
5           duty and while not in a uniform identifying him as an  
6           employee, to

7           1. Express his opinion as an individual citizen  
8           privately and publicly on political issues and candidates;

9           2. Display a political picture, sticker, badge or  
10          button;

11          3. Participate in the non-partisan political  
12          activities of a civic community, social labor, professional  
13          or similar organization;

14          4. Be a member of a political party or other political  
15          organization and participate in its activities to the  
16          fullest extent consistent with Section 3302;

17          5. Attend a political convention, rally, fund-raising  
18          function or other gathering;

19          6. Sign a political petition as an individual citizen;

20          7. Make, as an individual citizen, a contribution  
21          to or expenditure on behalf of a political party or  
22          organization or candidate;

23          8. Be free from any obligation to contribute to any  
24          political fund or to render any political service;

25          9. Participate in political activity in connection  
26          with a question not specifically identified with a  
27          political party: for example, soliciting signatures for  
28          petition relative to changing working conditions, or  
29          campaigning for an issue in a referendum; and

30          10. Serve as member of a precinct board or other



1 election official who performs non-partisan duties  
2 under this Code.

3 (b) The head of a department or agency may prohibit  
4 or limit the participation of an employee of his depart-  
5 ment or agency in an activity permitted by paragraph (a)  
6 of this section if such participation would interfere  
7 with the efficient performance of official duties or  
8 create a conflict or apparent conflict of interests.

9 Section 3302. Prohibited Activity. (a) An employee  
10 shall not use his official authority or influence for the  
11 purpose of interfering with or affecting the result of  
12 an election.

13 (b) An employee shall not participate in activity in  
14 connection with political management or a political  
15 campaign, except as permitted by Section 3301. Specific  
16 activity in which employees are prohibited from part-  
17 icipating include but are not limited to:

18 (1) Serving as an officer of a political party,  
19 a member of a committee of a political party, an  
20 officer or member of a committee of a partisan  
21 political organization, or being a nominee for such  
22 positions;

23 (2) Organizing or reorganizing a political  
24 party, partisan political organization, or committee  
25 thereof;

26 (3) Soliciting, collecting, handling, disbursing,  
27 or accounting for assessments, contributions or other  
28 funds for a political party, partisan political  
29 organization or candidate;

30 (4) Organizing, selling tickets to, seeking  
31 support for, or actively participating in a

1 fund-raising activity of a political party, partisan  
2 political organization or candidate;

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

5 (6) Being a candidate;

6 (7) Taking an active part in an organized  
7 solicitation of votes in support of or in opposition  
8 to a candidate, including distributing campaign  
9 literature, badges; or buttons;

10 (8) Acting as recorder, watcher, challenger or  
11 similar officer at the polls on behalf of a political  
12 party, partisan political organization or candidate;

13 (9) Driving voters to the polls on behalf of a  
14 political party, partisan political organization  
15 or candidate;

16 (10) Endorsing or opposing a candidate in a  
17 political advertisement, a broadcast, campaign  
18 literature, a letter or article in a newspaper  
19 (signed or unsigned), or similar material;

20 (11) Serving as a delegate, alternate or proxy  
21 to a political party convention;

22 (12) Addressing a convention caucus, rally or  
23 similar gathering of a political party in support of  
24 or in opposition of a candidate or on a partisan  
25 political question;

26 (13) Initiating or circulating a nominating  
27 petition for a candidate;

28 (14) Discharging, promoting, demoting or changing  
29 the compensation of any other employee, or promising  
30 or threatening to do so, because said other employee  
31 advocates or fails to advocate through contribution,



1 voting or otherwise, a candidate; and

2 (15) Using government travel allowances, govern-  
3 ment transportation, government supplies or government  
4 facilities for the benefit of any political party,  
5 partisan political organization or candidate.

6 Section 3303. Activities not affected. Nothing in  
7 this Chapter shall preclude the use under a rental  
8 agreement of government of Guam facilities by a political  
9 party, partisan political organization or candidate.

10 Section 3304. Investigations by Civil Service  
11 Commission. When any person has reason to believe that an  
12 employee has violated Section 3302, he shall report the  
13 matter to the Civil Service Commission. On receipt of  
14 such report, or on receipt of such other information  
15 which seems to the Commission to warrant an investigation,  
16 the Commission shall investigate the matter in accordance  
17 with the provisions of the Administrative Adjudication Law,  
18 Title XXV of this Code, and the following:

19 (a) All hearings shall be conducted before the  
20 entire Commission; and

21 (b) The decision of the Commission shall include  
22 a determination of whether a violation of Section  
23 3302 has occurred and whether a violation warrants  
24 the removal of the employee from his employment.

25 Section 3305. Other restrictions: penalty. No person,  
26 whether or not an employee, shall solicit or receive a  
27 contribution or distribute literature for any political  
28 purpose in any room or building occupied in the discharge  
29 of official duties by any person employed by the Executive,  
30 Legislative or Judicial Branches of the government of Guam.  
31 For purposes of this section, soliciting a contribution

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includes solicitation by letter or circular addressed to  
and delivered to an employee in said room or building.  
Any person who violates this Section is guilty of a  
misdemeanor."