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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 27-31 (COR), "AN ACT TO *AMEND* §19117 OF CHAPTER 19 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CAMPAIGN ADVERTISING; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS CHAPTER",** was on the 10th day of May, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at 10:30 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 27-31 (COR)
As amended on the Floor.

Introduced by: R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §19117 OF CHAPTER 19 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO CAMPAIGN ADVERTISING; AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THIS CHAPTER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

More often than not, misleading information about candidates and their platforms is as plentiful and easy to access during election season as is the factual information produced by the candidates themselves. Voters seeking to learn more about candidates should know if the information they are receiving is actually approved by the candidates themselves, or if it has been fabricated by a candidate's opponent, or a third party, in order to mislead and confuse.

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

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

"§19117. Advertising.

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

(1) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated with the approval and authority of

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

(2) the advertisement *shall* contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, or otherwise circulated without the approval and authority of the candidate.

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

(c) In the case of video advertisements of a political nature for any medium, the advertisement *shall* contain an audio statement that identifies the candidate and states that the candidate either has approved the communication, or the communication is being circulated without the approval and authority of the candidate. Such statement *shall* be conveyed by the following:

(1) for approved communications, an unobscured, full-screen view of the candidate making the statement, or the candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; or

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

(d) In advertisements of a political nature, such approval or non-approval statement *shall* also appear in writing at the end of the

communication in a clearly readable typeface, with a reasonable degree of color contrast between the background and the printed statement, for a period of *at least* four (4) seconds.

(e) Every person who willfully causes, produces, provides funding for, or assists in the production of a message of a political nature which the person knows to be incorrect or purposefully misleading and in which a candidate, rather than an issue, is the target; *or* which *is in violation of this §19117, shall* be subject to a civil penalty of *not more than* Five Thousand Dollars ($5,000) per each separately produced message.

(f) The fines herein *shall* be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan.* A report of all fines *shall* be submitted quarterly to *I Maga'lahi* and *I Liheslatura.*"