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. 203-31 (COR), "AN ACT TO *AMEND* § 61542 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REGULATION OF POLITICAL SIGNS,"** was on the 8th day of November, 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 8th day of Nov., 2011, at 4:25 o'clock P.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. 203-31 (COR)
As amended on the Floor.

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

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

"**§ 61542. Regulation of Political Signs.**

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

(a) **Definitions.**

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

(2) *Government property* means any tangible or real property held by the government of Guam.

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

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

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

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

(c) **Permit: Fee; Deposit.** Any candidate or organization may apply for a permit to post campaign signs with the Department of Public Works. The Director of Public Works is authorized to charge a

non-refundable permit fee of One Hundred Dollars ($100.00) and a deposit of Two Hundred Dollars ($200.00), or as increased from time to time by rules and regulations promulgated by the Director of Public Works in accordance with the Administrative Adjudication Law. Such rules and regulations *shall* provide for procedures governing approval or rejection of permits, manner and location of posting, maintenance of sign and surrounding area, procedures for notification, removal of signs, forfeiture of deposit of any sign found in violation of this Section, and any other rules or regulations necessary to ensure the safety of the public.

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

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

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

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

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

(5) No political signs may be posted upon any public park within the jurisdiction of the Department of Parks and

Recreation, the Department of Public Works, or the village Mayors.

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

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

(f) **Size Restriction.** No political sign may exceed thirty-two (32) square feet in gross sign surface area. Any sign which exceeds thirty-two (32) square feet *shall* be removed immediately by the Department of Public Works, and all sign materials and any deposit made *shall* be automatically forfeited to the government of Guam.

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

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

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

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