I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **substitute Bill No. 419-31 (COR), "AN ACT TO *AMEND* §§ 5102, 5103, AND 5105 OF CHAPTER 5 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AN UPDATE AND REVISION OF PERMITTED AND PROHIBITED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES, AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION",** was on the 4th day of June, 2012, 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 _____ day of _____, 2012, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: 6/5/12

Public Law No. 6:55 pm

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 419-31 (COR)
As substituted by the Committee on Youth, Cultural Affairs,
Procurement, General Government Operations, and Public Broadcasting;
and amended on the Floor.

Introduced by: B .J.F. Cruz
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
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Adolpho B. Palacios, Sr.
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Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §§ 5102, 5103, AND 5105 OF CHAPTER 5 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AN UPDATE AND REVISION OF PERMITTED AND PROHIBITED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES, AND INVESTIGATIONS BY THE CIVIL SERVICE COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §5102 of Chapter 5 of Title 4, 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;

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

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

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

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

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

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

(9) Participate in political activity in connection with a question not specifically identified with a political party: for example,

soliciting signatures for petition relative to changing working conditions or campaigning for an issue in a referendum; and

(10) Serve as member of a precinct board or other election official who performs duties under Title 3 GCA.

(b) Employees of the following government entities are prohibited from taking an active part in political management or political campaigns:

(1) the Guam Election Commission;

(2) the Civil Service Commission;

(3) the Office of Public Accountability;

(4) the Criminal Investigation Unit of the Tax Enforcement Division of the Department of Revenue and Taxation;

(5) the Sworn police officer; and

(6) the Prosecution Division of the Office of the Attorney General. For the purposes of this Section, the term "active part in political management or in a political campaign" means to campaign for or against candidates, or otherwise engage in political activity in concert with a political party, a candidate for partisan political office, or a partisan political group."

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

"**§ 5103. Prohibited Activity.**

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

(b) Specific activities in which employees are prohibited from participating include, but are *not* limited to:

(1) soliciting, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a political party, partisan political organization or candidate;

(2) organizing, selling tickets to, seeking support for or actively participating in a fund-raising activity of a political party, partisan political organization or candidate;

(3) taking an active part in managing the political campaign of a candidate;

(4) being a candidate;

(5) discharging, promoting, demoting or changing the compensation of any other employee or promising or threatening to do so, because said other employee advocates or fails to advocate through contribution, voting or otherwise, a candidate; and

(6) using government travel allowances, government transportation, government supplies or government facilities for the benefit of any political party, partisan political organization or candidate."

Section 3. §5105 of Chapter 5 of Title 4, Guam Code Annotated, is hereby *amended* to read:

"**§ 5105. Investigations by Civil Service Commission.**

When any person has reason to believe that an employee has violated § 5103, he may report the matter to the Civil Service Commission. On receipt of a written report which seems to the Commission to warrant an investigation, the Commission may investigate the matter in accordance with the provisions of the rules and procedures, if any, established by the Civil Service Commission and the following:

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

(b) The decision of the Commission *shall* include a determination of whether a violation of § 5103 has occurred and whether a violation warrants the removal of the employee from his employment. Should the Commission determine that removal is *not* warranted but that a violation of § 5103 did occur, a penalty of *not more than* thirty (30) days' suspension without pay *shall* be imposed at the direction of the Commission."