

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
138-34 (COR)	Tommy A. Morrison	AN ACT TO AMEND § 61542 OF CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE REGULATION OF POLITICAL SIGNS.	7/3/17 10:15 a.m.						

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 13834(COR)

Introduced by:

Tommy Morrison 

**AN ACT TO AMEND § 61542 OF CHAPTER 61,
DIVISION 2, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO THE REGULATION OF POLITICAL
SIGNS.**

2017 JUL -3 AM 10:15


BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 61542 of Chapter 61, Division 2, Title 21, Guam Code Annotated, is *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. These provisions shall also apply to political signs posted on private property, inclusive of buildings and other structures and improvements located therein.

(a) Definitions.

(1) Candidate means a person seeking public office, and who has been certified by the Guam Election Commission as having met all qualifications set forth in law and by regulation.

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

1 (3) Organization means any political organization or
2 political action group registered with the Guam Election
3 Commission and/or the Department of Public Works advocating
4 an issue in a special or general election.

5 (4) Political sign means all billboards, posters, banners or
6 displays which advocate a candidate for political office or any
7 matter to be presented to the electorate for vote, and all items put
8 on public and private property to erect or secure the billboard,
9 poster, banner, or display in place, including rebars and wires.

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

12
13 (b) Notice. Notice shall be posted on the campaign sign that the
14 advertisement has been approved or authorized by the candidate or, if
15 the advertisement has not been authorized by the candidate, the name
16 and mailing address of the individual(s) or organization that paid for the
17 advertisement.

18
19 (c) Permit: Fee; Deposit. Any candidate or organization may
20 apply for a permit to post campaign signs with the Department of Public
21 Works. The Director of Public Works is authorized to charge a non-
22 refundable permit fee of One Hundred Dollars (\$100.00) and a deposit
23 of ~~Two Hundred~~ One Thousand Dollars (~~\$21,000.00~~), or as increased
24 from time to time by rules and regulations promulgated by the Director
25 of Public Works in accordance with the Administrative Adjudication
26 Law. Such rules and regulations shall provide for procedures governing
27 approval or rejection of permits, manner and location of posting,

1 maintenance of sign and surrounding area, procedures for notification,
2 removal of signs, forfeiture of deposit of any sign found in violation of
3 this Section, and any other rules or regulations necessary to ensure the
4 safety of the public.

5 (d) Restrictions on Posting of Political Signs.

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

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

14 (3) No political sign may be erected or posted within one
15 hundred (100) feet of any entrance to a public school, or upon any
16 public school property, including school fences and gates.

17 (4) No political sign or sticker may be posted upon any
18 utility pole or guard rail.

19 (5) No political signs may be posted upon any public parks
20 within the jurisdiction of the Department of Parks and Recreation,
21 the Department of Public Works, or the village Mayors.

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

24 (7) No political sign may be erected or posted on
25 government property located on Archbishop Felixberto Flores
26 Memorial Circle; Pale San Vitores Road, Route 14A, Route 14B,
27 Trankiludat Street, Frank H. Cushing Way, Fujita Road, Happy

1 Landing Road, Rivera Lane, Chichirica Street, Bisita Lane and
2 Gun Beach Road.

3 (8) Candidates, political organizations and political action
4 groups are authorized to post no more than the following number
5 of signs on government property: gubernatorial campaigns –
6 seventy five (75) signs; candidates for the Guam Legislature, U.S.
7 House of Representatives, Consolidated Commission on Utilities,
8 Guam Education Board and for other positions subject to an
9 island-wide election – fifty (50) signs; candidates for mayor and
10 vice-mayor – twenty five (25) signs; and, political organizations
11 and political action groups – seventy five (75) signs.

12
13 (e) Period for Posting of Political Signs. Political signs shall not
14 be erected on government and private property any earlier than sixty
15 (60) days before any special or primary election.

16
17 (f) Size Restriction. No political sign on public and private
18 property may exceed thirty-two (32) square feet in gross billboard,
19 poster, banner or display surface area. Any sign on government property
20 which exceeds thirty-two (32) square feet shall be removed immediately
21 by the Department of Public Works, and all sign materials and any
22 deposit made shall be automatically forfeited to the government of
23 Guam. Any sign on private property in violation of this section shall be
24 removed in accordance with applicable rules and regulations as adopted
25 by the Department of Public Works.
26

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

7
8 (h) Removal of Signs.

9 (1) Any sign in violation of any of the provisions of
10 Subsections (b), (d), (e), (f) or (g) of this Section, or any of the
11 sign regulations outlined in §§ 61541 - 61546 of this Subarticle 5,
12 shall be removed within forty-eight (48) hours by the candidate or
13 organization after notification by the Department of Public
14 Works, or the Mayor of the village in which the sign is located,
15 except that any sign posted on private property in violation of this
16 section shall be removed in accordance with applicable rules and
17 regulations as adopted by the Department of Public Works. A sign
18 posted on government property which is not removed within
19 forty-eight (48) hours of notification may be removed
20 immediately by the Department of Public Works or the village
21 Mayor. The candidate or organization shall be responsible for
22 paying a fine of Twenty-Five Dollars (\$25.00) per day per sign for
23 each day a sign, in violation of this Section, is not removed after
24 forty-eight (48) hours. Failure to remove any political sign and all
25 items used in the erection and securing of the political sign,
26 including rebars and wires, in violation of this Section shall be
27 grounds for forfeiture of any deposit.

1 (2) Every political shall be removed no later than fifteen
2 (15) calendar days after the conclusion of any general or special
3 election. Failure to remove any political sign posted on
4 government property within fifteen (15) days after the conclusion
5 of any general, special, or primary election, as applicable, shall be
6 grounds for forfeiture of any deposit, plus a fine of Twenty-Five
7 Dollars (\$25.00) per day per sign for each day a sign, in violation
8 of this Section, is not removed after the said fifteen (15) days,
9 supra. Any sign posted on private property in violation of this
10 section shall be removed in accordance with applicable rules and
11 regulations as adopted by the Department of Public Works.
12

13 (i) All fees, deposits, and fines collected pursuant to the
14 provisions of this Section shall be deposited into the Public Rights-Of-
15 Way Account of the Territorial Highway Fund for the purpose of
16 maintaining safe and clean public roadways. Sufficient funds shall be
17 reserved for the refund of deposits, pursuant to this Section.”