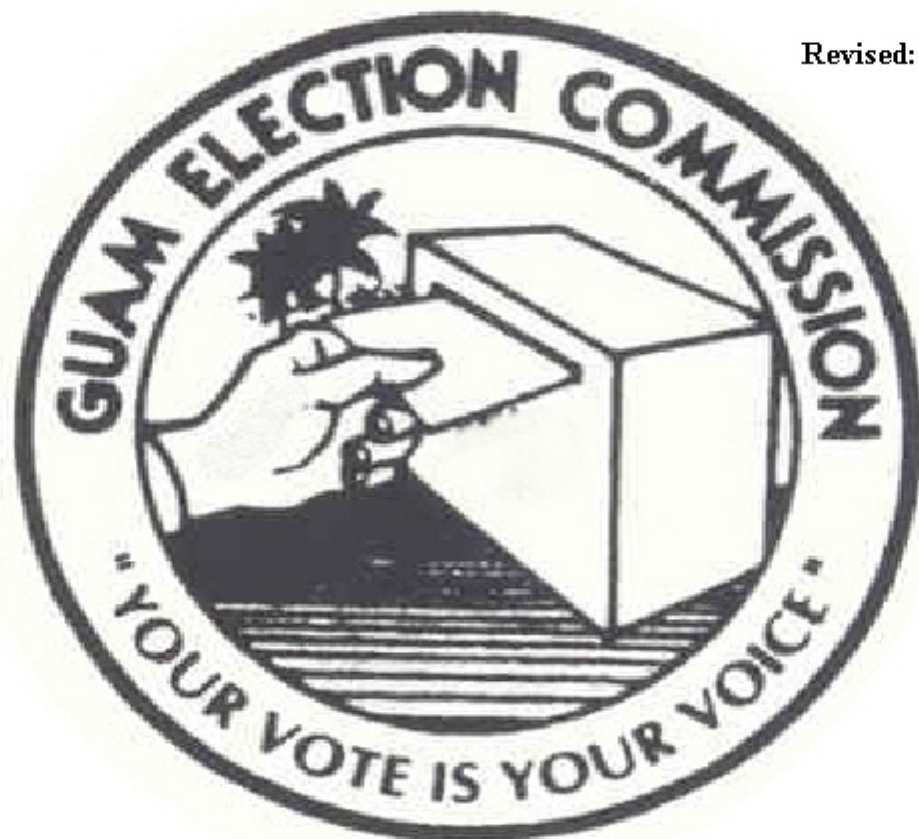


# GUAM ELECTION COMMISSION

## ELECTION 2006

### A Candidate's Handbook for Elected Public Office

Revised: December 12, 2005



**Guam Election Commission**

414 W. Soledad Avenue, Hagatna

Tel: 477-9791/2 Fax: 477-1895

[www.guamelection.org](http://www.guamelection.org)



# GUAM ELECTION COMMISSION

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Dear Candidate,

Congratulations on your decision to seek an elected public office. The Board of Directors and Staff of the Guam Election Commission look forward to this election year and are prepared to provide you with the best possible assistance and service. This Candidate's Handbook for Elected Public Office is prepared to assist you in your campaign. It contains a compilation of information and procedures on running for elected public office in Guam.

We request your cooperation in adhering to all the policies, rules, procedures, and regulations of the Guam Election Commission, and the Election Laws of Guam. We welcome any comments, suggestions, or questions you may have on the upcoming 2006 elections.

Very respectfully,

**GERALD A. TAITANO**  
Executive Director

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## GENERAL INFORMATION

The following are general rules to follow when becoming a candidate. Adherence to these guidelines will ensure a smooth election process.

1. Review the contents of this handbook. Jot down any questions you may have that are not answered within this handbook.
2. Call 477-9791/2/3, or visit the Guam Election Commission's office on the 2<sup>nd</sup> floor, Suite 200, GCIC Building, 414 West Soledad Avenue, Hagatna.
3. Along with your packet are various documents you will be filing. Carefully review these materials and complete the documents as required. Some of these documents will be filed the same day you file your nominating petitions.
4. Ensure that you meet the qualifications for the office you are pursuing.
5. When you or your committee members begin to circulate your nominating petitions, ensure that only registered voters sign your petition.
6. Prior to filing your nominating petitions, ensure that all the necessary documents are completed, as follows:
  - a. Filing fee - \$100.00 (Request receipt when filing)
  - b. Certification of Qualifications
  - c. Nominating Petitions
  - d. Financial Disclosure Statement (If required)
  - e. Organizational Report
  - f. Candidate's Information Card
  - g. Police Clearance
  - h. Signed affidavit attesting that the candidate has not been convicted for a felony or misdemeanor in any State or Territory of the United States, or foreign country (P.L. 26-171).
7. All required forms may be obtained at the Guam Election Commission's office.

The above outlines some of the important things you must know. However, it is incumbent upon all prospective candidates to read, understand, and comply with the provisions of the Election Laws of Guam.

## THE CANDIDATE

### A. GOVERNOR AND LIEUTENANT GOVERNOR.

1. Governor
  - a. Qualifications
    - (1) Must be at least thirty (30) years of age on Monday, January 1, 2007;
    - (2) Must be an eligible voter;
    - (3) Must have been, for five consecutive years immediately preceding the election, a citizen of the United States and a bona fide resident of Guam; and,
    - (4) Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

b. Salary

Ninety Thousand Dollars (\$90,000) annually.

c. Term of Office

Four years. The term of the Governor in 2006 commences on the first Monday of January following the date of election, i.e., January 1, 2007 through January 2, 2011. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened.

2. Lieutenant Governor

a. Qualifications

- (1) Must be at least thirty (30) years of age on Monday, January 1, 2007;
- (2) Must be an eligible voter;
- (3) Must have been, for five consecutive years immediately preceding the election, a citizen of the United States and a bona fide resident of Guam; and,
- (4) Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

b. Salary

Eighty-five Thousand Dollars (\$85,000) annually.

c. Term of Office

Four years. The term of the Lieutenant Governor elected in 2006 commences on the first Monday of January following the date of election, i.e., January 1, 2007 through January 2, 2011.

**B. SENATOR**

1. Qualifications

- a. Must be a citizen of the United States of America;
- b. Must be at least twenty-five (25) years of age by January 1, 2007;
- c. Must have been domiciled in Guam for at least five (5) years immediately preceding the sitting of the Legislature (January 3, 2002 to January 1, 2007);
- d. Must have never been convicted of a felony or a crime involving moral turpitude, and has not received a pardon restoring his or her civil rights;
- e. Must not be holding an office, position or appointment in the Government of Guam, which requires the advice and consent, or confirmation of the Legislature; and,
- f. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

Fifty-six Thousand Dollars (\$56,000) annually.

3. Term of Office

Two years. The term of the Senators elected in 2006 commences on the first Monday of January following the date of election (January 1, 2007 to January 7, 2009).

4. How Elected

The Legislature shall be elected at large and composed of no more than fifteen (15) members receiving the highest number of votes.

**C. NON-VOTING DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVE**

1. Qualifications

- a. Must be at least twenty-five (25) years of age on the date of the election;
- b. Must have been a citizen of the United States of America for at least seven (7) years;
- c. Must be an inhabitant of Guam;
- d. Must not be, on the date of the election, a candidate for any other office; and,
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

One Hundred Sixty Thousand Dollars (\$160,000) annually.

3. Term of Office

Two years. The term of the Delegate shall commence on the third day of January following the date of the election (January 3, 2007).

4. How Elected

The Delegate shall be elected by the people qualified to vote for the members of the Legislature of Guam, and shall be voted at large by separate ballot by a majority of the votes cast for the Office of Delegate. If no candidate receives a majority, on the fourteenth day following such election, a runoff election shall be held between the candidates receiving the highest and second highest number of votes for the Office of Delegate.

**D. ATTORNEY GENERAL OF GUAM.**

5GCA30101 provides for the Department of Law of the Government of Guam to be administered by the Attorney General of Guam, who shall be elected by the people of Guam for a term of four years.

1. Qualifications

- a. Must be at least thirty-five (35) years of age;
- b. Must be a citizen of the United States and a resident of Guam;
- c. Must be an active member in good standing of the Guam Bar Association on Guam for at least five (5) years immediately preceding his or her candidacy for office, or an inactive member of the Guam Bar Association who, in the five (5) years preceding his or her election as an Attorney General has served as an elected official elected by the people of Guam or as a Public Auditor of Guam, or as a Justice of the Supreme Court of Guam or Judge of the Superior Court of Guam;
- d. Must not have been suspended from the practice of law in any jurisdiction for violation of ethical rules governing the practice of attorneys; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

5GCA30116 establishes the annual salary for the Attorney General of Guam at ninety percent (90%) of the annual compensation of a judge of the Superior Court of Guam. At the time of this writing, the annual compensation of a superior court judge is \$100,000. The annual salary of the Attorney General of Guam is therefore \$90,000.

3. Term of Office

The Attorney General of Guam shall serve a term of four (4) years.

4. How Elected

5GCA30101. The Attorney General of Guam shall be elected by the voters of Guam in a general election occurring at the same time as the general election for Governor and Lieutenant Governor. No candidate for the position of Attorney General shall declare a political party affiliation. A candidate for the position of Attorney General of Guam shall be subject to the same campaign and personal financial reporting requirements as applied to candidates for *I Maga'lahren Guahan*, as well as all laws pertaining to campaign contributions. No nominating petition shall be required of a candidate for Attorney General of Guam.

A candidate for the position of Attorney General of Guam shall file candidacy with the Guam Election Commission in the manner similar to a candidate for *I Maga'lahren Guahan*, except as is not consistent with this Section. There shall be no primary election for the position of Attorney General of Guam.

In the general election, the candidate receiving the most votes, subject to the qualifications established by this Chapter, shall be certified by the Guam Election Commission as having won election to the position of Attorney General.

The Attorney General elected at such time shall be sworn into and take office on the first Monday of the January following the general election at which the Attorney General was elected and shall remain in office until the election and swearing in of a new Attorney General.

**E. GUAM EDUCATION POLICY BOARD.**

Public Law 26-26 created a Guam Education Policy Board consisting of thirteen (13) voting members. Nine (9) members of the Board shall be elected through district-wide elections at each General Election for a term of two years; one (1) student member of the Board shall be elected by the Island-wide Board of Governing Students; and three (3) members of the Board shall be appointed by the Governor.

The information provided below applies to the nine (9) members of the Board who are elected through district-wide elections at each General Election for a term of two years.

1. Qualifications

- a. Must not be an unclassified or contract employee of the Executive or Legislative branch of the government of Guam, or an employee of the Department of Education;
- b. Must be at least twenty-five (25) years of age;
- c. Must be a resident of Guam for at least two (2) years, and a resident and domiciliary in the District the candidate will be representing for at least two (2) years immediately preceding the date on which the member takes office and continuing throughout his or her term;
- d. Must be a citizen of the United States of America; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

Members of the Guam Education Policy Board shall be paid Seventy-five Dollars (\$75.00) for each day on which they attend a regular, special or executive meeting, not to exceed One Hundred Fifty Dollars (\$150.00) in any month.

3. Term of Office

The nine (9) elected members of the Guam Education Policy Board shall serve a term of two (2) years. The term of office of the Board member elected pursuant to Public Law 26-26 shall commence at 12:00 p.m. on the date of their certification of election by the Guam Election Commission.

4. How Elected

Nomination of candidates for the Guam Education Policy Board shall be made by petition on a form prescribed by the Guam Election Commission, and initiated by the candidate. In order for a person’s name to be placed on the ballot for election to the Board, such petition must be signed by not less than one hundred fifty (150) persons registered to vote in and residing in the district the candidate is seeking to represent, and must be filed with the Guam Election Commission not later than seventy-five (75) days prior to the General Election for that office. The nine (9) elected members of the Board shall be elected by districts, as follows:

| <b>Board District</b> | <b>Number of Elected Members</b> | <b>Municipalities</b>  |
|-----------------------|----------------------------------|--|
| Distritun “Lagu”:     | Three (3) Members                | Dededo and Yigo  |
| Distritun “Kattan”:   | Two (2) Members                  | Barrigada, Chalan Pago-Ordot, Mongmong-Toto-Maite, and Mangilao  |
| Distritun “Luchan”:   | Two (2) Members                  | Agana Heights, Asan-Maina, Piti, Hagatna, Sinajana, and Tamuning |
| Distritun “Haya”:     | Two (2) Members                  | Agat, Inarajan, Merizo, Santa Rita, Talofoto, Umatac, and Yona   |

The election for the Guam Education Policy Board is non-partisan, and no political party shall directly or indirectly sponsor, nominate or endorse any of the candidates for such office.

**F. MAYOR.**

**There is no Mayoral Election in 2006. The next Mayoral Election is scheduled for 2008. The following, therefore, is provided for general information only.**

1. Qualifications

- a. Must be a citizen of the United States of America;
- b. Must be at least twenty-one (21) years of age;
- c. Must be registered to vote in and have resided within the municipality or village in which he or she is to represent for a period of thirty (30) days immediately preceding the date of the election at which he or she is a candidate;
- d. Must continue to reside in the municipality or village throughout his or her term in office; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.



2. Salary

Forty-six Thousand Sixty-two Dollars (\$46,062) annually

3. Term of Office

Four years. The term of the Mayor shall commence at 12:00 p.m. noon on the first Monday of January following the date of election.

4. How Elected

The Mayor is elected by the voters in the municipality or village that he or she is seeking to represent. The following is a listing of the nineteen (19) municipalities / villages that are authorized one seat:

Municipality of Agana  
Municipality of Asan-Maina  
Municipality of Piti  
Municipality of Agat  
Village of Santa Rita  
Municipality of Umatac  
Municipality of Merizo  
Municipality of Inarajan  
Municipality of Talofofu  
Municipality of Yona  
Chalan Pago and Ordot  
Municipality of Sinajana  
(Sinajana Village)  
Agana Heights  
Mongmong-Toto-Maite  
Municipality of Barrigada  
Municipality of Mangilao  
Village of Tamuning  
Municipality of Dededo  
Municipality of Yigo

**G. VICE MAYOR.**

**There is no Vice Mayoral Election in 2006. The next Vice Mayoral Election is scheduled for 2008.**

**The following, therefore, is provided for general information only.**

1. Qualifications

- a. Must be a citizen of the United States of America;
- b. Must be at least twenty-one (21) years of age;
- c. Must be registered to vote in and have resided within the municipality or village in which he or she is to represent for a period of one year immediately preceding the date of the election at which he or she is a candidate;
- d. Must continue to reside in the municipality or village throughout his or her term in office; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

Forty-two Thousand Two Hundred Sixty Four Dollars (\$42,264) annually

3. Term of Office

Four years. The term of the Vice Mayor shall commence at 12:00 p.m. noon on the first Monday of January following the date of election.

4. How Elected

The Vice Mayor is elected by the voters of the municipality or village that he or she is seeking to represent. The following is a listing of the five (5) municipalities / villages that are authorized one seat:

Municipality of Agat  
Municipality of Sinajana (Sinajana Village)  
Municipality of Barrigada  
Village of Tamuning  
Municipality of Dededo

**H. PUBLIC AUDITOR.**

**There is no Public Auditor Election in 2006. The next Public Auditor Election is scheduled for 2008. The following, therefore, is provided for general information only.**

1. Qualifications

- a. Must be a citizen of the United States of America;
- b. Must be a resident of Guam for the five (5) years preceding his or her election;
- c. Must be either a certified public accountant, or an attorney at law, or have at least five (5) years of experience in the establishment or enactment of government budgets; and
- d. Must not have been suspended in any U.S. or non-U.S. jurisdiction by an ethics board overseeing the certified public account or attorney, as the case may be; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

2. Salary

One Hundred Thousand (\$100,000) annually.

3. Term of Office

The public auditor shall serve a term of four (4) years. There are no limitations for the term of the public auditor.

4. How Elected

Section 1903. The public auditor shall be elected by the voters of Guam in a general election occurring at the same time as the general election for Mayors. The public auditor is a non-partisan office. No candidate for the position of public auditor shall declare a political party affiliation. In the general election, the candidate receiving the most votes, subject to the qualifications established by Chapter 19, Title 1 Guam Code Annotated shall be certified by the Guam Election Commission as having won election to the position of public auditor. The public auditor elected at such time shall be sworn into office on the first Monday of the following January.

## **I. CONSOLIDATED COMMISSION ON UTILITIES.**

Public Law 26-76 created an elected Consolidated Commission on Utilities consisting of five (5) Commissioners elected at-large by the voters of Guam in a General Election.

### 1. Qualifications

- a. Must be a registered voter of Guam;
- b. Must be at least twenty-five (25) years of age;
- c. Must have been a resident of Guam for at least five (5) years;
- d. Must not be an employee of the government of Guam; and
- e. Pursuant to P.L. 26-171, must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

### 2. Salary

Members of the Consolidated Commission on Utilities shall be compensated at the rate of One Thousand Dollars (\$1,000.00) per month. Commissioners shall not be eligible for government of Guam retirement or insurance benefits, or other benefits associated with government of Guam employment. Commissioners who are government of Guam retirees may serve on the Commission without giving up their retirement benefits.

### 3. Term of Office

The first election for members of the Commission occurred in the General Election of 2002. The three (3) candidates receiving the highest number of votes were elected to each serve a four (4) year term. The two (2) candidates receiving the next highest numbers of votes were elected to each serve a two (2) year term.

### 4. How Elected

The five (5) Commissioners of the Consolidated Commission on Utilities are elected at-large by the voters of Guam in a General Election.

The election for the Office of Commissioner is non-partisan. No candidate for the Office of Commissioner shall identify himself or herself as a member of any political party on Guam for the purpose of his or her campaign. Further, the candidate shall not receive any endorsement or material support from any political party on Guam during the course of his or her campaign.

## **NOMINATION AND FILING PROCEDURES**

### **WHERE TO OBTAIN NOMINATION PAPERS / CANDIDATE'S PACKET**

The Guam Election Commission is the only agency authorized to issue nominating petitions / candidate's packets. The procedures to obtain them are as follows:

1. A person interested in pursuing public elected office must personally pick up nominating petitions or a candidate's packet. Otherwise, he/she shall authorize another individual to retrieve such documents on their behalf by presenting to the Guam Election Commission an authorization letter.
2. In case of a team (Governor / Lt. Governor), either individual shall pick up nominating petitions or a candidate's packet, or authorize another individual to retrieve such documents on their behalf by presenting to the Guam Election Commission an authorization letter.

3. In the event there is a group of individuals, not less and no more than five (5), and are registered voters – who are interested in sponsoring a candidate as permitted by Title 3 GCA, are permitted to pick up nominating petitions or a candidate’s packet without obtaining the required authorization of the candidate, however, a letter signed by the five individuals shall be filed with the Guam Election Commission.

**CIRCULATORS**

Your nominating petitions may be circulated by yourself and/or by any other person(s) of your choice. For the petition to be valid, each circulator must sign the “Certificate of Circulator” on the last page of the petition.

**CAUTION TO CIRCULATORS**

Circulators should caution prospective signers that they may sign no more than the authorized number of petitions per office, as follows:

| <b>OFFICE</b>   | <b>NUMBER OF PETITIONS</b> |  |
|---|----------------------------|--|
| Governor and<br>Lieutenant Governor                     | 1                          |  |
| Senator   | 15                         |  |
| Non-Voting Delegate to U.S. House<br>Of Representatives | 1                          |  |
| Attorney General of Guam                                | Not Required               |  |
| Guam Education Policy Board                             |                            | <b>School District</b>   |
| Distritun “Lagu”:                                       | 3                          | Dededo and Yigo  |
| Distritun “Katan”:                                      | 2                          | Barrigada, Chalan<br>Pago-Ordot,<br>Mongmong-Toto-Maite<br>and Mangilao, |
| Distritun “Luchan”:                                     | 2                          | Agana Heights, Asan-<br>Maina, Piti, Hagatna,<br>Sinajana and Tamuning   |
| Distritun “Haya”:                                       | 2                          | Agat, Inarajan, Merizo,<br>Santa Rita, Talofofo,<br>Umatac, and Yona     |
| Mayor   | 1                          |  |
| Vice Mayor  | 1                          |  |
| Public Auditor  | Not Required               |  |
| Consolidated Commission on Utilities                    | Not Required               |  |

Petitions for Guam Education Policy Board must be signed by registered and qualified voters in the candidate’s school district. Petitions for Mayor and Vice Mayor must be signed by registered and qualified voters in the candidate’s municipality and/or village.

## **NUMBER OF REQUIRED SIGNATURES**

The following shows the minimum number of registered voter signatures required for each public elected office up for election:

| <b>OFFICE</b>   | <b>NUMBER OF SIGNATURES</b> |
|---|-----------------------------|
| Governor and Lieutenant Governor                            | 500                         |
| Senator   | 250                         |
| Non-Voting Delegate to the U.S.<br>House of Representatives | 500                         |
| Attorney General of Guam                                    | Not Required                |
| Guam Education Policy Board                                 | 150                         |
| Mayor   | 100                         |
| Vice-Mayor  | 100                         |
| Public Auditor  | Not Required                |
| Consolidated Commission on Utilities                        | Not Required                |

## **IMPORTANT NOTE TO CANDIDATES / CIRCULATORS**

Candidates / Circulators are advised to get more than the required minimum number of signatures in the event some of the signers are found to be non-registered voters. Signers should be encouraged to include their birth dates to aid in the verification process.

If a signer cannot be positively identified due to a name or an address change, the signature will not be counted. Providing the requested information makes the task of identifying a signer and validating his or her signature much easier.

Any petition that does not meet the required number of registered voter signatures will not be accepted after the deadline.

## **WHERE TO SUBMIT PETITIONS AND FILING FEES**

Petitions are to be filed with the Guam Election Commission office along with a filing fee of One Hundred Dollars (\$100). If your method of payment is by check, the check should be made payable to Treasurer of Guam. Candidates for Public Auditor, Attorney General of Guam, Guam Education Policy Board, and Consolidated Commission on Utilities are exempted from paying a filing fee.

## **WHEN TO FILE PETITIONS**

Section 6112 of 3 GCA provides for candidates for elective offices to file their declarations of candidacy with the Guam Election Commission not more than one hundred thirty (130) days and no less than sixty (60) days before an election.

For purposes of the Primary Election 2006, candidates for the Office of Governor/Lt. Governor, Senator, Non-Voting Delegate and other elected offices may file their petitions no earlier than 8:00 a.m. Tuesday, April 25, 2006, and no later than 5:00 p.m. Wednesday, July 5, 2006.

Candidates for the Public Auditor, Attorney General of Guam, Guam Education Policy Board and Consolidated Commission on Utilities may file their petitions no earlier than 8:00 a.m. Friday, June 30, 2006, and no later than 5:00 p.m., Friday, September 8, 2006.

## **YOUR NAME ON THE BALLOT**

We must have your full legal name as you wish it to appear on the ballot by Tuesday, July 11, 2006. A candidate for any office may request that his name be further identified on the ballot by the addition of an identifying word or phrase not derogatory or obscene and not exceeding twenty (20) letters. The word or phrase may consist of family names, titles, occupation or profession, business name, aliases, nicknames by which the candidate is known in the community, and campaign slogans. A candidate may not use the name of an office he has previously held unless he uses the prefix “ex” in front of the name of the office, except that an incumbent shall have “incumbent” printed next to his name.

## **ORDER OF NAME ON THE BALLOT**

For those offices to be nominated at the primary election, the Guam Election Commission will draw names for ballot position on Saturday, July 15, 2006, at 11:00 a.m., in Suite 200, GCIC Bldg, 414 West Soledad Avenue, in Hagatna. The GEC will advise candidates of any change to this schedule.

For those offices to be elected at the general election, the drawing of names for ballot position will be held on Saturday, September 16, 2006, at 11:00 a.m., in Suite 200, GCIC Bldg, 414 West Soledad Avenue in Hagatna. The GEC will advise candidates of any change to this schedule.

## **PUBLIC OFFICIAL FINANCIAL DISCLOSURE ACT**

Pursuant to P.L. 17-7, a candidate who is not an official must file a financial disclosure statement with the Guam Election Commission.

The term “Official” means any person elected to any public office in Guam and any person appointed with legislative concurrence or by the Legislature, to any public office. This includes but is not limited to:

- (1) all elected officials;
- (2) officials appointed by the Governor whose appointment is subject to the consent of the Guam Legislature, except ex-officio and student members of Boards and Commissions in their capacity as members of such Boards and Commissions; and
- (3) the chief executive officers, by whatever title they may be known, of all agencies and instrumentality of the government of Guam, whether or not confirmation by the Guam Legislature is required.

The term “Candidate” means a candidate to any public office.

The term “Gift” means something of value voluntarily transferred from one party to another without compensation or monetary consideration.

The term “Fund” means a sum of money or other material resources available for the use of an official or candidate or anyone acting on his behalf.

The term “Asset” means an item of value owned or in which exists a beneficial interest.

## **WHEN TO FILE THE FINANCIAL DISCLOSURE STATEMENT**

Each official shall file with the Guam Election Commission, on or before April 22 of each calendar year, a written report containing the information required by this Chapter covering the preceding calendar year (or other year if the individual official files a Guam Income Tax Return covering a period other than the calendar year). Each candidate who is not an official shall file with the Guam Election Commission on the date he files his petition for candidacy, a written report containing the information required by this Chapter covering the preceding calendar year (or other year if the individual official files a Guam Income Tax Return covering a period other than the calendar year). The Executive Director of the Guam Election

Commission shall grant extensions for the filing of reports herein required by officials; provided, however, that such extension shall not exceed one hundred eighty (180) days beyond April 22 of each calendar year.

The above-mentioned report shall be verified in the manner permitted by 6GCA4308 (Unsworn Declarations Under Penalty of Perjury).

All reports required to be maintained under this section shall be maintained by the Guam Election Commission as public records available for inspection. Copies of the reports shall be furnished to the public, upon the payment of reasonable copying fees. The Executive Director of the Guam Election Commission shall issue a certificate certifying that an official or candidate has filed his report as required by this Chapter.

### **PENALTY FOR FAILURE TO FILE THE FINANCIAL DISCLOSURE STATEMENT**

Any official or candidate who fails to file a report required by this Chapter, or who knowingly and willfully files a false report under this Chapter shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned for a period of time not to exceed one (1) year, or both.

In addition, any violation of this Act shall preclude an individual from holding public office. The Guam Election Commission shall report to the Attorney General for appropriate action the name of any official or candidate who fails to file a report required by this Chapter, or who in his professional judgment has knowingly filed a false report. This section shall not be construed to permit prosecution of a person who has unintentionally filed an erroneous report, which report shall be subject to correction.

### **ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES**

You are required by law to submit an Organizational and Election Campaign Contribution and Expenditure Report periodically with the Guam Election Commission in accordance with the following schedule:

If you are a candidate for the Primary Election:

1. You must file an Organizational Report to register your Campaign Committee. This report is due at the earliest of the following applicable days:
  - a. On or before the day of filing your nominating petitions; or
  - b. By the tenth day after receiving or expending an aggregate amount of more than \$100.
2. The Campaign Contributions and Expenditures form is again used to file your PRELIMINARY PRIMARY REPORT. This report is due no later than 5:00 p.m., Wednesday, August 23, 2006.
3. The Campaign Contributions and Expenditures form is again used to file your FINAL PRIMARY REPORT (or supplemental report if a surplus or deficit exists). This report is due no later than 5:00 p.m., Tuesday, September 12, 2006.
4. If a surplus or deficit exists and you are not nominated in the Primary, the next supplemental report is due no later than 5:00 p.m., Friday, September 22, 2006.

If you are a candidate for the General Election:

1. The Campaign Contributions and Expenditures form is used to file your PRELIMINARY GENERAL REPORT. This report is due no later than 5:00 p.m., Friday, October 27, 2006.

2. The Campaign Contributions and Expenditures form is again used to file your FINAL GENERAL REPORT (or supplemental report if a surplus or deficit exists). This report is due no later than 5:00 p.m., Monday, November 27, 2006.
3. If a surplus or deficit exists in your Final General Report, you are required to submit your SUPPLEMENTAL REPORT no later than 5:00 p.m., Friday, January 5, 2006.

You are further advised to review the Election Campaign Contribution and Expenditures Manual that provide specific instructions as well as the rules and regulations in completing this report.

\*\*\*\*\* NOTE \*\*\*\*\*

*Candidates for the Office of Washington Delegate are required to file a contribution / expense report with the Clerk of the House of Representatives; the Federal Election Commission; and a copy to the Guam Election Commission, rather than the standard Election Campaign Contributions and Expenditures Report required of all local candidates.*

\*\*\*\*\* NOTE \*\*\*\*\*

INFORMATION REQUIRED BY THE ORGANIZATIONAL AND ELECTION  
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

The Organizational and Election Campaign Contributions and Expenditures Report requires an itemized statement prepared by you and your treasurer that shows the amount of each contribution and expense of your campaign. It requires the names of all persons, organization and groups contributing or with whom you incur expenses. For additional information and further guidance, please refer to the Election Campaign Contributions and Expenditures Manual.

Specifically,

- You are required by law to appoint a treasurer and you must file his / her name with the Guam Election Commission;
- Your treasurer's name and address must be on all literature, posters, billboards, etc., and must also be included in all announcements on radio and television; and,
- Your Organizational and Election Campaign Contributions and Expenditures Report must be sworn under oath by you and your treasurer.

\*\*\*\*\* WARNING \*\*\*\*\*

FAILURE TO FILE YOUR ORGANIZATIONAL AND ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT BY THE DATES SPECIFIED WILL RESULT IN YOUR NAME BEING REFERRED TO THE BOARD OF DIRECTORS.



## **PROHIBITED ACTIVITY**

Section 5103, Title 4, Guam Code Annotated, states that, “(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) An employee shall not participate in activity in connection with political management of a political campaign, except as permitted by Sec. 5102. Specific activities in which employees are prohibited from participating include but are not limited to:

1. Serving as an officer of a political party, a member of a committee of a political party, an officer or member of a committee of a partisan political organization or being a nominee for such positions;
2. Organizing or reorganizing a political party, partisan political organization or committee thereof;
3. Soliciting, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a political party, partisan political organization or candidate;
4. Organizing, selling tickets to, seeking support for or actively participating in a fund-raising activity of a political party, partisan political organization or candidate;
5. Taking an active part in managing the political campaign of a candidate;
6. Being a candidate;
7. Taking an active part in an organized solicitation of votes in support of or in opposition to a candidate, including distributing campaign literature, badges or buttons;
8. Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party, partisan political organization or candidate;
9. Driving voters to the polls on behalf of a political party, partisan political organization or candidate;
10. Endorsing or opposing a candidate in a political advertisement, a broadcast, campaign literature, a letter or article in a newspaper (signed or unsigned), or similar material;
11. Serving as a delegate, alternate or proxy to a political party convention;
12. Addressing a convention caucus, rally or similar gathering of a political party in support of or in opposition to a candidate or on a partisan political questions;
13. Initiating or circulating a nominating petition for a candidate;
14. 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 other wise, a candidate; and
15. Using government travel allowances, government transportation, government supplies or government facilities for the benefit of any political party, partisan political organization or candidate.”

Section 5106, Title 4, Guam Code Annotated, states that, “No person, whether or not an employee, shall solicit or receive a contribution or distribute literature for any political purpose in any room or building

occupied in the discharge of official duties by any person employed by the Executive, Legislative or Judicial Branches of the Government of Guam. For purposes of this Section, soliciting a contribution includes solicitation by letter or circular addressed to and delivered to an employee in said room or building. Any person who violated this Section is guilty of a misdemeanor.”

Section 6104, Title 3, Guam Code Annotated, states that, “No person shall sit in the Legislature of Guam nor be eligible to be a candidate for election to that office who holds an office, position or appointment in the Government of Guam requiring the advise and consent to, or confirmation of, the Legislature.”

Section 6107, Title 3, Guam Code Annotated, states that, “(a) No person shall be eligible for more than one (1) office to be filled in the same election, and may not file notice of candidacy for more than one (1) office. The term “election” as used in this Section includes a general and a local election held on the same date so as to prohibit a person running for office in a local election and in a general election at the same time. (b) No person shall be eligible for an office to be filled in an election if sixty (60) days prior to the primary he is holding another elected office, the term of which will not expire on or prior to the date of commencement of the term of office for which he is running.”

## **ELECTION INFORMATION**

### **ELECTION DATES AND OFFICES**

**PRIMARY ELECTION** Saturday, September 2, 2006

Offices: Governor / Lt. Governor;  
Legislature; and,  
Non-Voting Delegate to U.S. House of Representatives

**GENERAL ELECTION** Tuesday, November 7, 2006

Offices: Governor / Lt. Governor;  
Legislature;  
Non-Voting Delegate to U.S. House of  
Representatives;  
Attorney General;  
Guam Education Policy Board;  
Consolidated Commission on Utilities;  
Judicial Question; and,  
Initiative Measures

## **VOTER REGISTRATION**

**PRIMARY ELECTION.** The last day for electors to register to vote in the primary election is Wednesday, August 23, 2006. District voter registration will be conducted for a period of nine (9) working days, beginning Tuesday, August 11, 2006, through Wednesday, August 23, 2006, between the hours of 4:00 p.m. and 8:00 p.m., at all Village Mayor’s Offices except Hagatna.

**GENERAL ELECTION.** The last day for electors to register to vote in the general election is Friday, October 27, 2006. District voter registration will be conducted for a period of nine (9) working days, beginning Tuesday, October 17, 2006, through Friday, October 27, 2006, between the hours of 4:00 p.m. and 8:00 p.m. at all Village Mayors’ Offices except Hagatna.

Prior to the commencement of the District Voter Registration for both primary and general elections, the Guam Election Commission will publish and announce the hours that this will take place. Potential

registrants may also register at the Guam Election Commission's main office, 2<sup>nd</sup> floor, Suite 200 GCIC Bldg, 414 West Soledad Avenue, Hagatna, Guam, during its business hours.

### **OTHER GOVERNMENT AGENCY'S ELECTION RULES, REGULATIONS AND POLICIES**

The following are rules, regulations and policies that have been promulgated by other government agencies relative to elections and the displaying of campaign signs and materials. Please contact the appropriate agency to ensure that these rules, regulations, and policies are still current, and for any questions you may have.

#### DEPARTMENT OF PARKS AND RECREATION

It is the policy of the Parks and Recreation Commission that no advertisement shall be allowed in the units of the Guam Territorial Park System except for specific park or event related activities or when allowed by Public Law. Section 36 of Public Law 18-40 enacted on July 20, 1986 specifically allows wooden or metal free standing campaign signs within a zone not less than eight (8) feet or more than twenty-five (25) feet from the paved portion of the roadway and only in parks along Marine Drive. Campaign signs are not allowed in any other units of the Guam Territorial Park System. This policy is based on the fact that the natural and scenic resources of the parks are temporarily defaced by such items, maintenance problems are increased, and short-staying tourists place value on Guam's scenery. Campaign posters, billboards and such items therefore, will be removed from prohibited park areas fifteen (15) days after notice to the candidate. If candidate is not sure if area is included in the Guam Territorial Park System, please call 475-6286/7. Offenders may be charged under Sections 26016 or 25170 of the Government Code of Guam.

#### DEPARTMENT OF REVENUE AND TAXATION

Gambling Permits. In general, gambling is a misdemeanor under Chapter 64, Title 9, Guam Code Annotated, subject to certain stated exceptions. Section 64.70(b) states one exception. It states that a permit to conduct gambling activities shall be issued by the Director of the Department of Revenue and Taxation if:

1. The organization, which applies for the permit, has been organized and functioning actively as a nonprofit organization in Guam for no less than two years prior to filling its application.
2. The promotion and management of such bingo games or lottery (raffle tickets) are confined solely to the qualified members of the sponsoring organization, no member of which can receive remuneration in any form for time or effort devoted to the promotion and management of the bingo games or lottery.
3. No member of the sponsoring organization shall receive remuneration in any form for time or effort devoted to the promotion and conduct of the gambling activities.

Income Tax of Political Organizations.

1. A political organization shall be subject to taxation under this subtitle only to the extent provided in Section 527 of the Guam Territorial Income Tax Law. A political organization shall be considered an organization exempt from income taxes for the purpose of any law that refers to organizations exempt from income taxes.

2. Taxable income of a political organization is an amount equal to the excess (if any) of the political organizations gross income for the taxable year (excluding exempt function income) over the direct expenses incurred in earning that income.
3. Form 1120-POL is to be filed by political organizations that have any taxable income. Form 120-POL is to be filed on or before the 15<sup>th</sup> day of the third month after the end of the taxable year.

Income Tax on Donors of Appreciated Property. If a donor contributes appreciated property to a political organization, he is taxed on the difference between the fair market value of the property and its adjusted basis. The transfer is treated as a sale; so if the property is a capital asset, he will receive capital gain treatment. The political organization acquires the donor's basis plus any gain recognized to the donor. No loss will be recognized on the transfer.

Gross Receipts Tax. Exempt from gross receipt tax are amounts received as contributions or received from fund raising activities by political candidates, committees, parties, corporations, associations, organizations or funds and which are expended for political campaign purposes and reported to the Guam Election Commission pursuant to the laws of Guam. (Section 19543.1018 of the Government of Guam Code.)

Registration and Filing of Tax Returns. Any political candidate, committee, party, corporation, association, organization or fund which files a Statement of Account with the Guam Election Commission pursuant to Title 3 of the Guam Code Annotated shall not be required to register with the Department of Revenue and taxation nor file any tax returns with the Department of Revenue and Taxation unless liable for the Territorial Income Tax (Section 19114, Title 3 Election, GCA).

#### **POSTING OF POLITICAL CAMPAIGN SIGNS (PUBLIC LAW 24-55)**

Pursuant to Public Law 24-55, enacted on June 25, 1997, which repealed and re-enacted Section 61542 of Part 5, Article 5, Chapter 61, Title 21 of the Guam Code Annotated, relative to the posting of political campaign signs. Public Law 24-55 provides the following:

Legislative Findings and Intent. The Guam Legislature finds that the safety of the children of Guam is its highest priority and that practices that may jeopardize this priority should be prohibited. The Guam Legislature further finds that the safety of the children may be compromised by the posting of signs within one hundred (100) feet of a school' entrance. Billboards, signs, posters, banners and other informational postings may obstruct traffic by blocking the view of motorists, including bus drivers, creating an accident-laden scenario. The Guam Legislature intends to take a proactive position by prohibiting the posting of billboards, signs, posters, banners, and other paraphernalia within one hundred (100) feet of a school's entrance.

Section 61542. Regulation of Political Signs. Candidates for public office or other persons having an interest in an election may place political signs that 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 that 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. Permit: Fee; Deposit. Any candidate or organization may apply with the Department of Public Works for a permit to post campaign signs. The Director of Public Works is authorized to charge a non-refundable permit fee of One Hundred Dollars (\$100) and a deposit of Two Hundred Dollars (\$200), 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.
- c. 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 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.
- d. Period for Posting of Political Signs. Political signs shall not be erected any earlier than ninety (90) days before any special or primary election.
- e. Size Restriction. No political sign may exceed one hundred ninety-two (192) square feet in gross sign surface area. Any sign which exceeds one hundred ninety-two (192) 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.
- f. 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.
- g. Removal of Signs. Any sign in violation of any of the provisions of Subsections (c), (d), (e) or (f) 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.

DEPARTMENT OF PARKS AND RECREATION  
(671) 475-6296

DEPARTMENT OF REVENUE AND TAXATION  
(671) 475-1817

DEPARTMENT OF PUBLIC WORKS  
(671) 646-3131

GUAM POWER AUTHORITY  
(671) 649-6818



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