



4 G.C.A., CHAPTER 5 POLITICAL ACTIVITY OF EMPLOYEES OF THE GOVERNMENT OF GUAM

Did you know?

On June 15, 2012, Acting Governor Ray Tenorio signed Public Law 31-217, which removed many prohibitions against political activity formerly in place for most government of Guam employees.

Public Law 31-217 also created two groups of employees – a less restricted group and a more restricted group.

1. Who is covered?

In general, employees in the Executive Branch of the government of Guam, including autonomous and semi-autonomous and agencies, or in the Judicial Branch, and whether in the classified or unclassified service are subject to political activity restrictions.



GOVERNMENT OF GUAM
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT
Sinajana, Guam
Tel: (671)647-1855/1857 Fax: (671)647-1867
Website: www.csc.guam.gov

2. Who is not covered?

A few exceptions are made, including the following:

- ~ A person holding elective office;
- ~ A special or Staff Assistant to the Governor;
- ~ A person appointed by the Governor with the consent of the Legislature;

- ~ A person retained from time to time to perform professional or special services for a specific fee; and
- ~ A person working on a casual basis on the days he performs no services.

THINGS TO REMEMBER:

- Although as a less restricted employee you may now actively campaign in partisan elections, you should never do so while wearing a government of Guam uniform or official insignia.
- Never use your official title or position while engaged in political activity.
- Never invite subordinate employees to political events.

Everyone is covered under

4 G.C.A. §5106

Everyone, whether or not an employee of the government of Guam, is prohibited from any form of solicitation for any political purpose, in any government of Guam room or building, whether it is within the Executive, Legislative, or Judicial Branch.

NOTE: Any person who violates this section would be guilty of a misdemeanor.

See 4 G.C.A. §5106

Political activity is governed by 4 G.C.A. § 5101 et seq. These statutes are commonly known as the “Mini-Hatch Act.” You can access the law in full at website of the

Compiler of Laws at
http://www.guamcourts.org/Compiler/fla_ws/index.html.

3. What if I want to report a violation?

Pursuant to 4 G.C.A. § 5105, the Civil Service Commission is empowered to undertake investigations of reports of violations of the Mini-Hatch Act. You can submit a complaint by making a written report to the Civil Service Commission at its office in Sinajana or by faxing its office at (671) 647-1867.

4. What are the penalties for violating the Mini-Hatch Act?

The consequences of violating the prohibitions against political activity are serious. Penalties range from suspension without pay to removal from your government position.

5. Who is included in the more restricted group?

Employees of:

- the Guam Election Commission;
- the Civil Service Commission;
- the Office of Public Accountability
- the Criminal Investigation Unit of the Tax Enforcement Division of the Department of Revenue and Taxation;
- the Prosecution Division of the Office of the Attorney General;
- AND any sworn police officer.

All other government of Guam employees are part of the less restricted group.

6. As a government of Guam employee, what can I do?

All government of Guam employees, whether more or less restricted, may do any and all of the following:

- Register to vote and vote as they choose
- Contribute money to political campaigns, political parties, or partisan political groups
- Attend political fundraising functions
- Attend political rallies and meetings
- Join political clubs or parties
- Sign nominating petitions
- Express opinions about candidates and issues

7. I'm a less restricted employee, is there anything else I can do?

In addition to the activities listed above, less restricted employees may also do any of the following:

- Assist in voter registration drives
- Hold office in political clubs or parties
- Campaign for or against candidates in partisan elections
- Make campaign speeches for candidates in partisan elections
- Distribute campaign literature in partisan elections

- Volunteer to work on a partisan political campaign.

8. As a government of Guam employee, what am I prohibited from doing?

All government of Guam employees, whether more or less restricted, is **prohibited from doing any of the following:**

- Organize a fundraising activity of a political party, partisan political organization or candidate
- Invite others to a partisan political fundraiser
- Collect contributions or sell tickets to partisan political fundraising functions
- Use their official titles or positions while engaged in political activity
- Engage in political activity while on duty, in any government of Guam room or building (whether owned or leased by the government of Guam), while wearing a government of Guam uniform or official insignia, or while using any vehicle owned or leased by the government of Guam.

9. I'm a more restricted employee, what sort of activities are prohibited?

More restricted employees are not permitted to take an active part in a partisan political campaign or in partisan political management. For example:

- May not campaign for a particular candidate or slate of candidates
- May not make campaign speeches for or against a particular candidate or slate of candidates
- May not distribute campaign material in partisan elections
- May not circulate nominating petitions
- May not hold office in political clubs or parties
- May not assist in partisan voter registration drives

10. What does "partisan" mean anyway?

An activity is partisan if it involves political parties.

11. What is a political party?

The term "political party" means a national political party, a territorial political party and an affiliated organization.

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