

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

CHAPTER 8
ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

- § 8101. [Repealed.]
- § 8102. [Repealed.]
- § 8103. [Repealed.]
- § 8104. [Repealed.]
- § 8104.1. [Repealed.]
- § 8105. [Repealed.]
- § 8106. [Repealed.]
- § 8107. [Repealed.]
- § 8108. [Repealed.]
- § 8109. [Repealed.]
- § 8110. [Repealed.]
- § 8111. [Repealed.]
- § 8112. [Repealed.]
- § 8113. [Repealed.]
- § 8114. [Repealed.]
- § 8115. [Repealed.]
- § 8116. [Repealed.]
- § 8117. Receipt of Value: To Vote or Not Vote.
- § 8118. To Vote or Aid in Securing Nomination for Another.
- § 8119. Payment of Value: To Vote, Not Vote or Reward for Same.
- § 8120. Receipt of Value: To Procure Election or Vote.
- § 8121. Bribery at Election.
- § 8122. Payment of Value to Induce Candidate to Withdraw
- § 8123. Penalty.
- § 8124. Payment to Promote Election.
- § 8125. Promising Appointment to Office.
- § 8126. Communication of Promise.
- § 8127. Publications Reflecting on Character of Candidate.
- § 8128. Lawful Expenditures: Penalty.
- § 8129. Disqualification.
- § 8130. Application.
- § 8131. [Repealed.]
- § 8132. Complaints.

NOTE: P.L. 18-30, which added Chapters 18 and 19 to this Title, repealed §§ 8101, 8102 and 8104-8116. P.L. 27-108:2 repealed § 8103.

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

§ 8117. Receipt of Value: To Vote or Not Vote.

A person shall not, directly, by himself or through any other person, receive, agree or contract for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for either:

- (a) Voting or agreeing not to vote.
- (b) Coming or agreeing to come to the polls.
- (c) Refraining or agreeing to refrain from voting.
- (d) Voting or agreeing to vote for any particular person.
- (e) Refraining or agreeing to refrain from voting, for any particular person.
- (f) Inducing any other person to:
 - (1) Vote or refrain from voting.
 - (2) Vote or refrain from voting for any particular person.
 - (3) Come to or remain away from the polls.

SOURCE: GC § 2321.

§ 8118. To Vote or Aid in Securing Nomination for Another.

A person shall not, directly, by himself or through any other person, give or receive any money or other valuable thing, before, during or after election because he or any other person either:

- (a) Voted to secure the election or endorsement of any other person as the nominee or candidate of any convention, organized assemblage of electors or voters, or other body representing or claiming to represent, a political party or principal or any clubs, society or association.
- (b) Aided in securing the selection or endorsement of any other person as a nominee or candidate as provided in Subsection (a).

SOURCE: GC § 2322.

§ 8119. Payment of Value: To Vote, Not Vote or Reward for Same.

A person shall not, directly or indirectly, by himself or through any other person pay, lend or contribute or offer or promise to pay, lend or

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to either:

- (a) Induce a voter to:
 - (1) Vote or refrain from voting at any election.
 - (2) Vote or refrain from voting at any election for any particular person.
 - (3) Come to the polls at an election.
 - (4) Remain away from the polls at an election.
- (b) Reward a voter for having either:
 - (1) Voted.
 - (2) Refrain from voting.
 - (3) Voted for any particular person.
 - (4) Refrained from voting for any particular person.
 - (5) Come to the polls at an election.
 - (6) Remain away from the polls at an election.

SOURCE: GC § 2323.

§ 8120. Receipt of Value: To Procure Election or Vote.

A person shall not, directly or indirectly, by himself or through any other person procure, engage, promise or endeavor to procure, in consequence of any gift, loan, offer, promise, procurement or agreement, the election of any person, or the vote of any voter at an election.

SOURCE: GC § 2324.

§ 8121. Bribery at Election.

A person shall not, directly or indirectly, by himself or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election; or knowingly pay or cause to be paid, any money or other valuable thing to any person in discharge or payment of any money, wholly or in part, expended in bribery at any election.

SOURCE: GC § 2325.

§ 8122. Payment of Value to Induce Candidate to Withdraw.

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

A person shall not, directly or indirectly, by himself or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

SOURCE: GC § 2326.

§ 8123. Penalty.

Every person who commits any of the offenses set forth in §§ 8117-8122, inclusive, is guilty of a felony.

SOURCE: GC § 2327, amended by P.L. 13-187 to conform to 9 GCA, Crimes & Corrections. Section number references changed to conform to sections in this Title.

§ 8124. Payment to Promote Election.

Every person is guilty of a misdemeanor who, with intent to promote the election of himself or any other person furnishes or engages to pay or deliver any money or property for any purposes intended to promote the election of any nominee or candidate, except as to the expenses of holding and conducting public meetings for the discussion of questions, and of printing and circulating handbills and other papers prior to an election.

SOURCE: GC § 2329.

§ 8125. Promising Appointment to Office.

Every person is guilty of a misdemeanor who being a nominee or candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for or to procure, or aid in procuring, the election of any nominee or candidate.

SOURCE: GC § 2330.

§ 8126. Communication of Promise.

Every person is guilty of a misdemeanor who communicates any offer made in violation of the preceding § 8125 to any person with intent to induce him to vote for, or to procure or aid in procuring the election of, the nominee or candidate making the offer.

SOURCE: GC § 2331.

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

§ 8127. Publications Reflecting on Character of Candidate.

Every person is guilty of a misdemeanor who intentionally writes, prints, posts or distributes, or causes to be written, printed, posted or distributed, any circular, pamphlet, letter or poster which designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political actions, unless there appears upon the circular, pamphlet, letter or poster, in a conspicuous place, either:

(a) The name of the chairman and secretary or the names of two (2) officers of the political party or other organization issuing it, or

(b) The name and residence, with the street and number thereof if any, of the person responsible therefor.

SOURCE: GC § 2332.

§ 8128. Lawful Expenditures: Penalty.

Every person is guilty of a misdemeanor who violates any of the provisions of §§ 8101-8116, inclusive, of this Chapter.

SOURCE: GC § 2333.

§ 8129. Disqualification.

Any candidate convicted under the provisions of §§ 8101-8116, inclusive, of this Chapter is disqualified from holding the office for which he was a candidate or nominee at the time of violating the provisions aforesaid.

SOURCE: GC § 2334.

§ 8130. Application.

The provisions of this Chapter shall apply to all elections.

SOURCE: GC § 2335.

NOTE: In the 1970 Codes this Section is duplicated by § 2328, which contains the exact same wording in both sections. Therefore, only this Section is contained herein.

§ 8131. [repealed by P.L. 25-146:34.]

SOURCE: GC § 2336; Subsections (a) and (c) added by P.L. 12-145. Subsection (b) added by P.L. 12-145 and amended by P.L. 13-187.

3 GCA ELECTIONS
CH. 8 ELECTION CAMPAIGNS AND CAMPAIGN OFFENSES

§ 8132. Complaints.

Any person who believes a violation of any provision of this Chapter has occurred may file a complaint with the Commission. The Commission shall expeditiously investigate the matter in accordance with § 2106. Whenever in the judgment of the majority of the Commission members any person has engaged in any acts or practices which constitute a violation of this Chapter, the Commission shall refer the record of said investigation to the Attorney General of Guam who shall institute a criminal prosecution under § 8123 or § 8128 of this Chapter against the said person, and, in the event the person is convicted of the violation prior to the election in question, the Commission shall strike his name from the ballot. In the event the person is convicted of the violation subsequent to the election in question and was elected to the office for which he was a candidate, the Attorney General shall take whatever civil action is necessary to effect his disqualification from office.

SOURCE: GC § 2337 GC added by P.L. 12-144.

CROSS-REFERENCE: Compare § 8129 of this Chapter.
