

6 GAR ELECTIONS
CH. 3 ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

CHAPTER 3
ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

SOURCE: Entire Title submitted to the Legislative Secretary on May 14, 2014, effective after 90 days pursuant to the Administrative Adjudication Law (5 GCA, Chapter 9). Entire Chapter repealed and reenacted by P.L. 38-088:2 (Dec. 20, 2025).

2026 NOTE: Rulemaking authority for the Guam Election Commission granted by 3 GCA §§ 2103 and 2104.

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§ 3101. Purpose and Scope of Rules.

The purpose and intent of these rules and regulations are to implement Chapter 17 of 3 GCA, as amended, cited as Election Campaign Contributions and Expenditures.

§ 3102. Contents of Report.

Pursuant to 3 GCA Chapter 17, and the Administrative Adjudication Law, the Organizational Report, Election Campaign Contributions and Expenditures Report forms, and the Report for Dissolution, and accompanying instructions thereto, are herein incorporated as Appendix A, B, and C, respectively, to these rules and regulations. Said appendices, not in conflict or inconsistent with 3 GCA Chapter 17 shall govern the contents of reports filed pursuant to the Election Campaign Contributions and Expenditures Chapter.

§ 3103. Specific Instructions for Organizational Report and Election Campaign Contributions and Expenditures Report.

(a) Name of Candidate, Committee, or Party. The name of a candidate or the official name of a committee, political party, or association should be clearly indicated.

(b) Elected Office Sought, Question, or Issue. The Organizational Report shall clearly indicate:

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(1) If a candidate or committee directly associated with a candidate, the elected office sought. The elected office indicated on the Organizational Report shall be effective only for the election for which the individual is seeking nomination or election to office.

(2) If a question or issue committee, the question or issue(s) for which the organization intends to receive contributions and make expenditures for.

(c) Treasurers. Each organization shall appoint one (1) official campaign treasurer and may appoint up to five (5) deputy campaign treasurers. Each treasurer shall be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or political party. If a candidate wishes to act as a campaign treasurer, it must be so noted on the Organizational Report and all reports filed in accordance with 3 GCA Chapter 17 must be certified by the candidate in his/her capacity as both the candidate and a campaign treasurer.

(d) Chairpersons. The chairperson and deputy chairperson shall serve as the two (2) highest ranking officials of the organization.

(e) Financial Institutions.

(1) Each organization that intends or subsequently receives monetary contributions shall establish a separate account at any number of financial institutions. Funds received by the organization shall not be commingled with personal funds of the candidate, or any other individual, and a candidate committee shall nonetheless establish an account separate from his/her personal one for the purpose and duration of the campaign. Any organization that does not intend, and subsequently does not receive, any monetary contributions shall not be required to establish an account at a financial institution.

(2) Each organization shall keep a comprehensive financial record of all transactions for all financial institutions it does business with. A detailed accounting of all transactions, safety deposit boxes, deposits, loans, and all applicable account numbers shall be reported to the Commission.

(3) All monetary contributions shall be deposited only into the account(s) indicated on the Organizational Report within 5 business days of receiving said contributions.

(f) Contributions.

(1) Cash Contributions. All monetary contributions shall be deposited in the committee's financial institution stated on the Organizational Report within 5 business days of receiving said contributions. The date of deposit and source of deposit shall be identified for all monetary contributions received by the candidate or committee. Each candidate or organization shall establish an itemized record showing the names, addresses and dates of every individual who donates a cumulative amount of more than one hundred dollars (\$100.00). No candidate or organization shall accept more than two hundred fifty dollars (\$250.00) in cash without issuing a receipt and keeping a record of the transaction.

Each candidate or organization shall report the names, dates and addresses of each individual who has donated a cumulative amount of more than one hundred dollars (\$100.00) to the campaign.

(2) Aggregate Contributions. Each candidate or organization shall report fundraising activities, wherein the cost per person or ticket is not more than twenty-five dollars (\$25.00). Each such aggregate contribution shall be reported by the cash amount received, description of the means (e.g. birthday, rallies, etc.), method (e.g. cost of one ticket, etc.), place and date. If the fundraising activity occurred over a period of time and not on a specific date, the candidate or organization shall report the first date on which the fundraising activity took place.

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(3) Other Cash Contributions. All other monetary contributions received and not reported in the aforementioned categories shall be reported in accordance with this section. Each such contribution shall be reported by the cash amount received, description of the means (e.g. birthday, rallies, etc.), method (e.g. cost of one ticket, etc.), place, and date.

(4) Non-monetary Contributions. Non-monetary contributions are all gifts, subscriptions, cancellations of debt, contracts, promises or agreements to make a contribution other than cash, or the payments by any person other than a candidate or committee, or compensation for personal services of another person, which are rendered to the candidate or committee without charge or at an unreasonably low charge, or a discount not offered to any other candidate or committee other than volunteer campaign services. All non-monetary contributions shall be reported based on the fair-market value of the contribution exceeding one hundred dollars (\$100.00), along with the name and address of the donor, nature of contribution and date.

(5) Earmarked Contributions. Earmarked contributions are all cash or non-monetary contributions received by the candidate or organization on the condition that the funds are contributed to only certain candidates, issues, or questions.

All earmarked contributions shall be reported by the total amount earmarked, the ultimate receipt of earmarked funds, the name and address of the donor, the description of the contribution, date, and name(s) of sharing candidates, issues, or questions.

(g) Expenditures. Means any purchase, transfer of money or anything of value, promise or agreement to purchase or transfer money or anything of value, payment incurred or made, consumption of any non-monetary contribution, or the payment by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for the purpose of influencing a candidate, committee, or political party's campaign.

(1) Funds Expended. Every candidate or organization shall record all cash transactions spent in aid of their campaign. The record shall be an itemized accounting of the cash amount spent, name and address of the payee, and the date and purpose for each expenditure.

(2) Incurred Expenditures. Every candidate or organization shall make a detailed accounting of all promises or agreements to purchase. The most current balance of all monetary liabilities (short and long term) shall be recorded in accordance with this section.

(3) Non-monetary Expenditures. Non-monetary expenditures are gifts, consumption or use of non-monetary contributions, promises or agreements to make an expenditure other than cash, or payments, by any person other than a candidate or committee, or compensation for the personal services of another person, which are rendered to the candidate or committee without charge other than volunteer campaign services.

(4) Earmarked Expenditures. All cash or non-monetary expenditures made by the candidate or organization on the condition that funds be expended for certain candidates, issues, or questions.

All earmarked expenditures shall be reported by the total amount earmarked, the ultimate receipt of earmarked funds, the name and address of the donor, the description of the contribution, date and name(s) of sharing candidates, issues, or questions.

(5) Transfer of Campaign Contributions. Any candidate or committee that draws upon campaign funds to contribute to another candidate or committee shall report the expenditure to include the name and address of the candidate or committee the funds were expended to, the purpose of the expenditure (e.g. birthday fundraiser, ½ payment for billboard ad, etc.), and the date the expenditure was made.

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Any transfer of campaign contributions from one candidate or committee to another shall nonetheless be in accordance with 3 GCA § 17110.

2026 NOTE: Subsection designations added pursuant to the authority of 1GCA § 1606.

§ 3104. Recordkeeping.

All candidates and committees shall be required to keep a detailed accounting and comprehensive record of all receipts and checks issued and received, deposit slips and bank statements for the candidate, committee, or organization and shall provide the records to the Commission upon request.

§ 3105. Amending Reports.

Any candidate, committee or organization may amend a report already submitted, and the amended report will stand in lieu of the report being corrected, provided that the amended report is certified pursuant to 3 GCA § 17103.

§ 3106. Electronic Reports.

All candidates and committees shall be required to submit an electronic version of each certified report in the format prescribed by the Commission.

§ 3107. Temporary Acceptance or Rejection of Reports; Opportunity to Cure Deficiencies.

(a) Submission and Review. All campaign finance reports required under 3 GCA Chapter 17 shall be submitted by the deadlines prescribed in law or regulation and must contain all required information, including certifications and supporting details.

(b) Temporary Rejection of Reports. The Commission shall reject a report for filing under the following conditions:

- (1) The report lacks the required certification(s) under 3 GCA §§ 17103 and 17114;
- (2) The report is materially incomplete, omits required schedules, or is not signed by the candidate, treasurer, or party representative;
- (3) The report is submitted in a format not authorized by the Commission.

The Commission shall notify the filer in writing of the reason for rejection within five (5) business days of submission.

(c) Temporary Acceptance with Notice of Deficiency. If a submitted report contains errors or minor deficiencies that do not render it invalid, the Commission may provisionally accept the report for the purpose of compliance deadlines, provided that:

- (1) The filer is notified in writing of the deficiency; and
- (2) The filer is provided a cure period of seven (7) business days to submit a corrected report and written explanation.

(d) Cure Period and Good Faith Effort.

- (1) If the deficiency is corrected within seven (7) business days, and a written explanation is submitted, no fine shall be imposed.
- (2) If the deficiency is corrected after seven (7) business days, a fine of \$50 per business day shall apply from the eighth day forward until the correction is made.
- (3) If no correction or written explanation is received within fifteen (15) business days of the notice, the filer shall be deemed noncompliant and shall be subject to a fine of \$500.

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(e) Appeal. A filer may appeal the determination of a material deficiency or rejection by submitting a written appeal to the Commission within five (5) business days of receiving notice. The Commission shall issue a written decision within ten (10) business days of receipt of the appeal.

(f) Final Determination. A report shall not be deemed “filed” for statutory or regulatory purposes until it has been accepted without material deficiency or accepted provisionally with all deficiencies cured within the applicable timeframe.

§ 3108. Dissolution of Organizations.

(a) When to dispose after dissolution. All candidates and committees, with the exception of political parties, shall dispose any organizational residual contributions by the twentieth (20th) day after activities cease for the campaign for which the Organization was established.

(b) How to dispose. All candidates who withdraw or cease to be candidates, or committees directly associated with these candidates, or persons who receive contributions but fail to file for nomination, or committee or parties which discontinue their campaign activities outlined in 3 GCA Chapter 17, shall return any residual contributions to the political party of the person or candidate or to the campaign committee of a person of the same party who is a candidate for the same office as the person who has ceased to receive contributions or to be a candidate. Any organization or candidate not affiliated with a political party shall escheat any residual contributions to the Government of Guam. Each candidate, committee, or organization shall file their disposition with the Guam Election Commission using the Report for Dissolution form. This report shall disclose the manner in which all funds were expended and/or returned.

(c) Upon filing their Report for Dissolution, each candidate, committee, or organization shall:

(1) If seeking reelection, submit a bank account statement indicating the ending balance at the time in which the Report for Dissolution is being filed; or

(2) If not seeking reelection, submit a bank account statement indicating that the bank account has been closed and the ending balance at the time in which the Report for Dissolution is being filed.

§ 3109. Complaints and Investigation.

(a) Investigation. The Guam Election commission may conduct investigations on the alleged violation and may subpoena any person, documents, or relevant materials pertaining to the case.

(b) Appeal of Findings. The appeal of any finding made by the Guam Election Commission relative to the filing of a report may be made by an interested party. The complaint shall be in writing and shall be signed under oath by the complainant.

(c) Confidential. Until the determination of probable cause by the Election Commission, all proceedings, including the filing of the complaint, investigation, and hearing shall be confidential, unless the person complained against requests an open session. In the event the Election Commission determines that probable cause does not exist, the complaint shall be dismissed, and the entire records of the proceedings shall be kept confidential at the option of the person complained against.

(d) Informal Hearing. All interested party(s) shall be granted an informal hearing within fifteen (15) days from receipt of a complaint, on any matter relevant to the filing of the report.

(e) Formal Hearing. Should an informal hearing prescribed in § 3104 (d) of this chapter fail to resolve the matter, a formal hearing shall be granted within twenty (20) days thereafter.

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§ 3110. Advisory Opinions.

(a) Purpose. Any person may request a written advisory opinion from the Guam Election Commission (GEC) regarding the application or interpretation of any provision under Chapter 17 of Title 3 Guam Code Annotated or any rule adopted thereunder. Advisory opinions are intended to promote voluntary compliance and to provide clarity on legal obligations relating to campaign finance activity.

(b) Submission of Request. Requests must be submitted in writing and must include:

- (1) the name and contact information of the requester;
- (2) a complete and accurate statement of all relevant facts;
- (3) the specific legal question or regulation at issue; and
- (4) any documents or supporting material necessary for evaluation.

(c) Timeline for Issuance. Upon receipt of a complete request, the Commission shall adhere to the following timeline:

- (1) Acknowledge receipt within three (3) business days;
- (2) Complete a legal review and prepare a draft advisory opinion within fifteen (15) business days;
- (3) Finalize and adopt the advisory opinion by majority vote of the Commission within thirty (30) calendar days of receipt of the request;
- (4) Issue the final advisory opinion to the requester and publish it within three (3) business days of adoption.

(d) Legal Effect.

(1) A person who reasonably and in good faith relies on a published advisory opinion issued by the Commission shall be deemed to be in compliance with the applicable provision of law, provided the material facts are the same as those presented in the request.

(2) Advisory opinions shall not be legally binding in a court of law but shall be given deference by the Commission in any enforcement action.

(3) Advisory opinions may be modified or rescinded prospectively by majority vote of the Commission. Notice of such modification shall be publicly posted.

(e) Expedited Opinions. The Commission may issue an expedited advisory opinion within ten (10) business days upon a showing of urgency related to upcoming campaign activity or election deadlines. A written justification for the expedited review must be submitted with the request.

(f) Public Archive. The Commission shall maintain an online archive of all final advisory opinions, indexed by topic, date, and statutory reference. Advisory opinions shall be public records, unless the Commission determines that publication would violate privacy or confidentiality laws.

§ 3111. Review of Reports.

The Guam Election Commission shall establish a standard of review and perform its review of all campaign reports submitted by said standard. The Commission's review of each candidate, committee, and organization shall remain confidential until the completion of review. If the Commission finds that the candidate, committee, or organization had committed any violation of Chapter 17, said violations shall be reported to the Board of Commissioners and the candidate, committee, or organization shall be subject to the schedule of fines specified in § 3110 under the authority of 3 GCA § 17102 (h).

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§ 3112. Hearing Procedures and Timelines for Enforcement Actions.

(a) Applicability. This section governs all hearings conducted by the Guam Election Commission (GEC) relating to enforcement of campaign finance laws under 3 GCA Chapter 17, including fines, deficiencies, violations, or challenges arising from the filing or review of reports.

(b) Notice of Violation. If the Commission determines there is a potential violation, it shall issue a written Notice of Violation to the respondent, stating:

- (1) The nature of the alleged violation;
- (2) The facts or findings supporting the determination;
- (3) The proposed fine or corrective action;
- (4) The right to request an informal or formal hearing;
- (5) The deadline to request a hearing, which shall be ten (10) business days from receipt of notice.

(c) Informal Hearing.

(1) If requested, an informal hearing shall be scheduled within fifteen (15) business days of the request.

(2) The informal hearing shall be non-adversarial, and parties may appear with or without counsel.

(3) The hearing officer (or designated GEC staff) may attempt to mediate or resolve the matter.

(4) A summary of the informal hearing shall be recorded and placed in the Commission's enforcement file.

(d) Formal Hearing.

(1) If the matter is not resolved informally, a formal hearing shall be scheduled within twenty (20) calendar days following the conclusion of the informal process, or upon direct request by the respondent.

(2) The respondent shall be given at least ten (10) calendar days' written notice of the date, time, and place of the hearing.

(e) Due Process Rights. At the formal hearing, the respondent shall have

(f) the right to:

- (1) Be represented by counsel;
- (2) Present evidence and witnesses;
- (3) Cross-examine witnesses;
- (4) Submit written legal or factual arguments;
- (5) Receive a written decision based on the record.

(g) Hearing Record. All formal hearings shall be recorded or transcribed, and the record shall include all documents, pleadings, exhibits, and the decision of the Commission. The record shall be retained in accordance with GEC recordkeeping policy.

(h) Commission Decision. The Commission shall issue a written decision within fifteen (15) business days after the formal hearing concludes. The decision shall:

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- (1) Include findings of fact and conclusions of law;
- (2) State whether the violation is sustained;
- (3) Specify any fine, corrective action, or dismissal;
- (4) Be served upon the respondent by certified mail or personal delivery.

(i) Finality and Appeal. A final decision by the Commission may be appealed pursuant to the procedures set forth in the Administrative Adjudication Law, 5 GCA § 9240, *et seq.*, within the time period provided by law.

(j) Extensions and Continuances. Upon good cause shown, the Commission may grant one or more continuances of the deadlines provided herein, provided such extensions do not prejudice the rights of the respondent.

§ 3113. Exceeding Contribution Limits.

(a) Contribution Limits. No person shall make aggregate contributions in excess of one thousand dollars (\$1,000.00) to any one (1) candidate, candidate committee, or agent in a calendar year for a primary election, and no person shall make aggregate contributions in excess of one thousand dollars (\$1,000.00) for a general or special election. A primary and a general election are considered separate elections.

(b) Responsibility to Monitor. Each candidate or committee treasurer is responsible for monitoring and aggregating all contributions received from each donor during each election to ensure compliance with the above limits. Contributions must be tracked cumulatively across all reporting periods for the election.

(c) Rejection or Return of Excess Contributions. If a candidate or committee receives a contribution that exceeds the legal limit:

- (1) The excess portion of the contribution shall be returned to the donor within five (5) business days of identification;
- (2) A written explanation and copy of the return transaction (e.g., check, receipt) shall be filed with the Guam Election Commission (GEC) within ten (10) business days of the return.

(d) Treatment of Non-Monetary Contributions. The fair market value of any non-monetary contribution shall be included in calculating whether the contribution limit has been exceeded. Discounts or services provided at below-market value may be deemed contributions unless demonstrably offered on equal terms to the general public.

(e) Violations and Penalties. Violations of this section are subject to the following fines, pursuant to 3 GCA § 17113 and the fine schedule adopted under 3 GCA § 17102(h):

Excess Amount	Fine Imposed
\$1 to \$250	\$100
\$251 to \$500	\$200
\$501 to \$1,000	\$350
\$1,001 to \$3,000	\$500
\$3,001 to \$4,999	\$750
\$5,000 or more	\$1,000

Fines may be imposed on both the donor and the recipient committee. The Commission may also order the escheatment of any unreturned excess contributions to the Government of Guam.

(f) Exception – Good Faith Reliance. No fine shall be imposed if a candidate or committee can demonstrate to the Commission’s satisfaction that:

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- (1) The excess contribution was received due to a bona fide clerical or reporting error;
- (2) The contribution was returned promptly upon discovery; and
- (3) The committee had a system in place for tracking contributions.

(g) Notification and Appeals. The Commission shall notify the candidate or committee in writing of any violation and proposed fine. The candidate or committee may submit a written appeal or request a hearing within ten (10) business days of receiving such notice.

§ 3114. Fines.

Any person, corporation, organization, or association who willfully violates any provisions in 3 GCA Chapter 17 shall be fined in accordance with the schedule of fines stipulated herein. Fines shall be administered by the completion of each quarterly review and shall only be imposed on offenses for which the candidate or committee has been given an initial written notification via certified mail relative to the specified offense. In the case of a candidate committee, the fine(s) shall be jointly owed by the candidate and named treasurer(s). For all other committees, the fine(s) shall be jointly owed by the named treasurer(s) and chairman. Fines collected under this section shall be payable to the Treasurer of Guam to be deposited into the Guam Election Commission revenue account.

2026 NOTE: The Schedule of Fines is found at the end of this Chapter.

§ 3115. Procedures for Documenting Efforts to Identify Donors Prior to Escheatment.

(a) Duty to Attempt Donor Identification. Before any campaign contribution may be escheated to the Government of Guam due to donor anonymity or excess contribution violations, the candidate, committee, or treasurer must make a good faith effort to identify the donor and return the contribution.

(b) Documented Steps Required. The following steps, at a minimum, shall be taken and documented by the candidate or committee in attempting to identify an anonymous donor or return excess contributions:

(1) Review of Records: Examine all contribution logs, sign-in sheets, event attendance lists, and online payment receipts for any indication of the donor's identity.

(2) Bank Inquiry: If the contribution was made by check, money order, or other traceable instrument, contact the financial institution to determine the name associated with the instrument, to the extent permitted by law.

(3) Public Notice (Optional for Contributions \geq \$250): If internal records do not yield identifying information and the contribution exceeds two hundred fifty dollars (\$250.00), the candidate or committee may post a notice on their campaign website or social media account requesting the donor to come forward.

(4) Attempted Return: If partial identifying information (e.g., first name or initials) is available, attempt to return the funds via available mailing address, email, or contact number.

(c) Required Documentation. The candidate or committee must prepare and retain a written memorandum outlining:

- (1) The amount and date of the contribution;
- (2) A description of the form of contribution (e.g., cash, check, online);
- (3) Each step taken to identify the donor;
- (4) The result of each step;
- (5) Whether the contribution was ultimately returned or escheated;

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(6) A copy of any public notice or correspondence related to the return.

(d) Submission to GEC. If the contribution cannot be returned, a copy of the written memorandum, along with the escheated amount payable to the Treasurer of Guam, must be submitted to the Guam Election Commission within fifteen (15) business days of concluding the identification efforts.

(e) Escheatment. If the donor cannot be identified after completion of the above process, the funds shall be escheated to the Government of Guam in accordance with 3 GCA § 17111(c). No such contribution shall be retained or used by the candidate or committee.

§ 3116. Rule Amendments.

(a) Petition for Adoption of Rules. Any person may petition the Guam Election Commission requesting the promulgation, amendment, or repeal of any rule. Said petition shall be in writing and should fully state reasons and factual basis for such request. The adoption of any promulgation, amendment, or repeal of any rule shall be in accordance with the Administrative Adjudication Process stipulated in 5 GCA Chapter 9.

(b) Public Hearing. In the event a petition made is granted, a public hearing on the matter shall be conducted within thirty (30) days of receipt of such petition as provided by the Administrative Adjudication Law (5 GCA Chapter 9, Article 3).
