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CH. 3 ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

CHAPTER 3
ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES

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§ 3101. Purpose and Scope of Rules. Purpose.

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. Dissolution of Organizations.

(a) When to dispose after dissolution. Candidates, committees or political parties shall dispose any organizational residual contributions by the twentieth (20th) day after activities cease.

(b) How to dispose. 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 official shall file their disposition with the Guam Election Commission using the Organizational Report Form. This report shall be a detailed accounting of all funds expended and returned.

SOURCE: Subsection (a), law governing authority 3 GCA § 17119(b).

§ 3103. Contents of Report.

Pursuant to 3 GCA Chapter 17, and the Administrative Adjudication Law, the Organizational Report and Election Campaign Contributions and Expenditures Report forms, and accompanying instructions thereto, are herein incorporated as Appendix A and B, 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 Expenditure Chapter.

SOURCE: Law governing 3 GCA § 17102.

§ 3104. Complaints, Investigation and Rule Amendments.

(a) Correction of Report. Correction of information contained in a report filed pursuant to the Election Campaign Contributions and Expenditures Chapter may be made at any time upon the findings by the Guam Election Commission that the correction is not the product of a knowing or willful misrepresentation or omission made in a prior report.

(b) 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.

(c) 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.

(d) 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, request 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.

(e) 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.

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

(g) Advisory Opinion. Any person may request in writing for an advisory opinion regarding compliance with the requirements of this Chapter.

(h) 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 a request. The adoption of any

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promulgation, amendment, or repeal of any rule shall be in accordance with the Administrative Adjudication Process 5 GCA Chapter 9.

(i) 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 Administrative Adjudication Law (5 GCA Chapter 9, Article 3).

SOURCE: Subsection (a), the law governing authority 3 GCA §§ 17102, 17121(f); subsection (b), 3 GCA § 17121(b); subsection (c), 3 GCA § 17121; subsection (d), 3 GCA § 17121(d); subsection (e), 3 GCA § 17121; and subsection (f), 3 GCA § 17121.

§ 3105 Fines.

Any person, corporation, organization, or association who willfully violates any provisions in 3 GCA Chapter 17 shall be fined not less than one thousand dollars (\$1,000). Fines collected under this section shall be payable to the Treasurer of Guam to be deposited into the Guam Election Commission revenue account.

SOURCE: Law governing 3 GCA § 17122.

§ 3106. Specific Instructions for Organizational Report and Campaign Contribution and Expenditures Report.

COMPILER NOTE: References to the Guam Code Annotated (GCA) found at the end of the subsections were supplied by the Guam Election Commission.

(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. [3 GCA § 17107]

(1) A candidate is an individual who seeks nomination or election into office by filing nomination papers or consents to have a declaration of nomination for office held on his behalf; receives contributions of more than one hundred dollars (\$100.00) or incurs any expenditures to bring about his nomination or election to office; or gives consent to any other person to receive contributions or makes expenditures to aid his nomination or election to office. [3 GCA § 17101(c)]

(2) A committee is any individual, partnership, corporation, association, or organization that accepts contributions or makes

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expenditures for or against any individual, candidate or group of candidates or any question or issue which is to appear on the ballot at the next applicable election. [3 GCA § 17101(e)]

(3) A political party is an organization that has filed with the Guam Election Commission under uniform regulations required by Title 3 GCA.

(b) 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. A candidate may also be a campaign treasurer. [3 GCA §§ 17107(a)(2) and 17108(a)]

All transactions received or expended must be recorded and accounted for, in the report format required by the Guam Election Commission. [3 GCA § 17108(c)]

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

(d) Financial Institutions. Each organization shall keep a comprehensive financial record of its transactions with any number of 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 GCA § 17109]

All monetary contributions shall be promptly deposited in a financial depository duly authorized to do business in Guam such as a bank, savings and loan or industrial loan company, or similar financial institution, in the name of the candidate, committee, or political party, whichever is applicable. [3 GCA §17107(a)(4) and § 17109(a)]

(e) Contributions. Means a gift, subscription, loan, advance, deposit of money or anything of value, or cancellation of a debt or legal obligation, or payment or compensation for personal services which are rendered without charge or at an unreasonably low charge (not including volunteer campaign services), or a contract, promise, or agreement to make a contribution for the purposes of influencing a candidate's campaign or an issue's outcome. [3 GCA § 17101(f)]

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(1) Cash Contributions. All monetary contributions shall be promptly deposited in a financial institution. Each candidate or organization shall establish an itemized record showing the names, addresses and dates of every individual who donates a cumulative amount of one hundred dollars (\$100.00) or more. No candidate or organization shall accept Two Hundred Fifty Dollars (\$250.00) in cash without issuing a receipt and keeping a record of the transaction. [3 GCA § 17109 (a)(b) and (d)]

Each candidate or organization shall report the names, dates and addresses of each individual who has donated a cumulative amount of at least one-hundred dollars (\$100.00) or more to the campaign. (Do not include multi-candidate contributions in this section). [3 GCA § 17109(b)]

(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 (i.e., birthday, rallies, etc.), method (i.e., cost of one ticket, etc.), place and date. [3 GCA § 17109(b)]

(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 (i.e., birthday, rallies, etc.), method (i.e., cost of one ticket, etc.), place and date. [3 GCA § 17109(b)]

(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 the 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. [3 GCA § 17101(f) and § 17109(b)]

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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. [3 GCA § 17109(b) and (c)]

(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. [3 GCA §17109(f)]

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. [3 GCA § 17109(e)]

(f) 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. [3 GCA § 17101(h)]

(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 the expenditure. [3 GCA § 17114(a)]

(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 GCA § 17116(c) and § 17118(a)(3)]

(3) Non-monetary Expenditures. Non-monetary expenditures are gifts, consumption or use of non-monetary contributions, promises or agreements to make expenditure other than cash, or payments, by any person other than a candidate or committee, or

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compensation for the personal services of another person, which are rendered to the candidate or committee without charge other than volunteer campaign services. [3 GCA § 17101(h)(1)]

(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. [3 GCA § 17109(f)]

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. [3 GCA § 17109(e)]