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**CH. 17 ELECTION CAMPAIGN CONTRIBUTIONS & EXPENDITURES**

**CHAPTER 17**  
**ELECTION CAMPAIGN CONTRIBUTIONS & EXPENDITURES**

**SOURCE:** Former chapter 19 reenacted to this chapter by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This chapter, formerly entitled “*Initiative, Referendum, and Legislative Submission*,” was reenacted as chapter 16 by P.L. 31-255:2 (Dec. 11, 2012).

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**§ 17101. Definitions.**

When used in this Chapter:

(a) Advertisement means:

(l) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate, which

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identifies a candidate directly or by implication, or which advocates or supports the nomination for election of the candidate, or advocates or supports his or her defeat; and

(2) any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee, which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election, or which advocates or supports the passage or defeat of the question or issue.

(b) Campaign treasurer means a person appointed under § 17108 of this Chapter, and, unless expressly indicated otherwise, includes deputy campaign treasurers.

(c) A candidate is one who either seeks a nomination or is proposed for a nomination by sponsors or accepts money towards an election in accordance with the provisions of this Title; and who:

(1) files nomination papers for an office for himself or herself, or, consents to have a declaration of nomination for an office filed on his or her behalf by five (5) voters as specified in § 6106 of this Title; or

(2) receives contributions in an aggregate amount of more than One Hundred Dollars (\$100.00), or makes or incurs any expenditures to bring about his or her nomination for election, or election to office; or

(3) gives his or her consent for any other person to receive contributions or make expenditures to aid his or her nomination for election, or election to office.

(d) Commission means the Guam Election Commission.

(e) Committee means:

(1) any person who accepts a contribution or makes an expenditure for or against any individual candidate or group of candidates, person seeking nomination for election, or election to office, or political party, with the authorization of the candidate, person, or political party, or who accepts a contribution or makes an expenditure for or against any question or issue which is to appear on the ballot at the next applicable election;

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(2) any person who raises or holds money or anything of value and who subsequently contributes the money or thing of value to, or make expenditures on behalf of an individual candidate, group of candidates, person, or political party; provided, that the term committee shall not include any person making a contribution or expenditure of his or her own funds or something of value originally acquired for his or her own use and not for the purpose of evading any provision of this Chapter.

(f) Contribution means:

(1) a gift, subscription, loan, advance, deposit of money or anything of value, or cancellation of a debt or legal obligation for the purpose of:

(A) influencing the nomination for election, or election of any person to office; or

(B) influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or

(C) use by any party for the purpose set out in Subsection (A) or (B) herein;

(2) the payment, 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, a discount not offered to any other candidate or committee other than volunteer campaign services; or

(3) a contract, promise, or agreement to make a contribution; provided, that notwithstanding Subsections (1), (2), and (3) of this Subsection, the term shall not include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or

(4) notwithstanding Subsections (1) (2) and (3) herein, a candidate's expenditure of his or her personal funds in the pursuit of his or her campaign shall not be a contribution for the purpose of this Subsection.

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(g) Election means any primary, general or special election for office, or for determining a question or issue provided by law.

(h) Expenditure means:

(l) any purchase or transfer of money, or anything of value; or promise or agreement to purchase or transfer money, or anything of value; or payment incurred or made; or the use or consumption of a nonmonetary contribution for the purpose of:

(A) influencing the nomination for election, or election of any person seeking nomination for election, or election to office, whether or not the nomination papers have been filed by himself or herself or, on his or her behalf; or

(B) influencing the outcome of any question or issue which is to appear on the ballot at the next applicable election; or

(C) use by any political party for the purposes set out in Subsection (A) or (B) above;

(2) 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 any of the purposes mentioned in Subsections (h)(l)(A), (B) or (C) of this Section; or

(3) the expenditure by a candidate of his or her own funds for the purposes set out in Subsections (h)(l)(A), (B) or (C) of this Section.

(i) Newspaper means a publication of general circulation issued once or more per month, which is written and published on Guam.

(j) Office means any elective public office, excluding federal elective offices.

(k) Person means an individual, partnership, committee, association, or organization.

(l) A candidate is directly opposed to another when the election of that other candidate could mean the non-election of the candidate in question.

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**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19101. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16101 by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17102. Duties of Election Commission.**

The Election Commission shall supervise campaign contributions and expenditures, and its duties in regards to this Chapter shall include, but not be limited to, the following:

(a) to ascertain whether any candidate, committee, political party, or other person has failed to file a report required by this Chapter or has filed a substantially defective or deficient report, and to notify the person(s) that their failure to file or filing of a substantially defective or deficient report shall be corrected and explained, the correction or explanation to be submitted in writing to the Commission within a reasonable time after the notification of the deficiency or failure to file. The Election Commission shall make available a list of candidates, committees, and political parties who have failed to correct their deficiency within the time allowed by the Election Commission. Failure to properly respond to the notification shall constitute a violation of this Chapter;

(b) to develop and adopt reporting forms required by this Chapter;

(c) to preserve all reports required by this Chapter for at least five (5) years from the date of receipt;

(d) to permit the inspection, copying or duplicating of any report required by this Chapter pursuant to rules adopted by the Election Commission for such purpose; provided, that no information or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;

(e) to investigate and hold public hearings for receiving evidence of any violations, and to summon witnesses before it;

(f) to request the initiation of prosecution for the violation of any requirements of this Chapter;

(g) to offer advisory opinions to interested persons regarding compliance with the requirements of this Chapter; and

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(h) to issue fines for any violations of this Chapter. Any fines herein shall be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all fines shall be submitted quarterly to *I Maga'lahi* and *I Liheslaturan Guåhan*. Schedule of fines will follow the Administrative Adjudication Act.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19102. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960.1, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16102 by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17103. Filing of Reports.**

All reports required to be filed by this Chapter by a candidate or committees supporting a candidate with his consent shall be certified as correct by the candidate. All reports required to be filed under this Chapter by a political party or any other committee shall be certified correct by the party, or committee treasurer, or the deputy treasurer, or the chairman, thereof, in that order. All reports required to be filed with the Election Commission shall be open for public inspection.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19103. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960.2, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16103 by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17104. Death of Candidate Prior to Filing Reports.**

If a candidate dies prior to the filing of his or her final report, the campaign treasurer for the election committee of said candidate shall file a final report as required by § 17118. The treasurer shall note in the report that the candidate is deceased and that it will be the last report of the candidate's status, even if there is a deficit or a surplus.

**SOURCE:** Added by P.L. 22-109:11 (Apr. 1, 1994) as 3 GCA § 19103.1. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960.3, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16104 by P.L. 31-255:2 (Dec. 11, 2012).

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**§ 17105. Death of Candidate After Submitting Final Report.**

If a candidate passes away after a final report has been submitted to the Commission, but before a supplemental report is due regarding a deficit or surplus as provided in Subsections (c) and (d) of § 17118, the treasurer or authorized representative of the candidate shall file the supplemental report showing the status of the deficit or surplus and note therein that the candidate is deceased and no further reports shall be forthcoming.

**SOURCE:** Added by P.L. 22-109:12 (Apr. 1, 1994) as 3 GCA § 19103.2. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960.4, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16105 by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17106. Registration.**

Each candidate, committee, and political party shall file an organizational report no later than the earliest of the following applicable days:

- (a) on or before the day of filing for nomination or election;
- (b) by the tenth (10th) day after receiving any contributions for the next campaign in an aggregate amount of more than Two Hundred Fifty Dollars (\$250.00) or the making or incurring of any expenditure for the next campaign in excess of Two Hundred Fifty Dollars (\$250.00).

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19104. Subsection (b) amended by P.L. 27-161:1 (Dec. 30, 2004). Subsection (b) repealed and reenacted by P.L. 28-150:V:32 (Sept. 30, 2006). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**2012 NOTE:** This section was originally codified from GC § 2960.5, added by P.L. 14-023 (May 3, 1977). Reenacted as 3 GCA § 16105 by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17107. Organizational Reports.**

- (a) The organizational report shall include:
  - (1) the full name, address, office sought when known, and party affiliation of each candidate or individual whom the committee or party is supporting and the name and address of the committee or party;
  - (2) the full names and addresses of the campaign treasurer and deputies;

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(3) the full names and addresses of the campaign chairman and deputy campaign chairman;

(4) a list of all banks, safety deposit boxes, or other depositories used and the applicable account numbers;

(5) the amount and date of deposit of the contributions and the name and address of each individual donor who has made a contribution of more than One Hundred Dollars (\$100.00), except for funds and contributions which may be reported in the aggregate as indicated in § 17109 (b); and

(6) in the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in Subsections (2) through (5) herein and a description of the question or issue.

(b) Any change in information submitted in the organizational report other than in Subsection (a) (5) above, shall be reported no later than the tenth (10th) day after the change or when the candidate, committee, party, or campaign treasurer, becomes aware of the change.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19105. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17108. Campaign Treasurer.**

(a) Every committee, political party, and candidate shall appoint a campaign treasurer on or before the day for filing an organizational report. Up to five (5) deputy campaign treasurers may be appointed. A candidate may appoint himself or herself as campaign treasurer.

(b) A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate shall promptly appoint a successor. During the period the office of campaign treasurer is vacant, the candidate, committee chairman, or party chairman, whichever is applicable, shall serve as a campaign treasurer.

(c) Each campaign treasurer shall be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or political party appointing him.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19106. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17109. Campaign Contributions in General.**

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

(b) Each candidate, committee, or political party shall establish and maintain an itemized record showing the amount of each monetary contribution, the description and value of each nonmonetary contribution, and the name and address of each donor making a contribution of more than One Hundred Dollars (\$100.00) in value, except funds and contributions which may be reported in the aggregate as indicated in § 17111(b).

(c) Each candidate and campaign treasurer shall report the amount and date of each contribution and the name and address of each donor who makes a contribution or contributions whose value is more than One Hundred Dollars (\$100.00).

(d) No candidate, committee or party may accept a contribution of more than Two Hundred Fifty Dollars (\$250.00) in cash from a single person without issuing a receipt to the donor and keeping a record of the transaction.

(e) Each candidate and political party shall disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

(f) For purposes of this Section, “earmarked funds” means contributions received by a committee or party on the condition that the funds be contributed to or expended only on certain candidates, issues, or questions.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19107. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17110. Campaign Contributions: Restrictions Against Transfer.**

(a) A candidate, campaign treasurer, or committee shall not receive any contribution, make any expenditure, or receive or make any transfer of money or anything of value;

(l) for any purpose other than those directly related to:

(A) in the case of the candidate, to his or her own campaign;

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provided, that no expenditure shall be made for the benefit of any personal property of any candidate; or

(B) in the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated; or

(2) to campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign treasurer or committee is directly associated, provided that a candidate, campaign treasurer, or committee may purchase from its campaign fund not more than two (2) tickets for each testimonial or fundraising affair held by another candidate, committee, or political party.

(b) This Section shall not be construed to prohibit a political party from supporting more than one (1) candidate, or to prohibit joint expenditure by two (2) or more candidates seeking election to multiple offices whether the expenditures are equally or unequally incurred among such candidates; provided, that the allocation of expenditures between the candidates is based upon reasonable objective standards. The political party or candidates, whichever is applicable, shall make the initial allocation between candidates. If the allocation is disallowed by the Commission, and the allocation of expenditures is not corrected as prescribed by the GEC, the allocation found shall presume to be a transfer of funds in violation of this Section.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19108. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17111. Limit on Anonymous Contributions.**

(a) No person shall make a contribution of his or her own money or property or money of another person of more than One Hundred Dollars (\$100.00) to any candidate, political party or committee in connection with a nomination for election, or election, anonymously; nor shall any candidate, political party, or committee knowingly receive, accept, or retain the contribution or enter or cause the same to be entered in its accounts as an anonymous contribution or in another name than that of the person who made the contribution.

(b) This Chapter shall not apply to amounts that aggregate less than Two Hundred Fifty Dollars (\$250.00) when obtained through multiple contributions made by ten (10) or more persons at the same event, nor shall

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it apply to money received from fund-raising or testimonial dinners, functions, food sales, raffles and fund-raising activities, the ticket or cost for which is not more than Twenty-Five Dollars (\$25.00) per person or per ticket. Each such aggregate contribution shall be reported accompanied by a description of the means, method, place, and date of receipt.

(c) Any anonymous contributions received by a candidate, political party, or committee and not allowed by this Section shall not be used or expended, but shall be returned to the donor. If the donor cannot be identified, the contribution shall escheat to the government of Guam.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19109. Amended by P.L. 27-161:4 (Dec. 30, 2004). Repealed and reenacted by P.L. 28-150:V:32 (Sept. 30, 2006). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17112. False Name.**

No person shall make any contributions of his own money or property or money of another person to any candidate, political party, or committee in connection with a nomination for election, or election, in any other name than the name of the person owning the money or who supplied the money or property. All contributions made in the name of a person other than the true or established name of the actual owner of the money or property shall escheat to the government of Guam.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19110. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17113. Limitation on Amount of Contributions.**

(a) No person shall make aggregate contributions in excess of One Thousand Dollars (\$1,000.00) for any one (1) candidate in any calendar year for any primary election, and no person shall make aggregate contributions in excess of One Thousand Dollars (\$1,000) for any one (1) candidate in any general or special election.

(b) It is unlawful for any bank or labor organization, whether or not authorized to do business on Guam, to make a contribution or expenditure in connection with any election to any political office, or in any primary election. A corporation, whether or not authorized to do business on Guam, may purchase no more than Five Hundred Dollars (\$500.00) worth of tickets for each fundraising dinner or function for any political party or candidate, but not to exceed the aggregate contributions allowed under Subsection (a) of this Section. Such corporate contributions shall be reported to the Election

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Commission regardless of amount. Every bank, corporation, or labor organization which makes any contribution in violation of this Section shall be fined not more than Five Thousand Dollars (\$5,000.00), and every officer or director of any bank, corporation, or labor organization as the case may be, and any person who accepts or receives any contribution in violation of this Section, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned no more than one (1) year, or both.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19111. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17114. Campaign Expenditures: Authority Required.**

(a) A candidate may draw on the campaign treasurer for expenditures related to his or her campaign or political activities. The candidate shall make a detailed accounting of his campaign expenditures and the accounting shall be made a part of the reports required in §§ 17116 and 17117 of this Chapter. The account shall state the amount and purpose of the expenditures and other information required by the Election Commission, and shall be signed and certified by the campaign treasurer.

(b) No funds shall be withdrawn or paid from a campaign depository except on the written authorization of the campaign treasurer.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19112. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17115. Organizational Reports.**

The candidate, party, or committee, when signing any type of contract, shall provide the other party of the contract a copy of its organizational report, stamped by the Guam Election Commission. Failure to comply with this Section shall result in a fine of not less than One Thousand Dollars (\$1,000.00) to both parties.

**SOURCE:** Added by P.L. 27-161:6 (Dec. 30, 2004) as 3 GCA § 19112.2. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17116. Preliminary Reports.**

Each candidate, or authorized person in the case of a political party, or campaign treasurer in the case of a committee, shall file a preliminary report with the Election Commission on forms provided by the Election Commission not later than the tenth (10th) day prior to each election or primary, as the case may be. The report shall be certified pursuant to §

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17103 of this Chapter and shall contain the following information, which is to be current through the fifteenth (15th) calendar day prior to the election or primary:

- (a) the aggregate sum of all contributions received;
- (b) the amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than One Hundred Dollars (\$100.00);
- (c) all expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and
- (d) a current statement of the balance on hand or deficit.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19113. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17117. Registration and Taxation of Campaign Funds.**

Any political candidate, committee, or party, which raises contributions or other things of value for campaign or political purposes, 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. There shall be no business privilege tax imposed on campaign contributions or money or things of value raised from fund-raising activities if later reported to the Election Commission, whether or not required to do so under any provision of this Title.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19114. Amended pursuant to P.L. 29-002:VI:28 (May 18, 2007) which mandated that references in laws, documents and regulations to “Gross Receipts Tax,” be changed to “Business Privilege Tax.” Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17118. Final and Supplemental Reports.**

(a) Each candidate whether or not successful in a primary or special primary election, or authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report not later than the tenth (10th) day after the primary or special primary election, certified pursuant to § 17103 of this Chapter. The report shall include:

- (1) a statement of the total contributions received;

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(2) the amount and date of deposit of the contribution, and the name and address of each donor who contributes more than One Hundred Dollars (\$100.00); and

(3) a statement of all expenditures made or incurred by or for a candidate, including the name of each payee and the amount, date, and purpose of each expenditure.

(b) Each candidate, or authorized person in the case of a committee, shall file a final general report with the Election Commission not later than the twentieth (20th) day after a general or special election, certified pursuant to § 17103 of this Chapter, and reporting all items prescribed in Subsection (a) of this Section. A candidate who is unsuccessful in a primary or special primary election need not file a final general report.

(c) Deficit. In the event of a deficit, the candidate or authorized person in the case of a committee shall, every three (3) months until the deficit is eliminated, file a supplemental report, the first of which shall be due not later than sixty (60) days following the election.

(d) Surplus. In the event of a surplus, the candidate or authorized person in the case of a committee shall:

(1) maintain the cash surplus in a financial depository; and

(2) every six (6) months, until he or she becomes a candidate again, file supplemental reports reporting all items prescribed in Subsection (a) of this Section. The first report shall be due not later than sixty (60) days after the election.

(e) A candidate, party, or committee that receives no contributions or makes no expenditures shall nevertheless file preliminary, final, and supplemental reports as required by law.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19115. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17119. Disposition of Funds.**

(a) 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 committees or parties which discontinue their activities covered in this Chapter, shall return any residual contributions to the political party of the person or candidate or to the

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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.

(b) Upon dissolution, the candidate or campaign treasurer shall file a report with the Election Commission reporting the amounts distributed under this Section and the manner of disposition.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19116. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17120. Advertising.**

(a) No person shall cause or submit any advertisement in support of a candidate to be published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated and distributed, except under the following conditions:

(1) the advertisement shall contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed, canvassed, or otherwise circulated with the approval and authority of the candidate; provided, that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or

(2) the advertisement shall contain a notice in a prominent location that the literature or advertisement for any medium is published, broadcasted, televised, posted on-line, mass-mailed, canvassed or otherwise circulated without the approval and authority of the candidate.

(b) All advertisements mentioned in Subsection (a) above, and all other advertisements of a political nature, shall contain the true name and address of the candidate, committee, person or political party paying for same.

(c) In the case of video advertisements of a political nature for any medium, the advertisement shall contain an audio statement that identifies the candidate and states that the candidate either has approved the communication, or the communication is being circulated without the approval and authority of the candidate. Such statement shall be conveyed by the following:

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(1) for approved communications, an unobscured, full-screen view of the candidate making the statement, or the candidate in voiceover, accompanied by a clearly identifiable photographic or similar image of the candidate; or

(2) for non-approved communications, a statement in voiceover that the communication is being circulated without the approval and authority of the candidate.

(d) In advertisements of a political nature, such approval or non-approval statement shall also appear in writing at the end of the communication in a clearly readable typeface, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four (4) seconds.

(e) Every person who willfully causes, produces, provides funding for, or assists in the production of a message of a political nature which the person knows to be incorrect or purposefully misleading and in which a candidate, rather than an issue, is the target; or which is in violation of this § 17120, shall be subject to a civil penalty of not more than Five Thousand Dollars (\$5,000) per each separately produced message.

(f) The penalty herein shall be deposited in the General Fund for the use of the Guam Election Commission, subject to appropriation by *I Liheslaturan Guåhan*. A report of all penalties shall be submitted quarterly to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19117. Amended by P.L. 31-057:2 (May 24, 2011). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17121. Complaints and Investigation.**

(a) Complaints of violations of this Chapter against any person shall be filed with the Election Commission. The complaint shall be in writing, signed under oath by the complainant, and shall be notarized.

(b) The Election Commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him or her an opportunity to address or otherwise respond to the complaint. The GEC may also cause an investigation to be made of the complaint, pursuant to § 17102 of this Chapter.

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(c) Upon hearing the response of the person cited, if he or she elects to respond to the complaint, and upon completion of any investigation, the Election Commission shall make a prompt determination as to whether probable cause exists that a violation has been committed.

(1) Any person who appears before the Election Commission shall have all of the rights, privileges, and responsibilities of a witness appearing before the courts of Guam, and shall testify under oath.

(2) The Election Commission shall cause a record to be made of all proceedings pursuant to this Subsection. At the conclusion of proceedings concerning an alleged violation or upon receiving a report from its investigating officer, the Election Commission shall immediately begin deliberations and then proceed to determine by majority vote of the members whether probable cause exists that a violation has been committed.

(d) 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.

(e) The Election Commission shall give written notice to the person complained against and to the complainant as to whether probable cause of a violation exists or whether the complaint has been dismissed.

(f) In the event a determination is made that probable cause of an unintentional violation exists, the Election Commission shall issue a confidential order that may require the violator to:

- (1) temporarily cease and desist violation of this Chapter;
- (2) file a report, statement, or other information as required by this Subsection; or
- (3) pay any fines assessed by the Commission.

(g) The Commission shall refer matters to the Attorney General when it finds that probable cause of willful violation exists.

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(h) Proof of payment of any fines assessed by the Commission shall be presented to the GEC within thirty (30) days of the assessment. The Guam Election Commission shall set fines for non-compliance with this Title, and the Public Official Financial Disclosure Act.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19118. Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

**§ 17122. Administrative Fines; Relief.**

(a) Any person willfully violating any provision of this Chapter shall, unless otherwise expressly stated, be punishable in the manner prescribed as follows:

(1) if a natural person, that person shall be guilty of a misdemeanor and shall be subject to fines and/or the penalties specified therefore; or

(2) if a corporation, organization or association, it shall be punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) per offense and the penalties specified therefore; and

(3) whenever a corporation, organization, or association violates this Chapter, the violation shall be deemed to be also that of the individual directors, officers or agents of the corporation, organization or association who have knowingly authorized, ordered or participated in any of the acts constituting the violation.

(b) any person may sue for injunctive relief to compel compliance with the Chapter.

**SOURCE:** Added by P.L. 18-030:54 (Feb. 19, 1986) as 3 GCA § 19119. Amended by P.L. 25-146:64 (May 27, 2000). Amended by P.L. 27-161:7 (Dec. 30, 2004). Repealed and reenacted by P.L. 28-150:V:32 (Sept. 30, 2006). Repealed and reenacted to this section by P.L. 31-255:2 (Dec. 11, 2012).

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