

CHAPTER 14
PUBLICATION OF FINANCIAL INFORMATION BY NONPROFIT ORGANIZATIONS

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§ 14101. Purpose of Chapter.

I Liheslatura (the Legislature) finds that the people of Guam are generous contributors to charitable or other nonprofit organizations, but are usually unaware of the disposition made of their contributions, the purpose of this Chapter is to require all such organizations, except strictly religious ones, to make available to the public annual financial statements so that the people of Guam can be made aware of the actual fiscal needs of these organizations and can thus govern themselves in their donations to such organizations accordingly.

SOURCE: CC § 651.1. This Chapter added by P.L. 9-160 (Mar. 7, 1968); amended by P.L. 37-063:1 (Feb. 9, 2024).

CROSS-REFERENCES: See Title 3, Guam Code Annotated for the governance and specific filing requirements of political parties and organizations.

§ 14102. Filing of Annual Reports.

Except for an organization that is entirely religious in character, or a fraternal organization operating under the lodge system that does not solicit, directly or indirectly, from the general public donations and contributions, and does not participate in local fund-raising activities such as raffles and bingo games, every nonprofit organization, including, but not limited to, a fraternal benefit society, order or association operating under the lodge system, a corporation, association, or society organized and operated for eleemosynary, scientific, or educational purposes, a business league, a Chamber of Commerce, a civil league, a political party, any organization of more than two (2) individuals whose purpose is to provide funds or other assistance of value to a political candidate, any organization with the avowed purpose of advocating the improvement of the government of Guam or the political process, and an organization operating for the benefit of the community and for the promotion of social welfare, shall within ninety (90) days of the close of its fiscal year annually file a financial report with the Director of the Department of Revenue and Taxation. This financial report shall include a statement of its income and expenditures for the preceding year and a balance sheet showing its assets and liabilities. Such financial statement shall contain a certificate as to its accuracy by an officer of the organization. For the limited purpose of this Section, the fiscal year of a political party or an organization of more than two (2) individuals whose purpose is to provide funds or other assistance of value to a political candidate and any organization with the avowed purpose of advocating for the improvement of the government of Guam or the political process shall end on September 15.

SOURCE: CC § 651.2 added by P.L. 9-160 (Mar. 7, 1968); amended by P.L. 10-037 (Mar. 13, 1969), P.L. 10-082 (Aug. 15, 1969), P.L. 12-154 (July 5, 1974), and P.L. 37-063:2 (Feb. 9, 2024).

§ 14103. Administration by Department of Revenue and Taxation.

The Director of Revenue and Taxation shall administer the provisions of this Chapter. Within sixty (60) days of the filing of a financial statement with the Director under this Chapter, the Department of Revenue and Taxation shall post the financial statement on its website in a manner that is accessible to the public. Upon a finding of noncompliance thereof by any organization required to file such statement, the Director shall revoke any license or charter issued to such organization by the government of Guam and

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shall revoke the tax-exempt status of such organization; provided, however, that such action or actions may be taken by the Director only after giving written notice that the organization has failed to file its financial statement, and that the organization has thirty (30) days from receipt of the notice to file its financial statement or the Department will commence proceedings to have the organization's license or charter and tax-exempt status revoked. The notice must be sent by certified mail to the organization at the most current address of the organization on file at the Department of Revenue and Taxation. Actions to revoke an organization's license or charter and tax-exempt status shall be conducted under a public hearing process pursuant to the provisions of the Administrative Adjudication Law found in Chapter 9 of Title 5, Guam Code Annotated.

SOURCE: CC § 651.3 added by P.L. 9-160 (Mar. 7, 1968); amended by P.L. 13-187:6. Codified in the Guam Code Annotated, and amended by P.L. 37-063:3 (Feb. 9, 2024).
