

right, Buckley v. Valeo, supra, at 14-23.\*\* However, we need not decide whether these factors require that strict standards of equal protection scrutiny be applied to House Bill 1333, because it is our opinion that no rational basis exists for the discrimination which would be created by the bill.

If the purpose of the bill is to remedy an alleged abuse found to exist in the use of outside fundraising committees, no valid reason exists to confine the restriction only to the State Central Committee of a particular party.\*\*\* Moreover, no valid distinction can be drawn on the basis of the amount of funds handled by the Democratic State Central Committee in light of the substantial funds solicited, raised and expended by the Republican counterpart.\*\*\*\*

For these reasons, we must conclude that the distinction among the political parties made by House Bill 1333 lacks a rational basis and that the bill therefore cannot be squared with the Equal Protection Clause of the Fourteenth Amendment. As we have stated frequently in the past, we must note that the ultimate determination of whether a statute is violative of equal protection is one for the courts, where a full record of the purpose and effect of the statute can be made. Such a record is not before us now.

Very truly yours,  
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Attorney General

\* In Buckley v. Valeo, supra, at 31, the Supreme Court said that "it is important...to note that the [Fair Election Campaign] Act applies the same limitations as contributions to all candidates regardless of their present occupations, ideological views, or party affiliations." And in Kenneweg, the Maryland Court of Appeals in upholding a state law setting different primary dates for the major parties, stated:

"...it is contended that the denial of equal protection consists in according to one particular party a longer campaign for its candidates than to the other by reason of the primaries of the former being fixed for an earlier day than the primaries of the latter. Both political parties are treated precisely alike under similar circumstances. The right to hold a primary first is not given to either party by name, but to the one which had cast the highest vote for the highest State officer at the preceding election..." 102 Md. at 127.

\*\*Cf. Elrod v. Burns, 96 S. Ct. 2673 (1976) where the