

THIS TITLE DOES NOT APPLY TO CAMPAIGN FINANCE ACTIVITY REQUIRED TO BE GOVERNED SOLELY BY FEDERAL LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, §§ 13-101, 13-401(k), and 13-402(b).

Subsection (b) of this section is revised to acknowledge the primacy of federal law with regard to the regulation of campaign finances for federal candidates and to conform the law to the practice of the State Board in relying on federal law to guide its campaign finance reporting procedures for federal candidates in Maryland. In that regard, the former requirement under Art. 33, § 13-402(b) that a candidate for election or elected to a federal office file a copy of certain campaign statements with the State Board is deleted to acknowledge the practice instituted by the Federal Election Commission with the State Board by which electronic copies of the campaign reports of federal candidates and office holders are made available to the public by a computer donated by the federal government which is housed at the offices of the State Board.

In subsection (a) of this section, the reference to an election being "conducted" in accordance with this article is substituted for the former reference to an election "in which ballots shall be cast" pursuant to this article for brevity and clarity.

Defined term: "Election" § 1-101

#### 13-102. INDEPENDENT EXPENDITURES BY AN INDIVIDUAL.

EXCEPT FOR A CANDIDATE, THIS TITLE DOES NOT PROHIBIT AN INDIVIDUAL WHO ACTS INDEPENDENTLY OF ANY OTHER PERSON FROM:

- (1) EXPRESSING PERSONAL VIEWS ON ANY SUBJECT; OR
- (2) MAKING AN EXPENDITURE OF PERSONAL FUNDS TO PURCHASE CAMPAIGN MATERIAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 33, § 13-504(a).

The introductory clause "[e]xcept for a candidate" is added to clarify that this section applies to an individual acting as an individual, not as a candidate.

The former phrase "[p]rovided that a person complies with the requirement set forth in subsection (b) of this section [§ 13-504]" is deleted as unconstitutional if applied to regulate the independent expenditures of certain individuals in light of *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995). (See, 80 *Opinions of the Attorney General* (1995) [Opinion 95-015 (May 16, 1995)])

Former Art. 33, § 13-504(b) is revised in § 13-401 of this title.

Defined term: "Candidate" § 1-101