

reference to an "individual" is substituted for the former reference to a "person" because only an individual, and not the other entities included in the defined term "person", may be elected to office.

The Election Law Article Review Committee notes, for consideration by the General Assembly, that, to the extent that subsection (a) of this section purports to regulate the election and authority of a candidate for a federal office, that provision may be preempted and unenforceable. See 2 U.S.C. § 453.

In subsection (a)(1) of this section, the former reference to "the laws of" this State is deleted as surplusage.

In subsection (a)(2) of this section, the former phrase "until the State Board certifies" is deleted as redundant in light of § 11-603 of this article.

In subsection (a)(3) of this section, the reference to "compensation" is substituted for the former reference to "emoluments" for clarity.

In subsection (b) of this section, the reference to an "individual" is substituted for the former reference to a "candidate" for clarity since only an "individual" may receive a commission or be administered an oath of office.

Defined terms: "Campaign finance report" § 1-101
"State Board" § 1-101

13-334. FORFEITURE OF SALARY.

(A) SCOPE.

THIS SECTION APPLIES TO EACH INDIVIDUAL HOLDING PUBLIC OFFICE IN THIS STATE WHO IS SUBJECT TO PROSECUTION UNDER § 13-335(B) OF THIS SUBTITLE.

(B) INVESTIGATION.

THE STATE BOARD SHALL:

(1) INVESTIGATE EACH CIRCUMSTANCE THAT CAUSES AN INDIVIDUAL TO BECOME SUBJECT TO THIS SECTION;

(2) NOTIFY THE INDIVIDUAL; AND

(3) PROVIDE THE INDIVIDUAL AN OPPORTUNITY TO BE HEARD.

(C) GARNISHMENT.

IF THE STATE BOARD DETERMINES, AFTER AN OPPORTUNITY FOR A HEARING, THAT THE INDIVIDUAL HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT WITHIN THE MEANING OF § 13-327 OF THIS SUBTITLE, WAS PROVIDED NOTICE UNDER § 13-335 OF THIS SUBTITLE, AND HAS NOT RECTIFIED THE FAILURE AND PAID ANY LATE FILING FEE DUE, THE STATE BOARD SHALL DIRECT THE APPROPRIATE FINANCIAL OFFICER TO WITHHOLD THE SALARY OF THE INDIVIDUAL AS TO THAT PUBLIC OFFICE UNTIL: