

# Title 33 State Board of Elections

## Subtitle 13 Campaign Financing

### 33.13.10 Prohibitions

Authority: Election Law Article, §§1-101(o), 1-101(aa), 2-102(b)(4), 13-218, 13-220.1, 13-221, 13-225—13-237, 13-239, 13-245, 13-306, 13-307, and 13-309.1 and Title 13, Subtitle 3, Annotated Code of Maryland

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)- (3) (text Unchanged)

(4) *Firewall*

(a) *“Firewall” means a screening mechanism maintained by a person to protect confidences from improper disclosure to other persons who are not involved in a particular representation.*

(B) *“Firewall” includes a policy implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently or previously providing services to the candidate who is clearly identified in the communication.*

[(4)](5) (text unchanged)

[(5)](6) (text unchanged)

#### .04 Coordinated Expenditures.

A. (text unchanged)

B. Coordinated Actions. A disbursement or a promise to make a disbursement by a person or entity subject to Election Law Article, §§13-306, 13-307, and 13-309.1, Annotated Code of Maryland, shall be deemed coordinated *expenditure* [and an in-kind contribution to the candidate, political party, or ballot issue committee] if the disbursement:

(1)- (2) (text unchanged)

(3) Republishes [substantial] *non-incident* portions of campaign material prepared by the candidate, ballot issue committee or political party;

(4)- (5) (text unchanged)

C. *Use of a Vendor*

(1) *A person or entity subject to Election Law Article, §§13-306, 13-307, and 13-309.1, Annotated Code of Maryland, is presumed to have made a coordinated expenditure if the during the 18-month period preceding the disbursement, the person has retained the professional services of a vendor, an advisor, or consultant that has provided professional services to the candidate or political party that is the beneficiary of the disbursement unless the entity employing the vendor, advisor, or consultant has established a firewall.*

(2) *A firewall must be set up to prevent individual employees of the vendor, consultant, or advisor from working on both accounts within the 18-month period.*