

SPEAKER WITHEM: Senator Brashear, you are recognized to open on your motion.

SENATOR BRASHEAR: Mr. Speaker, members of the Legislature, I have been doing a little hurrying here to further try and improve this amendment, and I would still direct your attention for the printed amendment to 2377 of the Journal, because the new amendment, which I have just submitted, only adds two words to the printed amendment. We are, in this instance, addressing a need created by the decision of the United States Supreme Court in the case of McIntyre v. the Ohio Elections Commission. Some or all of you may be familiar with the decision in that instance which ruled unconstitutional the requirement that Mrs. McIntyre identify by name and address on a disclaimer herself as the source of a leaflet which she distributed at a meeting. The Supreme Court goes on at length in its decision to identify the difference between organized and independent action, and declares the Ohio statute, which is essentially identical to the Nebraska statute, unconstitutional. Indeed, Justice Scalia, in his dissenting opinion, specifically cites our Nebraska statute as being unconstitutional if the majority view that the Ohio statute is unconstitutional prevails. Having been sufficiently alerted by all of that activity in cooperation with the Accountability and Disclosure Commission and working with the office of the Attorney General, we crafted this amendment in order that we might, and then since we believe it to be germane, in order that we might make our Nebraska statute come into conformity with the McIntyre decision. Specifically, you will note that we are taking the Section 49-1474.01 of the Nebraska statutes and we are inserting the phrase "except an individual or individuals acting independently utilizing their own personal resources," and the two words which I added by 24, AM2420 were the words "acting independently" because in preparing for this opportunity and in studying the Supreme Court decision I think the words "acting independently" are, indeed, operative and important to what we are endeavoring to do. So it is for these reasons, because we are simply trying to preserve our statute, we are trying to conform to the McIntyre decision, that I would ask the return of the bill, LB 399, and the adoption of the amendment

SPEAKER WITHEM: Senator Wesely.

SENATOR WESELY: I was trying to work through, Mr. Speaker, members, what is anticipated, and there will be some sort of