

public disclosure if an individual does utilize their own personal resources on this. Is it not correct that at \$2,000 you become a candidate committee and there would be some reporting, is that the case?

SENATOR BRASHEAR: That's correct under our...under our act. Any individual raising \$2,000...

SENATOR WESELY: Becomes a candidate committee.

SENATOR BRASHEAR: ...becomes a candidate committee or is required to become a candidate committee and would be required to disclose. I am not certain that any individual under the McIntyre decision electing to spend any amount of money on their own, acting independently of any organized group required to report under the act, could be compelled to disclose. That's the...

SENATOR WESELY: That's the question.

SENATOR BRASHEAR: That's the question and the issue. We're trying to construe the McIntyre opinion as narrowly as possible, preserve our statute, and wait for the evolution of the law.

SENATOR WESELY: Okay. Even with this, then, you still have the situation where somebody individually could spend less than \$2,000 and there wouldn't be any knowledge, so that...

SENATOR BRASHEAR: That...yes, and the language, if you've had an opportunity to look at it, the language is very emphatic, you know. Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent. The language leaves little doubt.

SENATOR WESELY: Yeah. So sometimes the court is right, like they were today, and sometimes they are wrong, like they were in this case, but they are the court, and just like we did on the last bill with the Congress, when the court speaks, I guess we have very little choice but to follow. It's a difficult situation but I do want to note that I applaud Senator Brashear's effort in this. I think it is probably the best we can do under the circumstances, but we will probably have to look at it further and see what we can do in the future. But I thank you for bringing this issue forward. Thank you.