



December 4, 2012

The Honorable Max Baucus  
511 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Baucus,

I am writing to you on behalf of Stand with Montanans regarding your work to address the problem of corporate campaign spending. We look forward to working with you.

On Election Day, Montana voters strongly endorsed Initiative 166 (I-166), the *Prohibition on Corporate Contributions and Expenditures in Montana Elections Act*, giving the citizens' initiative a vote of 75 percent. The measure also received majority support from the voters in each of Montana's 56 counties.

Fair elections are not a partisan issue, as proven by the overwhelming support from voters. Montanans of all stripes – independents, Libertarians, Republicans and Democrats - want fair elections, free of the corrupting influence of big money and campaign money from corporations. Montana's congressional delegation can lead Congress in this effort. The people are unified on this issue; we need Congress to be unified as well.

In approving I-166, Montana voters made it clear that we want our elected officials to fight for and establish a fair elections system that remains free of the corrupting influence of big money. We want to thank you for sponsoring a proposed amendment to the U.S. Constitution addressing corporate campaign spending, and ask that you incorporate the direction provided by the voters through I-166. Specifically, 75% of Montana's voters have now called for an amendment to the U.S. Constitution clarifying that:

- The rights under the United States Constitution are the rights of human beings, not corporations; that
- Money is property, not speech; and that
- There should be a level playing field in campaign spending that allows all individuals, regardless of wealth, to express their views to one another and their government.

I am enclosing the complete language of I-166 for your reference.

The people of Montana have charged you with proposing a joint resolution offering an amendment to the U.S. Constitution that fulfills the intent of I-166. I ask you to sponsor legislation in the U.S. Senate that honors the will of Montana voters. Montanans have led the way on this issue and we would appreciate your continued leadership.

This task is not a small one, but it is essential to the survival of our democracy. Eleven states have now officially voiced support for such an amendment. On November 6, Montana and Colorado became the first two states to do so by a direct vote of the people. So while this task is great, the people are behind you.

Sincerely,



C.B. Pearson, Treasurer

CC: Montana media



December 4, 2012

The Honorable Jon Tester  
724 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Tester,

Congratulations on your reelection to the U.S. Senate. We look forward to working with you.

On Election Day, Montana voters strongly endorsed Initiative 166 (I-166), the *Prohibition on Corporate Contributions and Expenditures in Montana Elections Act*, giving the citizens' initiative a vote of 75 percent. The measure also received majority support from the voters in each of Montana's 56 counties.

Fair elections are not a partisan issue, as proven by the overwhelming support from voters. Montanans of all stripes – independents, Libertarians, Republicans and Democrats - want fair elections, free of the corrupting influence of big money and campaign money from corporations. Montana's congressional delegation can lead Congress in this effort. The people are unified on this issue; we need Congress to be unified as well.

In approving I-166, Montana voters made it clear that we want our elected officials to fight for and establish a fair elections system that remains free of the corrupting influence of big money. We want to thank you for co-sponsoring proposed amendments to the U.S. Constitution addressing corporate campaign spending, and ask that you incorporate the direction provided by the voters through I-166. Specifically, 75% of Montana's voters have now called for an amendment to the U.S. Constitution clarifying that:

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Sincerely,



C.B. Pearson, Treasurer

CC: Montana media



December 4, 2012

The Honorable Steve Daines  
2616 W. Main Street, Suite A  
Bozeman, MT 59718

Dear Congressman-Elect Daines,

Congratulations on your election to the U.S. House of Representatives. The opportunity to represent the people of Montana in Congress is a great honor, and we look forward to working with you.

On Election Day, Montana voters strongly endorsed Initiative 166 (I-166), the *Prohibition on Corporate Contributions and Expenditures in Montana Elections Act*, giving the citizens' initiative a vote of 75 percent. The measure also received majority support from the voters in each of Montana's 56 counties.

Fair elections are not a partisan issue, as proven by the overwhelming support from voters. Montanans of all stripes – independents, Libertarians, Republicans and Democrats - want fair elections, free of the corrupting influence of big money and campaign money from corporations. Montana's congressional delegation can lead Congress in this effort. The people are unified on this issue; we need Congress to be unified as well.

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Sincerely,

A handwritten signature in blue ink that reads "C.B. Pearson". The signature is fluid and cursive, with a long horizontal stroke at the end.

C.B. Pearson, Treasurer

CC: Montana media

## THE COMPLETE TEXT OF INITIATIVE NO. 166 (I-166)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the “Prohibition on Corporate Contributions and Expenditures in Montana Elections Act.”

**NEW SECTION. Section 2. Preamble.** The people of the state of Montana find that:

- (1) since 1912, through passage of the Corrupt Practices Act by initiative, Montana has prohibited corporate contributions to and expenditures on candidate elections;
- (2) in 1996, by passage of Initiative No. 125, Montana prohibited corporations from using corporate funds to make contributions to or expenditures on ballot issue campaigns;
- (3) Montana’s 1996 prohibition on corporate contributions to ballot issue campaigns was invalidated by *Montana Chamber of Commerce v. Argenbright*, 226 F.3d 1049 (2000). Montana’s 1912 prohibition on corporate contributions to and expenditures on candidate elections is also being challenged under the holding of *Citizens United v. FEC*, 558 U.S. \_\_\_\_\_, 130 S.Ct. 876 (2010). This decision equated the political speech rights of corporations with those of human beings.
- (4) in 2011 the Montana Supreme Court, in its decision, *Western Tradition Partnership, Inc. v. Attorney General*, 2011 MT 328, upheld Montana’s 1912 prohibition on corporate contributions to and expenditures on candidate campaigns, stating in its opinion as follows:
  - (a) examples of well-financed corruption involving corporate money abound in Montana;
  - (b) the corporate power that can be exerted with unlimited corporate political spending is still a vital interest to the people of Montana;
  - (c) corporate independent spending on Montana ballot issues has far exceeded spending from other sources;
  - (d) unlimited corporate money into candidate elections would irrevocably change the dynamic of local Montana political office races;
  - (e) with the infusion of unlimited corporate money in support of or opposition to a targeted candidate, the average citizen candidate in Montana would be unable to compete against the corporate-sponsored candidate, and Montana citizens, who for over 100 years have made their modest election contributions meaningfully count, would be effectively shut out of the process; and
  - (f) clearly the impact of unlimited corporate donations creates a dominating impact on the Montana political process and inevitably minimizes the impact of individual Montana citizens.

**NEW SECTION. Section 3. Policy.** (1) It is policy of the state of Montana that each elected and appointed official in Montana, whether acting on a state or federal level, advance the philosophy that corporations are not human beings with constitutional rights and that each such elected and appointed official is charged to act to prohibit, whenever possible, corporations from making contributions to or expenditures on the campaigns of candidates or ballot issues. As part of this policy, each such elected and appointed official in Montana is charged to promote actions that accomplish a level playing field in election spending.

- (2) When carrying out the policy under subsection (1), Montana’s elected and appointed officials are generally directed as follows:
  - (a) that the people of Montana regard money as property, not speech;
  - (b) that the people of Montana regard the rights under the United States Constitution as rights of human beings, not rights of corporations;
  - (c) that the people of Montana regard the immense aggregation of wealth that is accumulated by corporations using advantages provided by the government to be corrosive and distorting when used to advance the political interests of corporations;
  - (d) that the people of Montana intend that there should be a level playing field in campaign spending that allows all individuals, regardless of wealth, to express their views to one another and their government; and
  - (e) that the people of Montana intend that a level playing field in campaign spending includes limits on overall campaign expenditures and limits on large contributions to or expenditures for the benefit of any campaign by any source, including corporations, individuals, or political committees.

**NEW SECTION. Section 4. Promotion of policy by elected or appointed officials.**

(1) Montana’s congressional delegation is charged with proposing a joint resolution offering an amendment to the United States constitution that accomplishes the following:

- (a) overturns the U.S. Supreme Court’s ruling in *Citizens United v. Federal Election Commission*;
- (b) establishes that corporations are not human beings with constitutional rights;
- (c) establishes that campaign contributions or expenditures by corporations, whether to candidates or ballot issues, may be prohibited by a political body at any level of government; and
- (d) accomplishes the goals of Montanans in achieving a level playing field in election spending.

(2) Montana’s congressional delegation is charged to work diligently to bring such a joint resolution to a vote and passage, including use of discharge petitions, cloture, and every other procedural method to secure a vote and passage.

(3) The members of the Montana legislature, if given the opportunity, are charged with ratifying any amendment to the United States constitution that is consistent with the policy of the state of Montana.

**NEW SECTION. Section 5. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act.]

**NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 7. Effective date.** [This act] is effective upon approval by the electorate.

**NEW SECTION. Section 8. Codification instruction.** Sections [1 through 4] are intended to be codified as an integral part of Title 13 and the provisions of Title 13 apply to sections [1 through 4].