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****AS PREPARED FOR DELIVERY****

Thank you Neera and the CAP team for putting this together. On the heels of getting reelected during the same election that Trump took Montana by 20 points, I had the opportunity to speak at the Ideas Conference last year. I shared how a progressive Democrat campaigns, wins, and governs in what many view as a red state. I offered a few pieces of advice – to show up, even in places where people disagree with you; to *listen*; to understand that most people share bedrock aspirations and values, and lastly, if you’re going to *talk* about doing something...you should try actually doing it.

Most of us would agree the United States Supreme Court’s decision in *Citizens United* was damaging to our representative democracy and the American people’s faith in our government. Recall that when the decision came down in 2010, Democrats controlled the White House and Congress. As Democrats we certainly decried the ruling...many raised money off of it...but we didn’t actually *do* anything about it. We had a chance to act, but instead everyone basically said “game over” and moved on.

And that failure to act has led to a whole different set of problems. The *Citizens United decision*, as outcome-driven as it was, was premised on the notion that sunshine would be the counterbalance to all that increased corporate spending. The Court explained that:

“With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are ‘in the pocket’ of so-called moneyed interests.”

Yet, not only was that promise unfulfilled, the opposite has happened. Spending by organizations that don't disclose their donors went from about \$5 million in 2004 to over \$300 million by 2012. In two presidential cycles, the dark money spending in our federal elections increased 6000 percent!

That's just federal races, *and* just what we *know* about. And while we don't know where all the money comes from, we do know where it goes: mailers, television and digital advertising, all overwhelmingly negative, designed to tear candidates down and tear Americans apart. A [2016 study](#) of 23 media markets found that ads from dark money groups were over 70% negative, compared to 20% from all other political committees.

Equating money with speech has created serious problems with our democratic institutions. We all recognize how sacred the right of free speech is, and how vital it is to a citizen democracy. And I think people understand that a person with a megaphone will always drown out the voice of someone that can only whisper – *especially* historically disadvantaged groups across the country who are the most vulnerable under this Administration.

Yet, more than just speech, I'd offer that money in politics is fundamentally eroding American democracy and what it should, or used to, stand for – a government “of the people, by the people, and for the people.” Money in politics is:

Eroding our electoral system – Just two weeks ago, Speaker Ryan received a \$24.6 million contribution for a dark money group from one donor; a story or two was written, but it has become so normalized and accepted the inquiry ended there. No one is asking what this anonymous donor got for that \$24.6 million, or what they expect to get in the future.

And with money like that on the table, why would a politician spend any time on the person who can give 15 or 50 bucks, or can't give anything at all? Who do you think the system is going to work for?

It's also eroding the ability of government to actually *govern* on behalf of the people. Congress hasn't passed a Farm Bill or DACA or common-sense gun reform measures—things that the public *broadly* and *overwhelmingly* agree on—but you'll recall how Senator Lindsey Graham acknowledged that the tax cuts for the wealthy were to ensure campaign contributions kept flowing.

And finally, even more deleterious, it is eroding the American people's trust in a system that is supposed to work for *them*.

I have always believed that one of our nation's great equalizers is that we all hold the exact, same amount of influence come election day. But, if people no longer think they have a shot at influencing elections and the activities of representative democracy, if they believe their voice doesn't count because it's not backed by an unlimited bank account, trust in the institutions of government disappears.

And when trust in government disappears, it gives rise to the dangerous discourse and divisiveness we've seen everywhere from Washington, D.C. to our Facebook feeds. Government becomes the enemy instead of a partner in improving our lives. And divisions become deeper, with each side more interested in placing blame for what we have become, than inspiring each other to be better.

Some will say there's nothing we can do until we get a different Court, a different Congress, a different President. And I agree the outsized influence of money in politics and in government ought to be a motivating force to take control of Congress and the Presidency.

Yet until then, we can complain, we can tweet all we want, we can continue to raise money off of deriding the influence of money in politics...or we can *do* something.

I choose to do something.

As author and philosopher George Santayana said, “Those who cannot remember the past are condemned to repeat it.” I believe Montana, its past and present, offer insight and instruction. For several decades around the turn of the twentieth century, mining companies controlled by a few extremely wealthy individuals, nicknamed the Copper Kings, dominated the political debate in Montana.

They waged brutal advertising campaigns against each other and their surrogates in public office and drowned out Montanans’ own voices in the political process. In an election in 1884 that set Helena as the State Capitol, William Clark and his archrival Marcus Daly combined to spend 70 million in today’s dollars to control an electorate that numbered just 52,000. That’s over \$1,000 spent buying each vote alone.

The Copper Kings extended their influence to nearly every state and local official. They placed particular emphasis on legislators, yet didn’t ignore judges, sheriffs, county commissioners and assessors. As Mark Twain said of William Clark, “By his example he has so excused and so sweetened corruption that in Montana it no longer has an offensive smell.”

The impact upon Montanans was best described by Clark himself, when the U.S. Senate was considering whether to allow him to serve in a seat he bought. Clark testified:

“Many people have become so indifferent to voting, there by reason of the large sums of money that have been expended in the state, heretofore that you have to do a great deal of urging, and it takes a lot of men to do it, to go around among them and stir them up and get them out.”

In 1906 a Montana newspaper editor opined that “the greatest living issue that confronts us today, is whether the corporations shall control the people, or the people shall control the corporations.”

That sentiment was perhaps the expression of a historical tipping point, where the people finally said *enough*. Things started changing. The voters amended the state Constitution to allow popular voting for Senators and added the powers of initiative and referendum.

A few years later, by a citizen initiative, Montana voters passed the Corrupt Practices Act of 1912, prohibiting corporations that could most benefit from government action from “paying or contributing in order to aid, promote or prevent the nomination or election of any person.”

The law represented nothing less than the citizens taking back a government that belongs to them, and *only* to them. And by and large that Act remained the law of Montana for a century. Corporations could not make contributions or expenditures to influence elections, and elections were won by candidates talking and listening to *voters*, not by unlimited outside spending.

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And then came *Citizens United*. I was Montana Attorney General at the time. Montana wrote the states’ amicus brief and the majority – even several Republican-led states – joined us. We argued the Court shouldn’t mess with our state elections, as it doesn’t take a Copper King or a corporate treasury to buy a county commission race.

The ink was barely dry on the Supreme Court’s decision before a shadowy organization called “American Tradition Partnership” sued to declare our Corrupt Practices Act unconstitutional. No other state defended their corporate spending bans. But I believed I owed it to the Montanans before me, and all those that would come after, to preserve our century-long tradition of elections being decided by “we the people.”

I personally argued the case, and the Montana Supreme Court upheld our century-old law. Unlike in *Citizens United*, we developed a factual record, including our demonstrated history of political corruption, the relative ease of participating in our system, and testimony from Democrats and Republicans about the corrupting effect of even the mere threat of corporate independent expenditures.

We fought all the way to the U.S. Supreme Court with that victory in hand. It was the first case after Citizens United, so, as you might imagine, there was interest. Then, in a 5-4 decision, the Court summarily disposed of the Montana Corrupt Practices Act of 1912, and the century of clean campaigns it helped foster.

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I suppose I could have shrugged and said “game over” just like everybody else already had. But, as Governor I took a different tack and worked with Democrats and Republicans to pass one of the most progressive disclosure laws in the country, so that dark money groups – no matter what section of the federal tax code they try to hide behind – have to disclose their donors and their spending if they are going to spend money during the last 90 days of an election.

It has helped ensure that our government is more responsive to voters, not captured by moneyed interests. By simply requiring sunshine and transparency, even the Koch Brothers stayed out of our state elections in 2016 during the time it really mattered. It wasn’t easy. It took two legislative sessions to get it through my Republican-led Legislature, but we didn’t give up. And it has made a meaningful difference.

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But I’m not stopping there. Tattooed across NASCAR drivers’ jumpsuits and over every square inch of their cars are the logos of the companies sponsoring the teams, underwriting the costs, and paying their salaries. Everyone can see who the drivers represent and who is footing the bill. If elected officials are going to be like NASCAR drivers – sponsored and supported by various special interests – we ought to at least know who’s doing the sponsoring and spending.

If voters are feeling disconnected to government – in Montana, and all across the country – because government appears to be bought and paid for, the first step in empowering citizens is to let them know clearly and unambiguously who is doing the buying. Under our current system, we are only left wondering.

In addition to our enhanced disclosure laws already in place, this week I'm signing an Executive Order enacting new disclosure requirements for government contractors and businesses who want to profit off of public resources in Montana. It's an order that will shine a spotlight on the direct treasury spending in elections that *Citizens United* released, and go even further by adding the transparency that *Citizens United* was premised upon.

If we know one thing about spending in elections, it's that big companies don't spend out of the generosity of their big corporate hearts. They spend to get something once the campaign is over. Yet most states aren't capturing all the ways that money flow into our elections, and election laws typically fall silent after the ballots are cast.

In Montana, that will no longer be the case. We're going to make sure that if you want to do business with our state government– to profit from taxpayer dollars – you've got to disclose all your efforts to influence our state elections.

Here's how it works. If you are bidding to sell at least \$25,000 of goods or services to our state government, and you've spent over \$2,500 over the last two years to influence our elections, you have to disclose that election spending. And you've got to disclose it whether you spend the money directly or gave it to someone else who spends it for you.

We won't pass judgment on how these companies are spending, or tell anyone they can't spend in our elections, we're just saying if you want to do business with the public, disclose what you're doing to influence our elections. And we'll make those disclosures available for everyone to see, and renewed annually for those receiving state contracts. As public customers, I believe we're entitled to that information.

Enacting these protections is essential to protecting the integrity of our government. It is essential to protecting the public's right to know and participate in government. And it is essential to restoring the trust and faith in government.

Where *Citizens United* opened the door for a wave of dark money, Montana will again shine a light. Montana will again stand up for openness and fairness in politics. Because Montanans deserve a government that works for them, and only for them.

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I ran for office as Attorney General and as Governor with a fundamental belief that I could meaningfully impact the sort of Montana and world that my children will inherit. And I have to stand by every decision I make as Governor because what I do actually affects people's lives.

During my time in public office I've found that at the end of the day most Americans want and value the same things:

- A good job we can be proud of;
- A safe community and a roof over our family's head;
- Good public schools;
- Clean air and clean water;
- And the unwavering belief we can do better for that next generation.

But like William Clark expressed back in 1900, more and more people are becoming disaffected because they feel like they have no influence, and that nobody is listening to them or fighting for them.

The disconnect becomes part of a broader intuition we feel that many of our choices no longer belong to *us*. The world is prospering, we're told, yet for many of us our choices are getting worse, more expensive, or aren't really choices at all.

It's the sense that "middle-class" doesn't buy you much anymore. It's the sense we're supposed to believe the world has gotten better, but in many ways, it's stood still. And it's the sense that the people in power who are supposed to be fighting for us are too busy chasing campaign cash and fighting each other on cable TV and on Twitter.

When we lose trust and faith in government, civil society becomes a bit less so. We are more apt to turn against one another in blame, rather than turn toward one another to try to lift up all.

Just like Montanans did back in 1912, we have to keep fighting against the outsized influence corporations and special interests have on our elections, our elected officials, and our representative democracy. I'm going to keep fighting in Montana, and I hope other states will join me, because their citizens deserve no less.

I hope there's something about Montana – in our history, our mistakes, our defiance, our triumphs – that can help cure the sickness that has plagued politics in the rest of the country for too long now.

Thanks so much, and now Neera and I will be happy to answer almost any questions from the audience or from the media.

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