

Jon Tester
Montanans for Tester
P.O. Box 3171
Billings, Montana 59103
February 8, 2012

Hon. Denny Rehberg
Montanans for Rehberg
5115 Highway 93 South
Missoula, Montana 59804

Dear Congressman Rehberg:

I appreciated your comments in the *Flathead Beacon* last month about third-party expenditures—that you and I are “along for the ride” when it comes to the attack ads neither of us control.

I imagine Montanans are telling you what they’re telling me: these attack ads distract from the issues Montanans truly care about. It’s a shame that third-party organizations are allowed to pollute our records and drag our character through the mud with no transparency and no accountability.

Montanans take great pride in our state’s century-old law banning corporate control over our elections. They passed our law after wealthy corporations literally bought Montana’s elections and power and influence in Washington. You and I should do everything possible to prevent that from happening ever again.

That’s why I’m offering an unprecedented agreement between you and me for this historic election year: Let’s reject and work to keep all third-party radio and TV ads about you and me out of Montana. Let’s reject efforts by outside groups to undermine Montana’s tradition of elections decided by people—not corporations.

I’ve enclosed an agreement that puts some real skin in the game, to give all third-party organizations—those that support you and those that support me—a powerful incentive to keep their advertising away from Montana airwaves. I’ve already signed it, and I look forward to you joining me.

Let’s let only you and me—and our campaigns—do the work of illuminating the issues and the differences that separate us. Such an agreement will give Montanans a clear choice on November 6 without the influence of third-parties willing to secretly spend millions of dollars trying to influence voters.

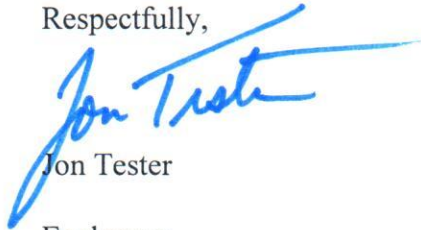
Given that more than \$1 million in attack ads have run against both of us, I believe this agreement is fair, and I’m not looking to start a series of counter-proposals designed only

to make headlines. I'm interested in a real, good-faith commitment for both of us to campaign on our records, without the influence of third-party organizations.

Rather than just go "along for the ride," let's do our part to steer this campaign toward Montana's values of honesty, accountability and transparency in elections. The people we serve deserve no less.

If you don't agree to this agreement by Friday at 5:00 p.m. MST, I will assume you are not willing to participate. I look forward to hearing from you soon.

Respectfully,



Jon Tester

Enclosure

CC:

Erik Iverson

Chris Bond

Preston Elliott

Aaron Murphy

THIRD-PARTY ADVERTISING AGREEMENT

- 1) By signing this agreement, both Jon Tester and Denny Rehberg, and their respective Senate campaigns (*Montanans for Tester* and *Montanans for Rehberg*) publicly reject and work to prevent the broadcast of all third-party radio and TV ads from date of signature through 8:00 p.m. MST on November 6, 2012, when polls in Montana close on Election Day.
- 2) Any cable, satellite or over-the-air broadcast of a TV or radio advertisement funded by a third-party—either negative or positive—that specifically mentions or references either candidate, through narration, text or images, shall result in a one-time penalty for the other candidate's campaign (see #5), and this agreement is then nullified. For example, if a third-party organization airs an ad attacking Congressman Rehberg, *Montanans for Tester* must pay the penalty, and all third-party organizations are then free to advertise without penalty.
- 3) A third-party is defined as any organization other than *Montanans for Tester* or *Montanans for Rehberg*. Both campaigns are free to run their own advertising as allowed by law. Examples of third-party organizations include but are not limited to the Montana Democratic Party, the Montana Republican Party, The Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, American Crossroads or Crossroads GPS or any of their affiliates, labor unions, and the U.S. Chamber of Commerce. A third-party may also be a single person responsible for funding a broadcast ad.
- 4) Any effort by a third-party to undermine the spirit of this agreement by running a disingenuous advertisement meant only to trigger the penalty for either campaign will result in a penalty and nullification of this agreement. For example, if an organization that actually supports Sen. Tester runs an ad attacking Sen. Tester only to incur the penalty for *Montanans for Rehberg*, then *Montanans for Tester* must pay the penalty and the agreement is then nullified. In the event that a previously unknown third-party organization or person runs an advertisement, both *Montanans for Tester* and *Montanans for Rehberg* will ask broadcasters to immediately pull the ad, and it will be subject to a review and a challenge before any penalty is incurred.
- 5) **The Penalty:** If a third-party organization that funds or broadcasts any TV or radio advertisement that specifically mentions or references either candidate, through narration, text or images, then the opposite candidate must pay a one-time penalty equal to the cost of the ad buy to the Montana charity or charities of the penalized candidate's choice. The penalty shall not be greater than \$250,000 and must come from a candidate's campaign coffers.

Signed in Good Faith,



Jon Tester

Feb. 8, 2012
Date

Denny Rehberg

Date