

2024 MONTANA SUPREME COURT ELECTION

Seven justices serve on the Montana Supreme Court, two of whom announced that they wouldn't seek reelection in 2024. Supreme Court Chief Justice Mike McGrath was originally elected to the state's high court in 2008 and retained by voters in 2016. "I'll be 77 at the end of this term, and I don't feel like I can commit to another...nine and a half years...It's time to move on," [he said in 2023](#). Justice Dirk Sandefur was elected in 2016 to replace then-retiring Justice Patricia O'Brien Cotter. "My current plan is to continue to serve in the civil and criminal justice system in an unelected, non-advocate role commensurate with the substantial experience...I have acquired," he has said.

The Montana Free Press [has reported](#) that "races for Montana Supreme Court have become costly, high-profile and sometimes brutally political affairs, despite their nominal nonpartisanship."

In the [June 2024 primary](#), the top two candidates emerged from each race. As such, Broadwater County Attorney Cory Swanson captured 46% of the vote for chief justice, while former federal magistrate Jerry Lynch garnered 37%. In the race for the high court's second open seat, eastern Montana district court Judge Katherine Bidegaray won 48% of the vote, while Flathead County District Court Judge Dan Wilson secured nearly 35%.

[In general](#), Democratic-aligned groups like the Montana Federation of Public Employees and Montana Conservation Voters have endorsed Lynch and Bidegaray, while Swanson and Wilson have received support from prominent conservatives, including Governor Greg Gianforte.

The November election will also decide who will serve as clerk of the Montana Supreme Court, a partisan position that manages access to court records and files legal documents.

Key Findings:

Race for Chief Justice Seat

Textualist Cory Johnson is a county prosecutor with a long history in GOP politics but no judicial experience. Swanson has described himself as a judicial conservative. After extensive experience in Republican politics, Swanson served as a deputy attorney general under Republican Tim Fox in 2013-2014; he began his tenure as Broadwater County Attorney in 2015. "I would interpret every legal document as a textualist," he has said. "That means following precedent unless there is compelling reason to depart from it." In 2020, Johnson opposed a gubernatorial mask ordinance in Montana. "I personally agree that wearing a mask is a good idea, and I encourage everyone to wear a mask whenever practicable," Johnson said. "But...a mask order would be very difficult to enforce..." "The national Democratic Party is undermining the non-partisan nature of our court by supporting my opponent's campaign," Swanson said in 2024. "Montanans deserve a fair and impartial Supreme Court free from partisan interference." Swanson serves as an elder at Mount Helena Community Church, which was sued in 2021 by a woman who sought damages regarding alleged sexual abuse on a mission trip in 1995. In 2019, Swanson had expressed some concerns about a bill to give victims more time to bring criminal cases or civil claims for childhood sexual abuse. "What I don't want this to turn into is a, I guess, an opportunity, a fishing derby where I produce a list and Beaverhead County produces a list, and...they could look at our numbers and go, 'Well gosh, you've only prosecuted 25 percent of the cases that were reported,' Swanson said. The bill also would require county attorneys and the health department to retain records of child sex abuse allegations for 25 years. "For a small county, it's a burden," Swanson said, in a call after the hearing. "For a large county, it's a big burden." In 2020, Swanson called a

proposal to pay \$60,000 in annual compensation for each year an individual wrongly convicted spent incarcerated “a prosecutor’s worst nightmare.” In 2024, Swanson said judges shouldn’t decide how they would rule on abortion or any other topic until a case was before the court.

Race for Seat Currently Held by Dirk Sandefur

Dan Wilson formerly served as Flathead County Justice of the Peace and was later elected a District Court Judge in the county. A Montana native who served six years as Flathead County Justice of the Peace, Wilson was elected district court judge in 2016 and reelected in 2022. “The law is bigger than all of us,” Wilson has said. “It’s important to me that the judiciary remain not only independent, but that it remain mindful that neither it nor the branches of government should try to do the work of others.” “The Supreme Court functions best...when it is the quiet branch,” he said in 2024. “My judicial philosophy is simple...interpret and apply the provisions of the...Constitutions and all laws according to their original intent and plain meaning.” The president of the Montana Shooting Sports Association has called Wilson “the well-known conservative in the race.” Wilson has said that “the abortion issue has been decided by our Supreme Court, first in the Armstrong case, recently affirmed, and Armstrong is precedent.”

MCGRATH’S SEAT

Candidate	Cash in Bank+ Received Primary	Cash in Bank+ Received General	Expenditures	Cash on Hand Primary	Cash on Hand General
Cory Swanson	\$109,978.01	\$15,590	\$19,338.71	\$90,640.30	\$15,590

[Cers-Ext.mt.gov, Accessed June 2024]

CORY SWANSON

Background & Philosophy

2024: Swanson described himself as a “tough on crime” prosecutor who has never held judicial office. “Swanson, 47 as of Election Day, is the current Broadwater County attorney, a self-described ‘tough on crime’ prosecutor who has never before held judicial office. He says his array of experience as an attorney and prosecutor, as well as his time in the Army National Guard makes him not only qualified for the chief justiceship but also gives him a unique perspective.” [Montana Free Press [Candidate Guide](#)]

Swanson graduated University of Montana Law School in 2004. “Swanson graduated from the University of Montana School of Law in 2004, after attending Carroll College and Montana State University. He said Wednesday he joined the National Guard as an undergrad at Carroll College because he wanted ‘to do something difficult.’” [Billings Gazette, 11/29/23]

Took the bar after returning from deployment. “He describes his military and law careers moving forward in a sort of parallel: being deployed right out of law school; taking the bar when he got back in 2006; building up a law practice in between deployments. While the military won't be his prevailing identity in this race, Swanson said it was an important factor in constructing his worldview.” [Billings Gazette, 11/29/23]

2023: Swanson described philosophy as judicial conservatism. “Swanson described his philosophy as judicial conservatism, deciding the case narrowly, within the facts of the case. A decision that is far reaching can disrupt normal procedures in people’s lives and jobs, he said.” [Billings Gazette, 11/29/23]

In sharp contrast to opponent, Swanson had never served on the bench before. “But Swanson has never been on the bench before, perhaps the starkest contrast to his opponent in Lynch, once Montana’s longest-serving federal magistrate. Why seek the Chief Justice position? ‘I see, number one, the opportunity to carry on a lot of the good work that the court’s done,’ he said. ‘But with two justices retiring, it begs the question of how is the court going to re-form and move forward in future years in terms of the membership. Right now I don’t see anyone offering a choice on the Chief Justice race. And I think the voters should have a shot at a different type of candidate.’” [Billings Gazette, 11/29/23]

Served as deputy attorney general under Republican Tim Fox in 2013 and 2014; began tenure as Broadwater County Attorney in 2015. Swanson, a 2004 graduate of the University of Montana law school, served as a deputy attorney general under Republican Tim Fox in 2013 and 2014, and began his tenure as Broadwater County Attorney the next year. [Montana Free Press, 12/1/23]

Had history in Republican politics working under state GOP officials. “Swanson, who has a history in Republican politics and working under GOP state officials, acknowledges that he’s a conservative, but says he’s devoted to the court’s independence and non-partisanship.” [Montana Free Press [Candidate Guide](#)]

Swanson: “I’m dedicated to preserving the independence of the judiciary, but also focusing on the needs of lawyers, courts, and especially clients to identify those areas where we need the system to function better.” “‘I’m dedicated to preserving the independence of the judiciary, but also focusing on the needs of lawyers, courts, and especially clients to identify those areas where we need the system to function better,’ Swanson told MTFP.” [Montana Free Press [Candidate Guide](#)]

- **“My mindset has been entirely deferential to judges and to the courts...but my plan changed in the past year because the Supreme Court has been deciding too many cases in a way that departs from sound appellate judge practice.”** “That said, he also shares the view that many Republicans espouse that the court has departed from strict constitutional interpretation. ‘My mindset has been entirely deferential to judges and to the courts,’ he said. ‘But my plan changed in the past year because the Supreme Court has been deciding too many cases in a way that departs from sound appellate judge practice. It undermines the reliability of the law, and I felt I could do better.’” [Montana Free Press [Candidate Guide](#)]

“I would interpret every legal document as a textualist...that means following precedent unless there is a compelling reason to depart from it...” “Justices must strive to uphold the rule of law by providing the very best legal interpretation possible to resolve the legal question in each case before us, and also to build a body of case law that others may rely upon. To do so, I would interpret every legal document as a textualist, according to the philosophy of judicial restraint. That means resolve the case before you, not the next five cases you can imagine. That means following precedent unless there is a compelling reason to depart from it, not modifying precedent as it suits you to reach preferred outcomes.” [Montana Free Press [Candidate Guide](#)]

- **“It is the court’s job to render unbiased and accurate legal opinions that deliver justice to the people.”** “If I win, I will try to make the court less about the personality of each Justice, and more about cultivating the wisdom and experience of each member to produce our best legal

interpretation. It is not the court's job to actively fight for or against any party or case. It is the court's job to render unbiased and accurate legal opinions that deliver justice to the people. Focus on the law, not the politics.” [Montana Free Press [Candidate Guide](#)]

“The quickest way to remove politics from case decisions is to stop deciding cases on the basis of politics.” “The chief justice also advocates for the budget and resources for the entire judicial branch. With my background and commitment to judicial process, I will effectively defend the judiciary in the budget and policy arenas, not perpetuate ill-conceived inter-branch feuds. People are counting on timely and accurate court outcomes, and I will fight for the resources to deliver them...To modify a phrase from Chief Justice John Roberts, the quickest way to remove politics from case decisions is to stop deciding cases on the basis of politics.” [Montana Free Press [Candidate Guide](#)]

- **“The Supreme Court should uphold the rule of law by removing political concerns from its legal interpretations.”** “The Supreme Court should focus on good old-fashioned appellate judging, no matter the case before it. But some cases are inherently political, so what to do? Just focus on good old-fashioned appellate judging. Follow the rules of interpretation like you would for any case. Let the law lead to the outcome, don't decide the outcome and then modify the law or overturn precedent to get there. That is fundamental to the problem and the solution. If the judiciary simply does its job in this manner, then political cases will be just like every other case: the loser will be upset, but the reasoning will be clear and unassailable. The Supreme Court should uphold the rule of law by removing political concerns from its legal interpretations. Let the law be clear, and let the political chips fall where they may.’ [Montana Free Press [Candidate Guide](#)]

2002: University of Montana law student Cory Swanson sidetracked peace rally against Iraq War to discuss importance of removing Saddam Hussein from power. “The event was briefly sidetracked when UM law student Cory Swanson stepped up to the microphone to talk about the importance of removing Saddam Hussein from power. He was asked after a couple of minutes to relinquish to scheduled speakers. Swanson later said he thought it was an open forum.” [AP, 11/21/02]

2004: Swanson served as campaign strategist for Montana Supreme Court candidate; expected to serve 18 months in Iraq. “The campaign strategist for a candidate seeking to win election to the Montana Supreme Court has been called to active duty in the Montana Army National Guard. Cory Swanson expects to be in Iraq for up to 18 months, beginning next month. He will serve as a nuclear, chemical and biological weapons expert in an infantry division, he said. He has been working as the strategic manager for Rep. Cindy Younkin's campaign since the Bozeman Republican entered the race earlier this year. Swanson is finishing his last year at the University of Montana School of Law. ‘Pretty much everyone in the guard has expected to get called,’ said Swanson, who has served in the guard for seven years. Younkin, a GOP leader in the Montana House, is campaigning to replace incumbent Justice Jim Nelson, once a Democratic county attorney from Cut Bank.” [AP, 5/20/04]

2007: Swanson represented Citizens for Balanced Use, a Bozeman-based multiple use group. “The U.S. Forest Service has denied all appeals of the Gallatin National Forest travel plan and those upset about losing motorized access are considering their legal options. ‘Forest Supervisor (Becki Heath) has made a reasoned decision, has complied with all applicable laws, regulations and policy and has issued a decision which is consistent with the overall mission of the Forest Service,’ wrote Ranotta K. McNair, supervisor of the Idaho Panhandle National Forests. McNair served as the appeal review officer for the project. Her recommendation was sent to Regional Forester Kathleen McAllister, who agreed with it. ‘I affirm the forest supervisor's decision to implement the travel plan,’ McAllister wrote in a letter mailed

Wednesday to appellants. ‘Your requested relief is denied.’ However, groups that stand to lose motorized access to more than 300,000 acres of land for snowmobiling and scores of trail miles for motorcycles and all-terrain vehicles, have threatened for months to sue. ‘We’re very disappointed, but probably not surprised,’ said Cory Swanson, a Helena lawyer representing Citizens For Balanced Use, a Bozeman-based multiple-use group. ‘We cannot just sit by and let these closures happen when we feel the process was unfair.’ Swanson said he wants to study the Forest Service’s decision before deciding on a legal strategy.” [AP, 3/22/07]

2009: Swanson ran for Montana House in 2000; worked for Montana Republicans. “Cory Swanson of Helena. Swanson is a lawyer with the law firm of Anderson, Baker and Swanson. He ran for the Montana House in 2000. An Iraq War veteran, he is a captain in the Montana National Guard. Swanson is a Carroll College graduate with a UM law degree. He worked for former U.S. Rep. Rick Hill, R-Mont., and as a state legislative aide.” [States News Service, 4/10/09]

2012: Swanson represented landowners suing Montana Fish, Wildlife, and Parks over bison relocation. “Not everyone is thrilled to see wild bison come to Fort Peck. Cory Swanson, a Helena attorney representing landowners who are suing Montana Fish, Wildlife and Parks over the relocation, says their opposition was never about keeping bison away from the tribes. Ranchers last year decried similar proposals to relocate bison to state land at the Marias River and Spotted Dog wildlife management areas. ‘It was about sending bison all over the state with what many believe is an ill-conceived plan specifically because you want wild, free-roaming bison,’ Swanson says. ‘That’s the issue.’” [Missoula Independent, 3/29/12]

- **Called relocation efforts a “sneak attack.”** “Sixty-four bison from Yellowstone National Park were being shipped almost 500 miles (804 kilometers) to northeast Montana’s Fort Peck Reservation on Monday, under a long-stalled relocation initiative meant to repopulate parts of the West with the iconic animals. The transfer anticipated for months came in the middle of a snowstorm and with no prior public announcement, as state and tribal officials sought to avoid a courtroom battle with opponents worried about bison also known as buffalo competing with cattle for grazing space...Helena attorney Cory Swanson said moving the animals without public notice following years of controversy amounted to a ‘sneak attack.’ After state district Judge John McKeon in Glasgow did not rule on the request by the close of business Monday, Swanson said he would return Tuesday with a request for the animals to be ordered back to the Yellowstone area.” [AP, 3/20/12]

2012: Worked for Republican gubernatorial candidate Rick Hill. “Republican gubernatorial candidate Rick Hill’s campaign has had to freeze media advertising, polling and travel since last Thursday to comply with a state judge’s order not to spend a disputed \$500,000 donation, his campaign manager said Monday. Brock Lowrance testified as attorneys for Hill’s opponent, Democratic Attorney General Steve Bullock, asked District Judge Kathy Seeley to issue a preliminary injunction preventing Hill from spending the \$500,000 donation for the Nov. 6 election...At issue is the legality of the \$500,000 donation that Hill accepted two days after a federal judge ruled this month that state campaign contribution limits are unconstitutionally low. Hill argues that it was legal for him to take the GOP donation because of U.S. District Judge Charles Lovell’s ruling, and he has spent most of it. Bullock argues Hill must return the donation now that the 9th U.S. Circuit Court of Appeals blocked Lovell’s order and reinstated the limits. Bullock says the limits prevent Hill from taking more than \$22,600 from all political parties from the beginning to the end of the campaign, and so Hill is now violating state law by keeping the \$500,000. A \$500,000 donation unexpectedly appearing in a statistically even race just a few weeks before the election could mean the difference in the election, testified political consultant and

strategist Raymond Strother...Hill attorney Cory Swanson said state law prevents a campaign from receiving a donation above the limits, but there is no violation in keeping a donation that was legally made. That's the difference in this case, Swanson said, in which Hill accepted an above-the-limit donation when there were no limits. Swanson asked Seeley to dismiss Bullock's lawsuit, saying the attorney general is trying to skirt the normal complaint procedure, which is to go through the state commissioner of political practices." [AP, 10/29/12]

2014: Deputy Attorney Swanson involved in new Flathead Water Compact. "Deputy Attorney General Cory Swanson was involved in the latest round of talks on the new Flathead water compact, and he thinks this latest version will pass muster with irrigators who were concerned the previous version would leave them without the water they need. One of the issues that you will hear a lot about in the coming months is the proposed water-rights compact between the State of Montana and the Confederated Salish and Kootenai Tribes. It's the only water compact involving a Montana reservation that remains un-ratified by the state legislature, after the first version was rejected in 2013. Deputy Attorney General Cory Swanson was involved in the latest round of talks that led to a new compact, and he thinks this latest version will pass muster with irrigators who were concerned the previous version would leave them without the water they need. 'No agreement is perfect,' says Swanson, 'however the feeling coming out of this final negotiation was that it met those objectives. It's constitutional, and it provides answers to a lot of the concerns that the critics had.' Swanson says several things about the new agreement make it a good deal for irrigators and the tribe. The compact has to satisfy farmers' and ranchers' need for water, as well as the tribes' need to access their traditional fishing grounds. To make sure everybody has enough water, the tribes and the state agreed to an 'adaptive management process' that begins with ten years of study." [States News Service, 12/13/14]

Served as Broadwater County Attorney. [Legal Monitor Worldwide, 4/8/17]

2020: Thanked Senator Daines for sponsoring Water Rights Protection Act. "In water law, the most important thing is getting your water. Montana's Senator Steve Daines has introduced the Montana Water Rights Protection Act (MWRPA) to provide federal settlement of the water rights claims of the Confederated Salish and Kootenai Tribes (CSKT). Without this legislation, Montana will face years of expensive litigation and uncertainty in trying to resolve these claims, and will assuredly reach a worse conclusion. This is due to the undeniable fact that in water law, a settlement allows you to structure protection for junior water rights in a way that a trial does not. And make no mistake, the junior water rights being protected by this settlement are the non-Tribal water rights. To put it in blunt terms, the non-Tribal farmers and ranchers, both on and off the Reservation, have the most to gain from this settlement, and the most to lose from litigation." [Belgrade News, 1/23/20]

2020: Opposed gubernatorial mask ordinance. "I personally agree that wearing a mask is a good idea, and I encourage everyone to wear a mask whenever practicable. But I am concerned about the mask mandate issued by Gov. Bullock for the reasons that a group of sheriffs and county attorneys told Bullock last week. We told the governor that we believed a mask order would be very difficult to enforce, and we recommended education and encouragement to wear masks, instead of an order. Second, we told the governor that a directive needs to be clearly understood and consistent, so that a person traveling through the state would know when and where it was required. Finally, we asked the governor to give the public advance notice, and not to issue any directive that takes effect immediately. We told him we and the public would need time to figure out how to live with it. The mandate makes me concerned the governor did not listen to our input. This mask order violates all of our requests. So now I have to figure out how to immediately enforce an unclear and complicated mandate which applies in some areas of the state, but not others. And I'm concerned that the directive is going to take away the

progress we have been making in getting buy-in by the public to wear masks voluntarily.” [Independent Record, 7/17/20]

2022: Swanson deployed as National Guard member. “Broadwater County Attorney and Montana Army National Guard member Cory Swanson has been deployed, and Lewis and Clark and Gallatin counties have stepped in to assist in his absence. Lt. Col. Swanson deployed with the 1-163rd Combined Arms Battalion to the Central Command area of operations in the Middle East and Southwest Asia, according to Montana National Guard Public Affairs Officer Maj. Ryan Finnegan.” [Independent Record, 2/4/22]

November 2023: Swanson announced bid for Chief Justice of Montana Supreme Court.

“Broadwater County Attorney Cory Swanson this week announced his bid for Chief Justice of the Montana Supreme Court. Swanson, 47, is in his third term as county attorney in Townsend, first elected in 2014. He served in the Iraq War and continues to serve in the Montana National Guard as a lieutenant colonel, with a recent deployment as part of Operation Spartan Shield. From a family that hopped around the Hi-Line, from Cut Bank to Gildford, Swanson has carved out a name for himself in Montana as a lead prosecutor in the high-profile case following Broadwater County Deputy Mason Moore's death and as vice president of the Montana County Attorney's Association. Swanson's candidacy pits him against former federal magistrate judge Jeremiah ‘Jerry’ Lynch, who announced his campaign in early October. The contest for Chief Justice of the Montana Supreme Court narrowed earlier this month when former state auditor John Morrison withdrew from the race and endorsed Lynch.” [Billings Gazette, 11/29/23]

- **“I want to be a member of the court that is committed to being fair, to judging every case based on the facts and the law in the case.”** “Right now, with the retirement of two, long-term, practitioners and judges, there's an opportunity for us to say, 'What kind of court do we want to have?' Swanson said in a phone interview Tuesday. ‘I want to be a member of the court that is committed to being fair, to judging every case based on the facts and the law in that case. There's a lot of clamoring in the public right now for judges to have this agenda or have that agenda, fight back against woke-ism, or fight back against right-wing-whatever. That's not the role of the judge. A judge should not be fighting for or against a particular side.’” [Billings Gazette, 11/29/23]

2024: Swanson: “If elected, I will implement a rigorous screening process to weed out applicants who have participated in calls for anti-Jewish violence, expressed support for terrorist groups, or engaged in anti-Semitic hate speech. “The horrific terror attack against Israel on Oct. 7 revealed that anti-Semitic hatred has a disturbing foothold in the world. Equally troubling is what has been exposed in our own country in the months since: the shocking tolerance (encouragement even) of anti-Semitic, genocidal hatred on college campuses. Like so many Americans, I was stunned when the heads of three elite universities testified before Congress and refused to unconditionally condemn calls for genocide against Jewish people. This ugly episode shone a light on the creeping, half-hidden antisemitism that has corrupted many universities and law schools across this country. Students and faculty not only tolerate but actually celebrate words of hatred toward Jewish people that were previously unthinkable in the America where I grew up. The backlash against antisemitism has rightly been swift. Donors have pulled back hundreds of millions of dollars at elite schools. Two university presidents have resigned in disgrace, and others may be forced to follow. And in the legal community, law firms and judges are making a stand by rescinding job offers and clerkships to students found to be radicalized into this new anti-Semitic movement. I pledge to do the same. I am running for chief justice of the Montana Supreme Court. If elected, I will implement a rigorous screening process to weed out applicants who have

participated in calls for anti-Jewish violence, expressed support for terrorist groups, or engaged in anti-Semitic hate speech.” [Independent Record, 1/6/24]

2024: Swanson: “Unfortunately, the national Democratic Party is undermining the non-partisan nature of our Court by supporting my opponent’s campaign...Montanans deserve a fair and impartial Supreme Court free from partisan interference.” ““Julie and I extend a heartfelt thank you to the thousands of Montanans who have supported this campaign and delivered victory today,’ Swanson said in a statement Tuesday evening. ‘Montanans have made it clear they don’t want politically motivated justices on the Montana Supreme Court. My pledge to Montana voters is that I will rule on the facts and the law in each case, not on politics...’ ‘Unfortunately, the national Democratic Party is undermining the non-partisan nature of our Court by supporting my opponent’s campaign,’ Swanson said in his statement Tuesday night. ‘Montanans deserve a fair and impartial Supreme Court free from partisan interference. Please join our fight to protect the integrity of our judicial system.’” [Bozeman Daily Chronicle, 6/7/24]

Swanson listed as a church elder. Cory Swanson is listed as an elder at Mount Helena Community Church. [MountHelena.org]

November 2020: Published podcast on church website breaking down several reasons why the Bible is reliable text. [Can I Trust The Bible? [11/2/20](#)]

2021: Woman sought damages Mount Helena Community Church and resident regarding alleged sexual abuse on mission trip. “A woman is seeking damages from a Helena-area church and resident regarding alleged sexual abuse on a mission trip in 1995. The lawsuit was filed Wednesday by John Heenan and Mike McLean on behalf of their client in Montana District Court, Lewis and Clark County. Is accuses Jerrad Zitnik, 44, from Helena, of sexually abusing a girl under the age of 14 on the trip. Mount Helena Community Church, Inc. (MHCC) is also accused of negligence for its role and failure to protect the girl. on October of this year, Zitnik was arrested on unrelated charges of child sex abuse after allegedly trying to meet up with a 13-year-old girl for sex. He is accused of sending explicit messages to an account of a fictitious teen that was operated by law enforcement. Missoula County Justice of the Peace Judge Alex Beal imposed a bond of \$25,000. Zitnik was ordered to have no contact with minors and to stay off dating sites. He has since posted bond and been released. Heenan says the news coverage of Zitnik is what led his client to reach out. ‘It was reading about reading about the guy that had assaulted her in the newspaper perpetrating crimes against other children and just dredging up all these old bad memories,’ explained Heenan.” [KTVH, [12/8/21](#)]

- **Documents claim Zitnik continued to work for the church even after allegations.** “In 1995, the plaintiff of the case went on a mission trip to the Philippines with MHCC, then known as Grace Gospel Church of Helena. Zitnik was one of the adult supervisors attending the trip and was designated by MHCC as a ‘worship leader’ according to court documents. He was around the age of 19 at the time. Zitnik is accused of crawling into the girl’s bed one night during the trip and sexually assaulting her. After the incident, the plaintiff says she called her parents who reported the alleged sexual abuse to MHCC’s leadership/officials. The lawsuit alleges MHCC’s leadership/officials responded to the sexual abuse by ‘sequestering the plaintiff in a room by themselves.’ Then at the end of the day, MHCC’s leadership/officials brought the child out of the room and forced her to confront Zitnik. Court documents further allege MHCC’s leadership/officials told the plaintiff that they had ‘prayed’ about what to do, and that they thought they should forgive Zitnik in front of all those attending the mission trip. MHCC’s leadership/officials also allegedly encouraged the plaintiff to not discuss the sexual abuse again.

Documents claim Zitnik continued to work for the church even after the allegations.” [KTVH, [12/8/21](#)]

- **Montana’s statute of limitations for sexual assault was ten years or ten years after victim reached 18.** “Montana’s statute of limitations for sexual assault is 10 years or 10 years after the victim reaches 18 years of age. Heenan, who has prosecuted sexual assault crimes in the past, says it’s not uncommon for victims of sexual abuse to not come forward until decades after the trauma. He added more than anything his client wants individuals held accountable for their actions. ‘I think first and foremost the concern always with people like this and conduct like this is how far does it go?’ noted Heenan. ‘How many other women are out there thinking they were the only ones that were abused and have been suffering in silence as well?’” [KTVH, [12/8/21](#)]
- **Lawsuit also claimed MHCC did not properly report alleged sexual abuse to Montana Department of Public Health and Human Services.** “The lawsuit also claims MHCC did not properly report the alleged sexual abuse to the Montana Department of Public Health and Human Services.” [KTVH, [12/8/21](#)]

Abortion & Reproductive Rights

2024: Swanson said judges shouldn’t decide how they would rule on abortion or any other topic until a case is before the court. “In the race for chief justice, former federal magistrate judge Jerry Lynch, who is running against Cory Swanson, a county prosecutor backed by Republicans, has been more direct than Bidegaray. Montanans must be ‘free from government interference, especially when it comes to reproductive rights,’ Lynch said at a campaign event, according to the Montana Free Press. Lynch’s candidacy has triggered some early opposition spending. Montanans for Fair Judiciary, a conservative group, sent mailers calling Lynch a ‘liberal trial lawyer,’ the outlet reported. Swanson told KFF Health News that judges shouldn’t decide how they would rule on abortion or any other topic until a case is before the court.” [Billings Gazette, 3/14/24]

2024: Conservatives had generally supported Swanson’s campaign. “The groups did not specify how much they will spend in Montana, or for which candidates. Generally, liberals this election cycle have gravitated toward chief justice candidate Jerry Lynch and associate justice candidate Katherine Bidegaray, while conservatives have supported chief justice candidate Cory Swanson and associate justice candidate Dan Wilson, judging by campaign finance records.” [Montana Free Press, 5/24/24]

Crime & Criminal Justice

2018: Swanson wrote op-ed endorsing collecting mandatory fees for public defenders. “As a prosecutor who has tried cases from speeding tickets to homicides, I understand and appreciate the role of criminal defense attorneys. Our system of justice guarantees fundamental rights to the accused, and defense lawyers are the essential watchdogs in an adversarial trial to advocate for every benefit for a person who is presumed innocent until proven guilty. Good lawyers are expensive, and many people accused of crimes cannot afford to hire one. That is why our society has made the decision to bear the cost of providing a public defender attorney for defendants who face a possible jail sentence, and who cannot afford to hire an attorney. In recent years in Montana, the price for these services has increased, and the past few years the state Office of Public Defender has sought and received substantial funding increases while still asking for more. Just this week, the OPD has announced a new series of cuts and cost-saving measures, up to and including shutting down public defender services statewide for 10 days. This is an extraordinary step, and policy-makers should not be naive as to the implications of such a

shutdown. One or more criminal defendants will most likely file a lawsuit against the state, claiming they have been deprived of their constitutional rights, and requesting the court order the Legislature to spend more on public defenders. Before such a drastic step with an equally drastic consequence, I would like to offer one commonsense and obvious suggestion to the legal community: Collect the mandatory fees for public defenders that are required by law.” [Billings Gazette, 6/13/18]

- **“It makes no sense for the Legislature to continue to spend more on OPD or face a crisis of someone’s constitutional rights, while allowing convicted criminals to avoid paying their debt to society and their lawyers.”** “Under Montana law, an OPD-represented defendant who is convicted of a felony must pay — as part of his or her sentence — \$800 to reimburse the Office of Public Defender. If he or she is convicted of a misdemeanor, the reimbursement cost is \$250. The purpose of this heavily-reduced fee is to help the office provide this essential service for future defendants. Unfortunately, the fee is often being neglected. In at least half of my cases where we are sentencing a convicted criminal represented by a public defender, the OPD defense attorney asks the judge to waive or reduce this mandatory fee. In many cases, the judge does so, despite my objection and argument to the contrary. It makes no sense to read headlines about a budget crisis at OPD, and then ask the court to take away funds for that office. Yet this is what attorneys in our county do on a monthly basis. The second problem is collecting the fee. I have just recently begun an effort to identify unpaid fines and fees by convicted criminals in our courts in Broadwater County, and the results are staggering. In one small county, we have found many thousands of dollars owed to the court, many of which are unpaid fees to the Office of Public Defender. I suspect the unpaid fees statewide would make a big dent in the OPD funding crisis, if not resolve it entirely. So the OPD office should proactively identify these unpaid fees and take action to collect them. If they feel this is somehow a conflict of interest, then the Legislature should task someone with doing this on behalf of OPD. It makes no sense for the Legislature to continue to spend more on OPD or face a crisis of violating someone’s constitutional rights, while allowing convicted criminals to avoid paying their debt to society and their lawyers. That mandatory fee was imposed for a good reason: to provide legal representation for future defendants. Well, the future has arrived, and now those clients should pay for it.” [Billings Gazette, 6/13/18]

2019: Swanson expressed concerns about bill to give victims more time to bring criminal cases or civil claims for childhood sexual abuse. “A bill that would give victims more time to bring criminal cases or civil claims for childhood sexual abuse got plenty of support Wednesday in its first hearing. ‘This bill is the right thing to do,’ said Jed Fitch, president of the Montana County Attorney’s Association. ‘It is far past time.’ Fitch noted there is no statute of limitations for homicides, and said there should not be for child sex abuse cases, either...But while all who testified spoke in favor of the bill, some were worried how new reporting requirements would be implemented. The bill, HB 640, would eliminate the statute of limitations for criminal cases and extend from age 21 to age 27 the time frame during which a victim can sue over alleged abuses. It makes no change to current law that allows victims to sue after the statute of limitations has expired, but within three years of recognizing their abuse. Experts say victims can repress memories of abuse and struggle to come to terms with its lifelong impacts. The bill beefs up penalties against mandatory reporters who fail to act by making it a felony in cases involving sexual abuse allegations. And it requires the health department to immediately report to county attorneys any child abuse cases in which sexual abuse is alleged.” [Independent Record, 3/14/19]

- **“For a small county, it’s a burden...for a large county, it’s a big burden.”** “County attorneys said they support the bill, but that current language could prove problematic for them. ‘It’s going in the right direction, but don’t expect this to be an overnight success,’ said Broadwater County

Attorney Cory Swanson, specifically referencing the proposed reporting requirements. The bill would require county attorneys to report to the attorney general's office quarterly on the status of cases alleging childhood sex abuse. The attorney general's office would then have to report to lawmakers each year a few key facts, including how many cases were reported to each county attorney, whether prosecution was initiated or declined, and the names and dispositions of all defendants criminally charged. For Swanson, that could be a problem. 'What I don't want this to turn into is a, I guess, an opportunity, a fishing derby where I produce a list and Beaverhead County produces a list, and...they could look at our numbers and go, 'Well gosh, you've only prosecuted 25 percent of the cases that were reported,' he said. County attorneys are working with Morigeau to address other concerns, including whether current language in the bill opens the door to publish confidential criminal justice information. The bill also requires county attorneys and the health department to retain records of child sex abuse allegations for 25 years. 'For a small county, it's a burden,' Swanson said, in a call after the hearing. 'For a large county, it's a big burden.'" [Independent Record, 3/14/19]

2020: Called proposal to pay \$60,000 in annual compensation for each year wrongly convicted spent incarcerated “a prosecutor’s worst nightmare.” “Members of the public weighed in Tuesday on a proposal to pay \$60,000 in annual compensation for each year wrongly convicted people spend incarcerated. But the impending recession Montana lawmakers expect as a result of the COVID-19 pandemic may mean curtains for the proposal when it comes time to find the funding, the source of which has yet to be determined. Sen. John Esp, R-Big Timber, a member of the Law and Justice Interim Committee that held Tuesday's hearing, told the Missoulian earlier this month it's difficult to fund new programs ‘in good times, much less now...’ Broadwater County Attorney Cory Swanson, appearing on behalf of the state County Attorneys Association, said during public comment he did not oppose the proposal, but added certain details still need work. Those include the matter of determining true innocence as opposed to technical issues, such as a witness dying years after the case has been closed. The funding question, he noted, is still to be answered. The state Department of Justice would administer the program, according to the bill draft, but it's not clear yet where the money comes from. ‘We understand the intentions behind this bill and I assure you this is a prosecutor's worst nightmare,’ Swanson said. ‘This is a key question for the committee: Who actually is the named defendant in this bill? The reason that matters is because who is paying the bill?’” [Independent Record, 5/12/20]

2021: Swanson said society should retain the ability to impose the most serious remedy in cases of the most serious crimes. Society should retain the ability to impose the most serious remedy in cases of the most serious crimes, said Broadwater County attorney Cory Swanson, who initially sought the death penalty in the 2017 killing of Sheriff's Deputy Mason Moore. Swanson withdrew the death penalty in July 2018 after an analysis of defendant Lloyd Barrus' history of mental illness. [AP, 2/23/21]

2021: Swanson filed charges against Republican Montana Senate President Pro Tempore Jason Ellsworth. “Montana Senate President Pro Tempore Jason Ellsworth, R-Hamilton, has been charged with three misdemeanors, including obstruction of a peace officer, after he was pulled over for speeding in a construction zone in May. The officer reported a verbal altercation with Ellsworth in which the senator claimed he was exempt from arrest because he was a lawmaker traveling for legislative business. The charges were filed by Broadwater County Attorney Cory Swanson on May 26. Ellsworth is scheduled to make an initial appearance in court on Aug. 3. The traffic stop and charges have not previously been reported.” [Montana Free Press, 7/20/21]

2021: Swanson: “I was shocked...Merrick Garland has directed the FBI and federal prosecutors to charge parents who speak up at school board meetings under domestic terrorism and civil

rights laws.” “I was shocked to learn last week that U.S. Attorney General Merrick Garland has directed the FBI and federal prosecutors to charge parents who speak up at school board meetings under domestic terrorism and civil rights laws. Acting U.S. Attorney for Montana Leif Johnson delivered this message to the Montana County Attorneys Association, and has provided a follow-up letter explaining the federal claim of urgency in this matter. As a local prosecutor enforcing Montana state laws, I have worked with federal agents and prosecutors over the years to target truly federal, interstate criminals. I have helped ATF agents investigate and build cases of convicted felons in possession of firearms. I have worked with FBI and DEA agents to take down inter-state and indeed international drug traffickers. And I have even helped ICE officials detain and deport an illegal alien. Each step of the way, I have been impressed by the professionalism and dedication of the federal agents in Montana, and the federal prosecutors in the U.S. Attorney’s Office in Montana. Every time a state prosecutor refers a case to a federal agent or prosecutor, the first question is whether there is any basis for federal jurisdiction. In our system, the vast majority of criminal prosecutions happen in the state courts, because the Constitution reserves the police powers to the states, except for specific enumerated exceptions. If there is not a clear federal jurisdictional nexus, the feds will not and cannot take the case.” [Billings Gazette, 10/22/21]

- **“Parents have a right to direct the upbringing and education of their children.”** “Parents have a right to direct the upbringing and education of their children. That is not a right granted by the government, that is a right granted by God. If parents have concerns that a school is imposing illegal or unworkable COVID restrictions, trans-gender mandates, or Critical Race Theory, upon their children, the parents have a right to speak up and get involved. Local control and parental involvement always produce the best educational environment for kids. The federal government has no right to stifle dissent by threatening parents as domestic terrorists or inter-state criminals.” [Billings Gazette, 10/22/21]

2023: Swanson: “I think our mental health, specifically for criminal cases, forensic mental health system is lacking right now.” “Perhaps his highest-profile case to date was the prosecution of Lloyd Barrus, who in 2017 with his son ambushed and killed Broadwater County Deputy Mason Moore. The case was protracted and complex. Barrus was ultimately convicted and sentenced to multiple life sentences in prison after splintering loose legal ends emerged over his mental health. ‘Along the way, I think we saw the ability of what the mental health system can do,’ he said. ‘But you compare it to other cases, and I think our mental health, specifically for criminal cases, forensic mental health system is lacking right now.’” [Billings Gazette, 11/29/23]

2024: Montana Supreme Court overturned man’s conviction of sexual assault on a minor, finding prosecutors had intermingled laws to construct “fictional” charge against the man. “The Montana Supreme Court overturned a man's conviction of sexual assault on a minor this week, finding prosecutors had intermingled laws to construct a ‘fictional’ charge against the man. Daniel Christopher Rowe was convicted by a Broadwater County jury in December 2021 on sexual assault of a minor in a common scheme for the alleged assault of a boy over many years, in several different counties. The reversal sends the case back to district court for a new trial, should prosecutors opt to pursue one against Rowe. Authorities accused Rowe of assaulting the boy in three incidents, in 2008 and twice in 2012; each incident is alleged to have occurred in a different county. A fourth incident for which he was not charged but was brought up at his trial is alleged to have happened in 2013, after the boy turned 16, which in Montana is the age of consent. Gathering the three incidents when the boy was a minor under the single charge sexual assault of a minor by common scheme was a ‘fundamental error,’ the majority of Supreme Court justices said in their Tuesday ruling. Doing so, they wrote, opened the door for prosecutors to improperly include testimony about the fourth incident in 2013 as evidence that the earlier assaults likely occurred, even though he had not been charged for the 2013 incident. More central

to the Supreme Court's ruling, however, is the application of ‘common scheme’ to the sexual assault charge. Associate Justice Laurie McKinnon authored the court's majority opinion signed by four additional justices. ‘The fundamental error that led to the improper admission of the other bad acts evidence was that the state charged Rowe with a fictional offense that is not cognizable under Montana law,’ McKinnon wrote. She pointed to the criminal statute for sexual assault of a minor, which mentions no route through which prosecutors can assemble multiple assaults together under a ‘common scheme,’ which itself, McKinnon writes, is ‘exclusively’ an enhancement for property crimes. Associate Justice Beth Baker was alone in her dissent (Justice Jim Rice recused himself from the case), pointing out that Rowe's attorneys had not actually raised the common scheme issue on his appeal. By using this point as a springboard to its ruling on the fictitious charge, Baker writes, the case has been decided ‘on the basis of an issue of its own making.’” [Independent Record, 2/28/24]

- **Swanson, who prosecuted the case, said he disagreed that state’s definition of common scheme limited matter to property crimes.** “Broadwater County Attorney Cory Swanson, who prosecuted the case, said Wednesday he disagreed that the state's definition of common scheme limited the matter to property crimes. The statute language, Swanson contended, also allows application to cases that result in the repeated commission of the same offense or that affects the same person.” [Independent Record, 2/28/24]

SANDEFUR’S SEAT

Candidate	Cash in Bank+ Received Primary	Cash in Bank+ Received General	Expenditures	Cash on Hand Primary	Cash on Hand General
Dan Wilson	\$86,489.64	\$6,810	\$11,535.81	\$74,953.83	\$6,810

[Cers-Ext.mt.gov, Accessed June 2024]

DAN WILSON

Background & Philosophy

2000: Served as Deputy District Attorney. [Great Falls Tribune, 8/22/00]

Wilson worked as deputy attorney and prosecutor in Great Falls, Chinook and Kalispell before opening own legal office in 1998. “Dan Wilson was born in Billings and graduated from the University of Minnesota School of Law in 1993. He worked as a deputy attorney and prosecutor in Great Falls, Chinook and Kalispell before opening his own law office in Kalispell in 1998.” [Hungry Horse News, 5/8/12]

2010: Wilson elected Flathead County Justice of the Peace. “Wilson was elected Flathead County Justice of the Peace, Dept. 1, in 2010. If elected to the district court, the Flathead County Commissioners would need to appoint a person to replace Wilson as justice of the peace.” [Hungry Horse News, 5/8/12]

Wilson practiced business law across the state. “Wilson said he's practiced business law across the state of Montana and argued half a dozen cases in the Ninth Circuit Court of Appeals. At the justice of the peace office, Wilson said he encountered a large backlog of unfinished cases that he cleared up within 10 months. He not only cited his work ethic and discipline but a commitment to make rulings within three days of hearings. He also described a policy he established to help deal with the large

number of jury trial requests. Wilson said he ordered all attorneys with jury trials scheduled for the next week to show up at 4 p.m. on the Friday before to make arrangements. A lot of attorneys didn't show up at the appointed time, so the number of jury trial requests were significantly reduced.” [Hungry Horse News, 5/8/12]

2016: After running unopposed, Wilson won election for Flathead District Court judge. “After an election in which they were both unopposed, Amy Eddy and Dan Wilson are set to be sworn in as Flathead District Court judges in January. Eddy was appointed Flathead District Court judge in 2015, after the retirement of Ted O. Lympus. Wilson ran for the vacancy left by Judge David Ortley, who did not seek re-election.” [Daily Inter Lake, 11/9/16]

Wilson had served six years as Flathead County Justice of the Peace. “Wilson is currently Flathead County Justice of the Peace, in the middle of his second term. He has served six years in that position. ‘It’s been a tremendous experience and a privilege to serve the community,’ Wilson said.” [Daily Inter Lake, 11/9/16]

Wilson a Montana native who had practiced law since 1993. “Wilson is a native Montanan who has been practicing law since 1993. He has been in the Flathead Valley since 1995, when he took a job with the county attorney's office. Several years of private practice followed his time in the county attorney's office, until he became justice of the peace six years ago.” [Daily Inter Lake, 11/9/16]

2016: Wilson: “I look forward to administering the district court in a way that is both respectful of the law and the Constitution and the parties as well.” “‘I look forward to administering the district court in a way that is both respectful of the law and the Constitution and the parties interest as well,’ Wilson said. District judges serve six-year terms. Eddy and Wilson join Judges Robert Allison and Heidi Ulbricht on the bench.” [Daily Inter Lake, 11/9/16]

2020: Wilson denied request by state health department to require five businesses to enforce health orders aimed at preventing Covid spread. “A northwestern Montana judge has denied a request by the state health department for preliminary court orders to require five Flathead County businesses to enforce health orders aimed at preventing the spread of the coronavirus. District Judge Dan Wilson said Thursday that the Department of Public Health and Human Services failed to justify immediate action against the businesses, saying they were making reasonable efforts to comply with Montana's mask mandate. The U.S. Centers for Disease Control and Prevention and public health officials agree that face masks are effective at mitigating the spread of the coronavirus when they are widely worn. Attorneys for the health department argued the businesses did not take ‘reasonable measures’ to enforce the mask mandate put in place by Democratic Gov. Steve Bullock on July 15 to prevent the spread of the coronavirus. As cases of COVID-19 continued to rise in Flathead County and local authorities declined to act against businesses that were not enforcing mandates, the state asked for a court order to force the businesses to comply...Wilson declined a request to award legal fees to the businesses, but said he would be ‘highly inclined’ to do so if the state continues pushing the issue without presenting a stronger case. The state health department was reviewing the judge's decision Friday and declined comment on whether it planned to continue pursuing the cases, spokesperson Jon Ebel said.” [AP, 11/13/20]

2023: Wilson centered Supreme Court campaign on commonsense approach to applying the law and highlighting importance of independent judiciary. “Flathead County District Court Judge Dan Wilson is centering his newly launched campaign for the Montana Supreme Court on his experience, what he describes as a common sense approach to applying the law and by highlighting the importance

of an independent judiciary. Wilson, 59, began last week the process of filing to run for retiring Justice Dirk Sandefur's seat, which goes before voters in 2024. First elected to the high court in 2016, Sandefur told the Montana Free Press earlier this month he was passing on seeking a second eight-year term. Chief Justice Mike McGrath has also decided against seeking reelection, citing his age, according to the Montana Free Press. Wilson, who has served as a district court judge since January 2017, said he discussed campaigning for the state Supreme Court with his family upon learning of Sandefur's decision. Wilson said he plans to run a traditional judicial campaign, 'neither partisan nor controversial,' and lean on his experience as a judge." [Daily Inter Lake, 6/22/23]

- **“Experience and a proven track record for deciding cases and interpreting the law based on common sense...”** “When I talk to an independent voter, a Democrat or a Republican, the message is the same: experience and a proven track record for deciding cases and interpreting the law based on common sense,” Wilson told the Inter Lake.” [Daily Inter Lake, 6/22/23]

Wilson: “Every day I’ve been in court...I came away understanding something that I didn’t before...” “Prior to becoming a district court judge, Wilson served as justice of the peace in Flathead County Justice Court, elected to the position in 2010 and reelected in 2014. In his time as a lawyer, he worked as a deputy county attorney in Great Falls and chief deputy county attorney in Chinook. Wilson came to Flathead Valley to work for the County Attorney's Office in 1995 and opened a practice of his own in 1999, where he broadened his scope to general practice, he said. Wilson kept his "courtroom skills sharp" by representing defendants charged with crimes in federal courts, he said. ‘I think that it may be a simpler task for someone like myself, who has experience in the judicial branch, to offer up their experience as the primary reason for running,’ Wilson said. As for those in the legal profession Wilson has turned to for guidance, he said he has learned from every lawyer or judge he has worked with in his career. ‘Every lawyer I've ever encountered, whether good, bad or otherwise, every judge I've been in front of who either impressed me at the time or didn't, has taught me something about how to practice law, or how not to practice law,’ he said. ‘What I've loved about my career is that every day I've been in court, either as an attorney or as a judge, I came away understanding something that I didn't before or came away understanding something in more depth than I ever had before.’” [Daily Inter Lake, 6/22/23]

2023: Wilson: “A commonsense approach to the law is that when you read the law or the opinion of the court it is not proper for a judge to go looking for a meaning they would rather find.” “BEYOND HIS years in the courtroom, Wilson emphasized his approach to interpreting and applying the law. He starts with a reading of the plain text of the state Constitution or statute in question, he said. Then he applies common sense. ‘A commonsense approach to the law is that when you read the law or the opinion of the court it is not proper for a judge to go looking for a meaning they would rather find,’ Wilson said.” [Daily Inter Lake, 6/22/23]

2023: “An independent judge...means that...when we are deciding cases, no one from a political party...can call us up and demand a particular ruling or result.” “Wilson said the cost of the Gustafson-Brown race, deemed the most expensive in state history and ultimately won by Gustafson, factored little in his decision to run for state Supreme Court. ‘I don't intend to make this campaign anything other than what I think it ought to be, which is a campaign to fill a seat on the Montana Supreme Court, hopefully in my case by someone who has direct experience in the judiciary,’ he said. But he is cognizant of the politicking that consumed the previous election, just as he is aware of the debate in recent years about the nature of an independent judiciary. ‘For me, an independent judge and an independent judiciary means that we don't refuse to talk to people, we don't refuse to listen to people from all parts of the political spectrum, but when we are elected, when we are deciding cases, no one

from a political party or even someone who says they represent the broad swath of independent voters can call us up and demand a particular ruling or result,' Wilson said." [Daily Inter Lake, 6/22/23]

"It's important to me that the judiciary remain not only independent, but that it remain mindful that neither it nor the branches of government should try to do the work of others."

"Simultaneously, judges and courts must guard against usurping the roles of the other two branches of government, he said. 'It's important to me that the judiciary remain not only independent, but that it remain mindful that neither it nor the other branches of government should try to do the work of the others,' Wilson said." [Daily Inter Lake, 6/22/23]

"The law is bigger than all of us." "The state Legislature passes the laws, and while they might come at the behest of one party or another, they all are printed in black-and-white text, he said. It's that text that judges apply. 'It has to do with a humble approach to the law,' Wilson said. 'I am firmly convinced that after 30 years — combined as a lawyer and a judge — that you never become truly a master of the law unless you learn how to stand humbly before it and come to the inescapable conclusion that the law is bigger than all of us.'" [Daily Inter Lake, 6/22/23]

Wilson one of five judges of the 11th Judicial District; elected in 2016 and reelected in 2022. "Dan Wilson, of Kalispell, is one of five judges of the 11th Judicial District, which covers Flathead County. He was elected to the position in 2016 and reelected in 2022. Wilson previously worked as a deputy county attorney, then spent about a decade in private practice, doing a variety of work – including family law and criminal defense. In 2010, he was elected as a justice of the peace for Flathead County. He says he wants to center his campaign on his experience and record." [KTHV, [5/17/24](#)]

2024: "The Supreme Court functions best...when it is the quiet branch..." "I'm not running to carry water for any sort of political issue or any political group,' Wilson said. 'I'm merely offering up again my candidacy to Montanans as a judge with a proven record for following the law and the Constitution, and one who doesn't insert his own views or the views of stakeholders or interested parties or special interests to determine whether something passes a legal test or not.' Wilson says recent political tensions around the court are an inevitable when branches of government are in conflict over their roles. He said it's important for justices to hold to legal standards when making their decisions, and that he doesn't believe Montanans want justices to advocate for particular interests. 'The Supreme Court functions best, I believe, when it is the quiet branch, when it's simply there resolving disputes in a fair and constitutional way – that it does its level best to avoid making unsolicited or unnecessary comments attacking any other branch of government, but simply issues opinions that are well supported by the Constitution, the rule of law, logic and good reason,' he said." [KTHV, [5/17/24](#)]

"My judicial philosophy is simple...interpret and apply the provisions of the...Constitutions and all laws according to their original intent and plain meaning..." "My judicial philosophy is simple: interpret and apply the provisions of the United States and Montana Constitutions and all laws according to their original intent and plain meaning, and do not allow personal views or the views of special interests to determine the outcome of any case. Respect the rule of law, including the law of precedent, and do not legislate from the bench. In my understanding, a good Supreme Court justice subscribes to this philosophy or one similar to it." Free Press Election [Guide](#)]

- **"A bad Supreme Court Justice...decides cases based on personal views or preferences..."** "A bad Supreme Court justice, on the other hand, decides cases based on personal views or preferences rather than basing decisions on higher, governing principles of law." Free Press Election [Guide](#)]

“The Supreme Court must earn the respect of all Montanans by issuing decisions, which are firmly rooted in the Constitution and our laws...” “The Supreme Court must earn the respect of all Montanans by issuing decisions which are firmly rooted in the Constitution and our laws and by providing reasons for its decisions which stand up to the most rigorous standards. When the court lives up to these ideals, it will achieve and maintain its proper role and authority as the independent and non-political decider of the cases that come before it.” [Montana Free Press Election [Guide](#)]

President of Montana Shooting Sports Association said “Dan Wilson is the well-known conservative in the race.” “Dan Wilson is the known conservative in the race. There may be questions about his personality and temperament, but I see that as a plus for having the spine necessary to contend with the liberals on the MSC... Again, for clarification, the Montana Shooting Sports Association makes no endorsement(s) for MSC races because we lack the data for a basis for any endorsement (perhaps by design). I hope this helps. Best wishes, Gary Marbut, President Montana Shooting Sports Association...” [AmmoLand.com, 5/17/24]

2024: “The law is endlessly fascinating.” “From the other end of the state, Wilson, 60, was elected to the Flathead County District Court in 2016 after serving as there as the justice of the peace. His career after obtaining a law degree from the University of Minnesota was spent engaging with the justice system in several different aspects, first as a prosecutor and later in general practice and criminal defense. Wilson said his decision to seek the bench came after finding he preferred getting to the heart of the truth and the law, rather than advocating for a particular side. ‘To me, that is a lot more interesting than trying to win or represent a client who is going to get the biggest judgement, and therefore the biggest payday. For me, it’s the law that is endlessly fascinating,’ Wilson said. Precedent is likewise important to Wilson, for stability and for attorneys to offer good counseling to their clients. ‘The fact that there are courts open that are going to decide and determine contract disputes and make the law consistent and predictable is what keeps most cases out of court, frankly,’ he said. ‘And if the lawyers’ perception is that the Supreme Court has become sort of unpredictable, then the Supreme Court becomes very busy.’ That stable approach is why Wilson said he’s running for the Supreme Court. His message to voters on the campaign trail has repeatedly been that he’s not here to help one side or another in a particular dispute, but to follow the law in resolving those disputes. In 2020, in the throes of a generational pandemic and a turbulent election year, Wilson’s ruling against the state health department made considerable news. State officials under a Democratic governor sought a court order essentially enforcing masking mandates in five businesses where patrons had been observed without masks. Wilson, after reviewing the evidence the state submitted, denied that request and added he would be inclined to award attorney’s fees against the state if the health department continued pressing the issue without evidence. Wilson likewise has been upheld in the Supreme Court on a recent permitting issue, although conversely his ruling allowed the mining activity to move forward. The Supreme Court in 2022 upheld Wilson’s ruling that DEQ had sufficiently analyzed an architectural and stone quarry in Flathead County en route to issuing a permit. The agency in that case prevailed against plaintiffs who argued DEQ had not gone far enough to review Glacier Stone Supply’s operations on neighboring property.” [Bozeman Daily, 5/18/24]

Abortion & Reproductive Rights

Wilson: “The abortion issue has been decided by our Supreme Court, first in the Armstrong case, recently affirmed, and Armstrong is precedent.” “For an issue like abortion access, the public debate in Helena and elsewhere has orbited around interpretation of the state Constitution. Following the overturning of Roe v. Wade by the U.S. Supreme Court last year, Republican Gov. Greg Gianforte

urged the Montana Supreme Court to revisit the 1999 *Armstrong v. State* decision, which applied the state's right to privacy to medical care. The most recent state Legislature, meanwhile, passed a slew of bills aimed at restricting abortion in Montana, which has set off another round of legal challenges in the court system. Wilson believes the matter is straightforward. 'The abortion issue has been decided by our Supreme Court, first in the *Armstrong* case, recently affirmed, and *Armstrong* is precedent,' he said. "[Daily Inter Lake, 6/22/23]