

**From:** [Ellie Hill Smith](#)  
**To:** [Fox, Susan](#)  
**Subject:** [EXTERNAL] Letter to Legislative Council (COVID concerns)  
**Date:** Tuesday, August 11, 2020 11:40:49 AM

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Susan,

I have drafted the below letter to the Legislative Council. Please note my comments about how we have successfully protected the Constitutional rights of Montanans by video through the Judicial Branch (Judge Dayton should be HONORED!), and especially please note that 26 members of the Mississippi legislature were diagnosed with COVID when they returned to their own Capitol in May.

Thanks in advance and I appreciate everything you do for us and for the people of Montana.

Best always,  
Ellie Hill, Missoula

Representative Schreiner, Senator Blasdel, and esteemed members of the Legislative Council,

I am writing today because I read the Holly Michels article in the Missoulian related to the planning for the 2021 session.

As you know, I have served with you in the Montana Capitol since 2011. Like each of you, during my tenure, I have had my personal life intersect with my political service. As citizen legislators, it seems inevitable. In 2013, I had a baby during my time there and I tried to find somewhere to breastfeed in between daily committee meetings (there is no place to do this on the first floor, by the way.) During the 2015 session, my husband was literally diagnosed with Stage III cancer while I was voting on a bill on the floor of the House of Representatives. I will never forget getting concerned, loving calls on my cell phone from former Governor Schweitzer, Governor Bullock, and our Republican Speaker of the House, Austin Knudsen, within minutes of each other, standing completely numb from the copy desk just feet from the iconic Charlie Russell painting that overlooks our chambers. My family went through the rest of the session with him losing his hair and in intensive chemotherapy, while I drove back and forth between Missoula and Helena daily.

I am still a mom and an attorney, and in January, I imagine I will still be balancing life as a state senator. That same baby who once fell asleep during a State of the State Address is now entering the first grade. In order to balance our family and my public service, my own parents come to stay in our home in Missoula. Mike and Peggy Boldman don't share my politics but as I often joke, I love them anyway. They are also in their seventies and they have been married for over fifty years, this year.

In light of the COVID19 worldwide pandemic, I deeply encourage you to work together, with the excellent technology and innovation available to us at the Montana State Capitol, and I beg

you to allow all of us legislators and our staff to conduct the majority of our duties from home.

As you are likely aware, in May, our colleagues in the Mississippi State Legislature returned to their own capitol building, briefly, and within days, twenty-six elected officials were diagnosed with the deadly disease. Both the Lieutenant Governor and the House Speaker were among those who tested positive.

In my day job, I practice law throughout Montana. Our Supreme Court has ordered those of us in the judicial branch to conduct business whenever possible away from the public. It's not easy to protect someone's Constitutional rights via video. However, a favorite District Court Judge of mine, the Honorable Ray Dayton, from the Third Judicial District, represents the good folks of Anaconda-Deer Lodge and Powell Counties, and he has perfected it. Since March, when the pandemic began to spread in Montana, Judge Dayton has held all court appearances from his kitchen and his virtual courtroom hasn't missed a beat.

What's even more notable is that Judge Dayton's jurisdiction includes many of our state's incarcerated individuals detained in the state prison, as well as the folks who suffer from such significant mental illness that they are treated in our state hospital in Warm Springs. To say these Montanans are at-risk is an understatement. It's a time bomb. Judge Dayton's immediate wisdom as an officer of the court has not only benefited the obviously at-risk, but thousands of public employees who serve us all through the Department of Corrections, DPHHS, as well as the county's local law enforcement and courthouse staff. Thanks to Judge Dayton's sound judgment and unwavering fortitude in finding common sense ways to serve the public through COVID19, I know firsthand he has saved lives.

I also know that if the judicial branch has figured out how to protect the sacred liberty interests of everyday Montanans, we can certainly find a way to conduct the equally important business of the legislative branch with alternatives. I have watched my colleagues on separate sides of the aisle, during each of my prior four sessions, nearly come to intellectual fist to cuffs over our ideological differences, but for the sake of my son's grandparents, I sure hope we can make this a nonpartisan issue come 2021. My Zoom camera is poised and ready and I promise to make my virtual floor speeches shorter than this letter.

Former State Representative Ellie Hill, Candidate Senate District 45, Missoula

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