

1 HB543
2 157966-3
3 By Representative Ball
4 RFD: Constitution, Campaigns and Elections
5 First Read: 26-FEB-14

1 (2) There is a serious, objective probability of
2 actual bias by the justice or judge due to his or her
3 acceptance of the campaign contribution.

4 (b) A rebuttable presumption arises that a justice
5 or judge shall recuse himself or herself if a campaign
6 contribution made directly by a party to the judge or justice
7 exceeds ~~25 percent~~ the following percentages of the total
8 contributions raised during the election cycle by that judge
9 or justice and was made at a time when it was reasonably
10 foreseeable that the case could come before the judge or
11 justice: (1) Ten percent in a statewide appellate court race,
12 (2) Fifteen percent in a circuit court race, or (3)
13 Twenty-five percent in a district court race. Any refunded
14 contributions shall not be counted toward the percentages
15 noted herein.

16 (c) The term party, as referenced in this section,
17 means any of the following:

18 (1) A party or real party in interest to the case or
19 any person in his or her immediate family.

20 (2) Any holder of five percent or more of the value
21 of a party that is a corporation, limited liability company,
22 firm, partnership, or any other business entity.

23 (3) Affiliates or subsidiaries of a corporate party.

24 (4) Any attorney for the party.

25 (5) Other lawyers in practice with the party's
26 attorney.

1 (d) An order of a court denying a motion to recuse
2 shall be appealable in the same manner as a final order to the
3 appellate court which would otherwise have jurisdiction over
4 the appeal from a final order in the action. The appeal may be
5 filed only within 30 days of the order denying the motion to
6 recuse. During the pendency of an appeal, where the threshold
7 set forth in subsection (b) is met, the action in the trial
8 court shall be stayed in all respects.

9 Section 2. Sections 12-24-1 and 12-24-2, Code of
10 Alabama 1975, are repealed.

11 Section 3. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 26-FEB-14

Read for the second time and placed
on the calendar 1 amendment 05-MAR-14

Read for the third time and passed
as amended..... 13-MAR-14

Yeas 81, Nays 12, Abstains 1

Jeff Woodard
Clerk