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

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To provide criteria for recusal of a justice or
9	judge who has received a substantial campaign contribution
10	from a party; to create a rebuttable presumption that the
11	justice or judge should recuse himself or herself if the
12	contribution during the election cycle of the justice or judge
13	exceeds a certain amount; to provide for appeal of an order
14	denying a motion to recuse; and to repeal Sections 12-24-1 and
15	12-24-2, Code of Alabama 1975.
16	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
17	Section 1. (a) In any civil action, on motion of a
18	party or on its own motion, a justice or judge shall recuse
19	himself or herself from hearing a case if, as a result of a
20	substantial campaign contribution or electioneering
21	communication made to or on behalf of the justice or judge in
22	the immediately preceding election by a party who has a case
23	pending before that justice or judge, either of the following
24	circumstances exist:
25	(1) A reasonable person would perceive that the
26	justice or judge's ability to carry out his or her judicial

responsibilities with impartiality is impaired.

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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.

- (b) A rebuttable presumption arises that a justice or judge shall recuse himself or herself if a campaign contribution made directly by a party to the judge or justice exceeds 25 percent the following percentages of the total contributions raised during the election cycle by that judge or justice and was made at a time when it was reasonably foreseeable that the case could come before the judge or justice: (1) Ten percent in a statewide appellate court race, (2) Fifteen percent in a circuit court race, or (3)

 Twenty-five percent in a district court race. Any refunded contributions shall not be counted toward the percentages noted herein.
 - (c) The term party, as referenced in this section,
 means any of the following:
 - (1) A party or real party in interest to the case or any person in his or her immediate family.
 - (2) Any holder of five percent or more of the value of a party that is a corporation, limited liability company, firm, partnership, or any other business entity.
 - (3) Affiliates or subsidiaries of a corporate party.
 - (4) Any attorney for the party.
- 25 (5) Other lawyers in practice with the party's attorney.

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

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

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

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Constitution, Campaigns and Elections
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9 10 11	Read for the second time and placed on the calendar 1 amendment 05-MAR-14
12 13	Read for the third time and passed as amended
14	Yeas 81, Nays 12, Abstains 1
15 16	Jeff Woodard
17 18	Clerk