

1 HB55  
2 96262-1  
3 By Representative England  
4 RFD: Constitution and Elections  
5 First Read: 03-FEB-09  
6 PFD: 12/10/2008

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, there is no restriction  
9 regarding the amount of contributions by an  
10 individual, political action committee, or  
11 political party to candidates for the Alabama  
12 Supreme Court, Alabama Court of Appeals, Alabama  
13 Court of Criminal Appeals, circuit courts, or  
14 district courts. Corporations are limited to  
15 contributions of five hundred dollars.

16 This bill would impose a limitation on  
17 contributions for candidates for election to the  
18 Alabama Supreme Court, Alabama Court of Appeals,  
19 Alabama Court of Criminal Appeals, circuit courts,  
20 or district courts in the amount of five hundred  
21 dollars per election.

22 This bill would provide a mechanism for  
23 increasing the allowed contribution amount based on  
24 the application of the consumer price index.  
25

26 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 Relating to campaign contributions; to impose a  
5 limitation on contributions for candidates for election to the  
6 Alabama Supreme Court, Alabama Court of Appeals, Alabama Court  
7 of Criminal Appeals, circuit courts, or district courts in the  
8 amount of five hundred dollars (\$500) per election; and to  
9 provide a mechanism for increasing the allowed contribution  
10 amount based on the application of the consumer price index.  
11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) The Legislature finds and declares  
13 the following:

14 (1) That an independent, impartial judiciary is  
15 fundamental to a democratic system of governance.

16 (2) That Alabama spends more on judicial elections  
17 than any other state in the country.

18 (3) Since 1993, interests in Alabama have spent  
19 approximately fifty-four million dollars (\$54,000,000) to  
20 elect judicial candidates. During that same period of time,  
21 interests in Texas have spent only thirty million dollars  
22 (\$30,000,000) to elect judicial candidates.

23 (4) That large campaign contributions to candidates  
24 for the Alabama appellate courts, including the Alabama  
25 Supreme Court, the Alabama Court of Civil Appeals, the Alabama  
26 Court of Criminal Appeals, the circuit courts, and the

1 district courts by individuals and interest groups create the  
2 potential for corruption and, as important, the appearance of  
3 corruption.

4 (5) That large campaign contributions made to  
5 influence judicial election outcomes create an appearance that  
6 wealthy individuals, corporations, and special interest groups  
7 exercise a disproportionate level of influence over the  
8 political process. As stated by the Birmingham News, "the  
9 perception that big bucks buy justice in Alabama absolutely  
10 exists, and grows worse every election cycle...."

11 (6) That the rising costs of campaigning for  
12 political office prevent qualified citizens from running for  
13 appellate judicial office.

14 (b) Based on these findings, the Legislature  
15 declares that the interest of the public and the justice  
16 system in Alabama are best served by limiting campaign  
17 contributions made to candidates for appellate judicial office  
18 and state trial court.

19 Section 2. (a) For purposes of this act, the term  
20 "candidate for appellate judicial office or state trial court"  
21 shall mean any individual who has become a candidate, as that  
22 term is defined in subdivision (1) of subsection (a) of  
23 Section 17-5-2, Code of Alabama 1975, for any office on the  
24 Alabama Supreme Court, the Alabama Court of Civil Appeals, the  
25 Alabama Court of Criminal Appeals or the circuit courts or the  
26 district courts.

1           (b) All other terms set forth in this act shall have  
2 the meaning given in the Fair Campaign Practices Act,  
3 commencing with Section 17-5-1, Code of Alabama 1975.

4           Section 3. In addition to any limitations imposed by  
5 another section of the Code of Alabama 1975, the amount of any  
6 contribution, whether in-kind or otherwise, made by or  
7 accepted from any individual, political action committee, or  
8 political party to a candidate for appellate judicial office  
9 or state trial court may not exceed five hundred dollars  
10 (\$500) in any election.

11           Section 4. (a) The limit set forth in Section 3  
12 shall be increased on the first day of January in each  
13 even-numbered year in accordance with the consumer price index  
14 rate. That amount shall be rounded to the nearest fifty  
15 dollars (\$50) in order to obtain the applicable contribution  
16 limit for the relevant year.

17           (b) This act shall be read in pari materia with all  
18 existing laws and parts of laws.

19           Section 5. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.