

1 SB99
2 104145-1
3 By Senator Smitherman
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 03-FEB-09

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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
27 TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

1 potential for corruption and, as important, the appearance of
2 corruption.

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

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

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

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