

1 SB173
2 115788-1
3 By Senator Smitherman
4 RFD: Economic Expansion and Trade
5 First Read: 12-JAN-10

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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 by individuals, political action
18 committees, and political parties to candidates for
19 election to the circuit or district courts in the
20 amount of two thousand dollars per election, and a
21 limitation on contributions by individuals,
22 political action committees, and political parties
23 to candidates for election to the Alabama Supreme
24 Court, Alabama Court of Appeals, or Alabama Court
25 of Criminal Appeals in the amount of five thousand
26 dollars per election.

1 This bill would provide a mechanism for
2 increasing the allowed contribution amount based on
3 the application of the consumer price index.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to campaign contributions; to impose a
10 limitation on contributions by individuals, political action
11 committees, and political parties to candidates for election
12 to circuit or district courts in the amount of two thousand
13 dollars (\$2,000) per election, and a limitation on
14 contributions by individuals, political action committees, and
15 political parties to candidates for election to the Alabama
16 Supreme Court, Alabama Court of Appeals, or Alabama Court of
17 Criminal Appeals in the amount of five thousand dollars
18 (\$5,000) per election; and to provide a mechanism for
19 increasing the allowed contribution amount based on the
20 application of the consumer price index.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) The Legislature finds and declares
23 the following:

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

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

1 (3) Since 1993, interests in Alabama have spent
2 approximately fifty-four million dollars (\$54,000,000) to
3 elect judicial candidates. During that same period of time,
4 interests in Texas have spent only thirty million dollars
5 (\$30,000,000) to elect judicial candidates.

6 (4) That large campaign contributions to candidates
7 for the Alabama appellate courts, including the Alabama
8 Supreme Court, the Alabama Court of Civil Appeals, the Alabama
9 Court of Criminal Appeals, the circuit courts, and the
10 district courts by individuals and interest groups create the
11 potential for corruption and, as important, the appearance of
12 corruption.

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

20 (6) That the rising costs of campaigning for
21 political office prevent qualified citizens from running for
22 appellate judicial office.

23 (b) Based in these findings, the Legislature
24 declares that the interest of the public and the justice
25 system in Alabama are best served by limiting campaign
26 contributions made to candidates for appellate judicial office
27 and state trial courts.

1 Section 2. (a) For purposes of this act, the term
2 "candidate for appellate judicial office" shall mean any
3 individual who has become a candidate, as that term is defined
4 in subdivision (1) of subsection (a) of Section 17-5-2, Code
5 of Alabama 1975, for any office on the Alabama Supreme Court,
6 the Alabama Court of Civil Appeals, or the Alabama Court of
7 Criminal Appeals.

8 (b) For purposes of this act, the term "candidate
9 for state trial court" shall mean any individual who has
10 become a candidate, as the term is defined in subdivision (1)
11 of subsection (a) of Section 17-5-2, Code of Alabama 1975, for
12 any office on the circuit courts or the district courts.

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

16 Section 3. In addition to any limitation imposed by
17 another section of the Code of Alabama 1975, the amount of any
18 contribution, whether in-kind or otherwise, made by or
19 accepted from any individual, political action committee, or
20 political party to a candidate for appellate judicial office
21 may not exceed five thousand dollars (\$5,000) in any election,
22 nor may a contribution, whether in-kind or otherwise, made by
23 or accepted from any individual, political action committee,
24 or political party to a candidate for state trial court exceed
25 two thousand dollars (\$2,000) in any election.

26 Section 4. (a) The limits set forth in Section 3
27 shall be increased on the first day of January in each

1 even-numbered year in accordance with the consumer price index
2 rate. That amount shall be rounded to the nearest fifty
3 dollars (\$50) in order to obtain the applicable contribution
4 limits for the relevant year.

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

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