

Initiative Measure No. 770 filed September 22, 2015

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-3040.1/15

ATTY/TYPIST: AA:lcl

BRIEF DESCRIPTION:

AN ACT Relating to ensuring supreme court judges avoid the appearance of impropriety, partiality, bias, and unfairness as a result of contributions provided to their campaigns by parties or attorneys before the court; adding a new chapter to Title 2 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** This act may be known and cited as the stop buying supreme court justices now act.

NEW SECTION. **Sec. 2.** Judicial disqualification is necessary to combat mounting threats to public confidence in the judiciary. In particular, recusal reform is needed to defeat the growing perception that judges' decisions in the courtroom are influenced by partisan political concerns and judicial campaign spending. Although the public strongly supports nonpartisan elections of judges, citizens are very concerned about the role that money can play in judicial elections and believe that campaign contributions to judicial campaigns are buying favorable legal outcomes.

The United States supreme court has recognized the corrosive effect that outsized judicial campaign spending can have on public perceptions of judicial legitimacy and has concluded that it can violate the Constitution's guarantee of a fair, impartial tribunal. At the same time, the court has emphasized that states would be well-served to adopt recusal rules more rigorous than the Constitution requires.

Court opinions have been issued in this state that go far beyond the legitimate constitutional boundaries established for the judicial branch in our state Constitution and intrude into the constitutional prerogatives of the people and their elected representatives. The fact that certain court decisions have consistently favored certain powerful, well-funded political interests certainly gives an obvious appearance of impropriety, partiality, bias, and unfairness.

This act is intended to ensure that a strict adherence to judicial ethics is maintained and that the public is confident that decisions rendered by the courts are objective, impartial, unbiased, appropriate, just, and fair.

NEW SECTION. **Sec. 3.** (1) Any judge sitting on the supreme court shall disqualify himself or herself if the judge learns by means of a timely motion by a party or a party's counsel that an adverse party or an adverse party's counsel has provided financial support for any of the judge's judicial election campaigns within the last six years in an amount equal to or greater than one thousand dollars.

(2) A judge who fails to disqualify himself or herself after proof has been made that the judge is subject to mandatory recusal under subsection (1) of this section is guilty of judicial misconduct and is subject to sanctions imposed by the commission on judicial conduct.

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 2 RCW.

--- **END** ---