

House Bill 97

By: Representatives Lindsey of the 54th, Wilkinson of the 52nd, Teilhet of the 40th, Tumlin of the 38th, Jacobs of the 80th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-1-8 and Code Section 21-5-41 of the Official Code of Georgia
2 Annotated, relating to when a judge or judicial officer is disqualified and the maximum
3 allowable contributions, respectively, so as to provide for election reform in judicial,
4 state-wide office, and General Assembly elections; to disqualify certain judges and Justices
5 from hearing certain matters under certain circumstances; to limit certain contributions by
6 political parties to candidates in nonpartisan judicial elections; to clarify provisions relating
7 to the limitations on maximum allowable contributions by political parties; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 15-1-8 of the Official Code of Georgia Annotated, relating to when a judge or
12 judicial officer is disqualified, is amended by revising subsection (a) as follows:

13 "(a) No judge or Justice of any court, magistrate, nor presiding officer of any inferior
14 judicature or commission shall:

15 (1) Sit in any case or proceeding in which ~~he~~ such judge is pecuniarily interested;

16 (2) Preside, act, or serve in any case or matter when such judge is related by
17 consanguinity or affinity within the sixth degree as computed according to the civil law
18 to any party interested in the result of the case or matter; ~~or~~

19 (3) Sit in any case or proceeding in which ~~he~~ such judge has been of counsel, nor in
20 which ~~he~~ such judge has presided in any inferior judicature, when ~~his~~ such judge's ruling
21 or decision is the subject of review, without the consent of all parties in interest. In all
22 cases in which the presiding judge of the superior court was employed as counsel before
23 ~~his~~ or her appointment as judge, ~~he~~ such judge shall preside in such cases if the opposite
24 party or counsel agree in writing that ~~he~~ the judge may preside, unless ~~he~~ the judge
25 declines to do so; or

1 (4) Over the objection of any opposing party, preside, act, or serve in any case or matter
 2 when in the last previous or present election cycle such judge has accepted a campaign
 3 contribution in the amount of more than \$500.00 from a party interested in the result of
 4 the case or matter or a counsel for such party. The burden shall be on a party to provide
 5 notice, as soon as practical, to opposing counsel that such party or counsel for such party
 6 was a contributor to the judge. Within ten days of receiving such notice, a party receiving
 7 such notice shall file an objection to such judge presiding, acting, or serving in the case
 8 or matter, and the judge shall recuse himself or herself under such circumstances. If no
 9 objection is filed within ten days, or if the potential conflict is waived, the judge may
 10 preside, act, or serve in the case or matter."

11 SECTION 2.

12 Code Section 21-5-41 of the Official Code of Georgia Annotated, relating to maximum
 13 allowable contributions, is amended by revising subsection (j) as follows:

14 "(j) The contribution limitations provided for in this Code section shall not include
 15 contributions or expenditures made by a political party in support of a party ticket or a
 16 group of named candidates except in the case of expenditures in support of a group of
 17 named candidates if one or more of those candidates are candidates in a nonpartisan race
 18 for judicial office."

19 SECTION 3.

20 Said Code section is further amended by adding new subsections to read as follows:

21 "(l) The contribution limitations established by this Code section shall also apply to an
 22 independent committee or a political organization, as such term is defined in Section
 23 527(e)(1) of the Internal Revenue Code of 1986, which expends funds either for the
 24 purpose of affecting the outcome of an election for any elected office or to advocate the
 25 election or defeat of any particular candidate. Nothing contained in this subsection is
 26 intended to limit or abrogate the ability of individuals to exercise their right of free speech
 27 by expending personal funds on their own behalf for the purpose of affecting the outcome
 28 of an election for any elected office or to advocate the election or defeat of any particular
 29 candidate subject to the reporting and disclosure requirements of this chapter.

30 (m) No person shall create, establish, or organize more than one political organization, as
 31 such term is defined in Section 527(e)(1) of the Internal Revenue Code of 1986, with the
 32 intent to avoid or evade the contribution limitations provided in subsection (l) of this Code
 33 section."

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SECTION 4.

2 All laws and parts of laws in conflict with this Act are repealed.