

HOUSE BILL NO. 255

INTRODUCED BY M. MONFORTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DISQUALIFICATION OF A JUDGE IF THE JUDGE  
5 HAS RECEIVED CERTAIN CAMPAIGN CONTRIBUTIONS FROM A PARTY OR A PARTY'S ATTORNEY IN A  
6 PROCEEDING IN WHICH THE JUDGE IS SITTING; REQUIRING DISCLOSURE BY A JUDGE OF CERTAIN  
7 CAMPAIGN CONTRIBUTIONS ON THE RECORD OR IN WRITING; ALLOWING THE WAIVER OF THE  
8 JUDGE'S DISQUALIFICATION UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT THE PROPOSED  
9 ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 NEW SECTION. **Section 1. Disqualification of judge receiving political contribution.** (1) As used  
15 in this section, "judge" means a justice of the supreme court, district court judge, justice of the peace, municipal  
16 court judge, or city court judge.

17 (2) A judge may not sit or act in a proceeding if:

18 (a) the judge has received a contribution in excess of the amount established in 13-37-229(2) from a  
19 party to the proceeding or from a party's attorney; and

20 (b) the contribution from the party or the party's attorney was received in support of the judge's last  
21 election or in anticipation of an upcoming election.

22 (3) A judge who is required to be disqualified pursuant to this section shall disclose in the matter before  
23 the court any contribution subject to this section as the basis of the judge's disqualification. The disclosure must  
24 be made in writing or on the record.

25 (4) A disqualification required under this section may be waived by the party that did not make the  
26 contribution or whose attorney did not make the contribution.

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28 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an  
29 integral part of Title 3, chapter 1, and the provisions of Title 3, chapter 1, apply to [section 1].

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1 NEW SECTION. **Section 3. Effective date.** [This act] is effective upon approval by the electorate.

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3 NEW SECTION. **Section 4. Submission to electorate.** [This act] shall be submitted to the qualified  
4 electors of Montana at the general election to be held in November 2016 by printing on the ballot the full title of  
5 [this act] and the following:

6  YES on Legislative Referendum \_\_\_.

7  NO on Legislative Referendum \_\_\_.

8 - END -