



**SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE JOINT RESOLUTION 57**

November 12, 2013 – Offered by Senators C. LARSON, RISSER, WIRCH, CARPENTER,  
LEHMAN, HARRIS, VINEHOUT, L. TAYLOR, ERPENBACH, HANSEN and LASSA.

- 1     **To create** section 25 of article VII of the constitution; **relating to:** disqualification  
2             of a justice of the supreme court, court of appeals judge, and circuit court judge.

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***Analysis by the Legislative Reference Bureau***

This constitutional amendment, proposed to the 2013 legislature on first consideration, requires a justice of the supreme court, court of appeals judge, and circuit court judge to disqualify himself or herself from any civil or criminal action or proceeding when any of the following situations occurs:

1. When a reasonable person would question whether the justice or judge can act in an impartial manner.
2. When a justice or judge has received, as a candidate for judicial office and within the past four years, campaign financial support from a party to the action or proceeding in an amount of \$1,000 or more, including campaign contributions, independent contributions made on behalf of the justice or judge, and independent contributions made against the justice's or judge's opponent.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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3             ***Resolved by the senate, the assembly concurring, That:***

4             **SECTION 1.** Section 25 of article VII of the constitution is created to read:

1 [Article VII] Section 25. A justice of the supreme court, court of appeals judge,  
2 and circuit court judge shall disqualify himself or herself from any civil or criminal  
3 action or proceeding when any of the following situations occurs:

4 (1) When a reasonable person would question whether the justice or judge can  
5 act in an impartial manner.

6 (2) When a justice or judge has received, as a candidate for judicial office and  
7 within the past 4 years, campaign financial support from a party to the action or  
8 proceeding in an amount of \$1,000 or more, including campaign contributions,  
9 independent contributions made on behalf of the justice or judge, and independent  
10 contributions made against the justice's or judge's opponent. A justice or judge who  
11 is required to disqualify himself or herself under this subsection may disclose on the  
12 record the basis of the justice's or judge's disqualification and may ask the parties and  
13 their lawyers to consider, out of the presence of the justice or judge, whether to waive  
14 disqualification. If, following disclosure under this subsection, the party who is  
15 opposed to the party that provided campaign financial support to the justice or judge  
16 determines that the justice or judge should not be required to disqualify himself or  
17 herself and if the parties and the lawyers of the parties all agree, the parties may  
18 waive disqualification of the justice or judge and the justice or judge, if willing, may  
19 participate in the action or proceeding. The agreement or waiver shall be  
20 incorporated into the record of the action or proceeding.

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(END)