

New proposals to address potential conflict and the court?

Natalie Brand, KING 5 Political Reporter 10:11 a.m. PDT September 16, 2015



Inside the chambers of the state Supreme Court.(Photo: Drew Mikkelsen, KING)

Two Republican legislators are proposing legal changes that would block Washington state Supreme Court justices from hearing cases in which a major campaign donor is a party – the latest fallout from the court's Sept. 4 ruling that overturned the state's charter school law.

State Rep. Matt Manweller (R-Ellensburg) filed a voter initiative on Tuesday called the "Stop Buying Judges Now Act." He referenced the recent rulings in favor of the Washington Education Association, whose political action committee made maximum contributions to [seven of the nine current Supreme Court Justices](#).

State Sen. Michael Baumgartner (R-Spokane) wrote on social media last week that he planned to introduce similar legislation.

"I think we're trying to cross that line in Washington state," Rep. Manweller told KING 5. "This initiative says, 'Hey you're referees, we're advocates. You need to recuse yourself

if you've taken a significant amount of money from someone arguing in front of your court."

According to the state Commission on Judicial Conduct, judicial candidates must adhere to a different set of campaign finance rules than legislators. Judicial candidates are prohibited from personally soliciting campaign donations.

"I think if the money had no influence on the judges, you wouldn't see people writing large checks," Manweller said. "I think those are nice rules, and in a perfect, academic world, we'd like to believe them, but I know for a fact that judges know exactly who donates to them, and how much they've donated, and I am concerned it may be influencing their decisions.

When asked about money's influence on the legislature and whether lawmakers recuse themselves from voting on measures in which they have a vested interest, Manweller said Washington state legislature does have a recusal process.

"It happens quite often where we stand up and we ask for a ruling from the Speaker as to whether or not we can vote on a certain bill. But I think the public's perception is that legislators are advocates but judges are referees and we treat referees different than we treat advocates," he said.

More on Washington's recusal provisions and how it compares to other states:

A Different Proposal from Rep. Reuven Carlyle

Meanwhile, on the other side of the aisle, state Rep. Reuven Carlyle (D-Seattle) said he plans to reintroduce legislation he cosponsored in 2014 calling for a new system of publicly financed campaigns for Supreme Court justices.

"We need to rise above the base rhetoric we've seen attacking justice's personal and professional integrity because of disagreements over individual constitutional rulings," said Carlyle. "We could establish a modest fee on lawsuits or court cases, for example, and raise the money to finance state races. The value to the public of ensuring the highest level of integrity and independence of our judiciary is surely worth it."

[Carlyle's HB 2525](#) noted that judicial races involve "large sums of money raised and spend by special interest groups," adding, "To maintain public confidence in the judiciary, we must prevent not only corruption but the appearance of corruption."

North Carolina and New Mexico are the only states that have established public financing programs for judicial races, according to a [nonpartisan analysis of the bill](#).

HB 2525 didn't make it through the Committee on Government Operations & Elections last session. According to the site "[Gavel to Gavel](#)," the bill joined a list of failed attempts to publicly fund judicial races.

Asked about the assertion that campaign donations influenced recent education rulings, Chief Justice Barbara Madsen issued the following statement to KING 5 last week:

"In 1889 the drafters of our state constitution decided that judges should be elected. The United States Supreme Court has ruled that citizens, including corporations, have a First Amendment right to spend money in political campaigns. Campaign contributions to judges are governed by federal and state case law, by the code of judicial conduct, and state public disclosure laws.

"In Washington, we have an elected judiciary whose job is to decide constitutional questions fairly and impartially. That is what our court has always done and will continue to do."