

SUPREME COURT OF ARIZONA

STEVE MAY,	)	Arizona Supreme Court
	)	No. CV-02-0206-SA
Petitioner,	)	
	)	Court of Appeals
v.	)	Division One
	)	No. 1 CA-SA 02-0073
THE HONORABLE SHELDON H. WEISBERG,	)	
JON W. THOMPSON, JOHN C. GEMMILL,	)	Maricopa County
JUDGES OF THE COURT OF APPEALS,	)	Superior Court
DIVISION ONE, in and for the State	)	No. CV 2001-006078
of Arizona,	)	
	)	
Respondents,	)	
and	)	
	)	
BETSEY BAYLESS, as Secretary of	)	<b>NOTICE OF RECUSAL</b>
State of the State of Arizona,	)	
acting in her official capacity;	)	
CAROL SPRINGER, as Treasurer of	)	
the State of Arizona, acting in	)	
her official capacity; and the	)	
CITIZENS CLEAN ELECTIONS	)	
COMMISSION; and ARIZONANS FOR	)	
CLEAN ELECTIONS,	)	
	)	
Real Parties in Interest.	)	
	)	
	)	

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On July 5, Justice Feldman filed a Disclosure advising that he made a voluntary donation to the Clean Elections Fund in 2001. As his Disclosure indicated, Justice Feldman's contribution was and is permitted under the governing statutes of the State of Arizona. This case does not challenge the validity of voluntary contributions, the existence of the Commission, or the Commission's use of funds obtained through voluntary contributions such as the one Justice Feldman made. The contribution is therefore not germane to any issue before this court.

Justice Feldman also advised that he had consulted with the Chair of the Judicial Ethics Advisory Committee and requested an informal opinion on whether he should recuse himself from this case because of having made the donation.

The Committee Chair has responded to Justice Feldman's request, saying that there appears to be no formal decision or opinion on the question and that Justice Feldman "may not have to disqualify himself in [this] case simply because he donated money to the non-profit litigant in the case." Justice Feldman believes, however, that his contribution might lead a reasonable person to conclude that he strongly favors clean elections and therefore might not be impartial to the issues raised in the case. He therefore chooses not to participate in the consideration or decision of this case and thus recuses himself, even though not required to do so.

Dated this \_\_\_\_\_ day of July, 2002.

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STANLEY G. FELDMAN, Justice