

governmental committee or commission or other governmental position except under limited circumstances. Judges are cautioned to accept governmental appointments that are not likely to interfere with the effectiveness and independence of the judiciary. Canon 4C(2) and Commentary.

The committee agrees with the expressed policy of the district court not to provide employees reporting directly to and serving at the pleasure of the judge, such as bailiffs, judicial executive assistants and law clerks to fill polling center positions as such employees have continuous, close daily contact with the judge. It would create an appearance of impropriety if such individuals, working directly for a judge seeking reelection, were to greet members of the public as they arrive to cast their votes at polling centers. The presence of such employees could reflect negatively on the judiciary as a whole.

With these pronouncements in mind, the committee believes that the district court may supply employees to staff polling centers if those employees are not subject to the judge's direction and control as those employees are required to observe the same standards of fidelity and diligence that apply to the judge. Canon 3C(2).

Those district court employees serving in clerical or support positions with insignificant and infrequent contact with the judges, who are not subject to the judges' direction and control, may serve as polling center supervisors. However, the committee is not mindful of all job duties of district court employees and cannot provide any more specific guidelines as to which employees are and are not subject to the judges' direction and control.

Conclusion

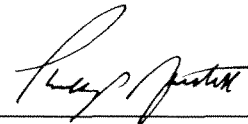
The Code of Judicial Conduct does not

prevent the district court from providing employees to serve as polling center workers as long as those employees are not subject to the district judges' direction and control. The committee believes that non-management court employees are best suited to serve in the capacity of polling center workers.

References

Nevada Code of Judicial Conduct, Canon 2A, 3C(2), 4C(2) and Commentary; State v. Harvey, 117 Nev. Adv. Op. 64 (October 10, 2001)

This opinion is issued by the Standing Committee on Judicial Ethics and Election Practices. It is advisory only. It is not binding upon the courts, the State Bar of Nevada, the Nevada Commission on Judicial Discipline, any person or tribunal charged with regulatory responsibilities, any member of the Nevada judiciary, or any person or entity which requested the opinion.



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