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JANETTE M. BLOOM
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STATE OF NEVADA

STANDING COMMITTEE ON
JUDICIAL ETHICS AND ELECTION PRACTICES

DATE ISSUED: October 17, 2006

OPINION: JE06-017

PROPRIETY OF AN ENDORSEMENT
OF A REMAINING CANDIDATE
COMING FROM AN INDIVIDUAL
WHO LOST IN THE PRIMARY FOR
THE SAME RACE.

A judge or judicial candidate shall
refrain from inappropriate political
activities.

A.

(1) ...a judge or a candidate for
election...shall not:

...
(b) publicly endorse or
publicly oppose another
candidate for public office;

ISSUE

May a person who lost in the
primary election move on to endorse one
of the candidates from the same race who
made it through the primary?

After the official primary results are
posted, it is clear as to which two (2)
judicial candidates will go on to the general
election. The other contestants are no
longer candidates. They no longer fall
under the restrictions of Canon 5A and may
now endorse or oppose the two (2)
individuals who remain as candidates.

ANSWER

Yes.

CONCLUSION

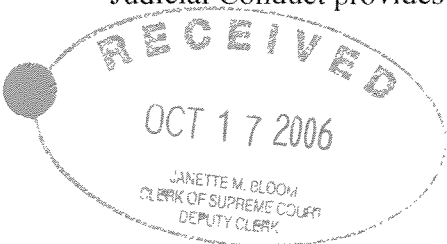
The candidate's inquiry focused on
the propriety of those who lost in the
primary now endorsing one (1) of the two
(2) candidates who survived the primary.
For purposes of Canon 5A, those who did
not make it through the primary are no
longer candidates and are free to endorse or
oppose those remaining candidates for the
seat. However, these individuals are still
governed by the financial reporting
requirements and restrictions on accepting
campaign contributions.

FACTS

This inquiry comes from a judicial
candidate who was successful in the
primary election. He/she asks: "When is
a candidate for judicial office no longer a
candidate?" He/she contends that a losing
participant in the primary is no longer a
candidate upon posting of final official
results of the race. The candidate goes on
to ask whether others formerly in his/her
race may support him/her now that the
primary is over.

DISCUSSION


Canon 5A of the Nevada Code of
Judicial Conduct provides:



REFERENCES

Nevada Supreme Court Rules, Code of Judicial Conduct, Canon 5A(1)(b).

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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