

OCT 20 1998

STATE OF NEVADA
STANDING COMMITTEE ON JUDICIAL
ETHICS AND ELECTION PRACTICESBY JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

DATE ISSUED: OCTOBER 20, 1998

OPINION: JE98-005

PROPRIETY OF A JUDICIAL CANDIDATE
PLACING CAMPAIGN LITERATURE AT A
BOOTH PURCHASED BY A POLITICAL
PARTY AT THE NEVADA STATE FAIR

Issue

May a judicial candidate place campaign materials at a booth sponsored by a political party at the Nevada State Fair or comparable event? Answer: No.

Facts

A judge running for re-election asks if it is possible to place his/her campaign literature at a booth sponsored by either political party at the State Fair despite the fact that this is a non-partisan race.

Discussion

"A judge or candidate for judicial office retains the right to participate in the political process as a voter and privately contribute to a candidate or political organization." [See Canon 5A, Commentary.] A judge is also allowed to purchase tickets for and attend political gatherings and privately identify himself or herself as a member of a political party and contribute to that political organization. [See Canon 5C(1).]

Placing brochures at the booth of a particular political party creates a danger that members of the public will associate the judge with the philosophy of that political party and assume that the judge is publicly identifying himself or herself as a member of that political organization. This danger exists even if the judge or candidate supplies the same written materials to all political parties.

Further, incumbent judges are prohibited from engaging in any political activity except as authorized under the Canons on behalf of measures to improve the law, the legal system or

the administration of justice, or as expressly authorized by law. [See Canon 5D.] The Committee believes that there is a danger that such dissemination of advertising materials will be considered by the public to be engaging in unauthorized political activity on the part of the incumbent.

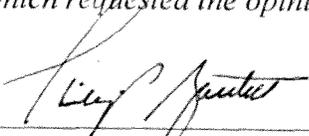
Conclusion

Both incumbents and candidates should scrupulously avoid the appearance of partisanship. This ruling would not preclude candidates from attending and speaking at non-partisan "Candidates Night" such as those sponsored by the League of Women Voters, Veterans of Foreign Wars, Police Protective Association, or a homeowner's association, as long as they do not identify themselves with a particular party and otherwise conduct themselves within the Canons.

References

Nevada Code of Judicial Conduct: Canons 5A, 5C(1) and 5D.

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.


PHILLIP W. BARTLETT
Committee Chairman