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STATE OF NEVADA

STANDING COMMITTEE ON  
JUDICIAL ETHICS AND ELECTION PRACTICES

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OPINION: JE05-001

PROPRIETY OF JUDICIAL CANDIDATE  
DECLARED ELECTED IN PRIMARY  
ELECTION SOLICITING  
CONTRIBUTIONS FOR THE  
CANDIDATE'S CAMPAIGN FOR UP TO  
90 DAYS AFTER THE GENERAL  
ELECTION.

elected and the candidate's name must not appear on the ballot for the general election. Unopposed candidates for the office of justice of the Nevada Supreme Court were excluded from this provision because Article 6, Section 3 of the Nevada Constitution requires that justices of the Supreme Court be elected at the general election.

Issue

May an unopposed judicial candidate who is declared elected after a primary election solicit contributions for the candidate's campaign for up to 90 days after the general election?

An inquiry asks whether an unopposed judicial candidate declared elected as a result of the primary election, may nevertheless solicit contributions for the candidate's campaign up to 90 days after the general election.

**Answer:** No.

Discussion

Facts

Prior to the approval of Assembly Bill 421 in 2003, N.R.S. §293.260(5) required that unopposed candidates not appear on the primary election ballot, and that the names of such unopposed candidates appear on the general election ballot. In 2003, Assembly Bill 421 was approved, amending that provision. The amendment created an exception for all non-partisan offices except for the office of justice of the Supreme Court. Effective October 1, 2003, the names of unopposed candidates for a non-partisan office, other than the office of justice of the Supreme Court, must appear on the primary election ballot, and if the candidate receives one or more votes at the primary election, the candidate is declared

Canon 5C(2) specifically addresses the period of time during which a candidate and a candidate's committee may solicit contributions for the candidate's campaign. It states:

"A candidate and a candidate's committees may solicit contributions and public support for the candidate's campaign no earlier than 240 days before the primary election, and no later than 90 days after the last election in which the candidate participates during the election year."

Because N.R.S. §293.260(5)(b) provides that an unopposed judicial

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candidate who receives at least one vote in the primary election is declared elected and is not to appear on the general election ballot, the last election in which that candidate participates during the election year is the primary election. Therefore, such a candidate may not solicit contributions for the candidate's campaign beyond 90 days after the primary election in which the candidate was declared elected.

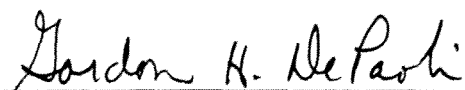
### Conclusion

The applicable judicial canon, 5C(2) is clear on its face. It states that a candidate may not solicit contributions for the candidate's campaign later than 90 days after the last election in which the candidate participates during the election year. An unopposed judicial candidate declared elected after a primary election cannot solicit campaign contributions later than 90 days after that primary election. Seeking such contributions after that date would violate the plain and clear language in the canon.

### References

Nevada Code of Judicial Conduct, Canon 5C(2); N.R.S. 293.260(5)(b).

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