

Nevada Judicial Elections

Updated 10/20/03

1. Article reports that two of three Nevada Supreme Court justices and all four Cook County (Nevada) District Court judges will be running unopposed in the general election. One of the justices, Bob Rose, stated that the high number of uncontested judicial races show that both lawyers and the general public are satisfied with the courts and are not pressing for changes. According to the Richard Siegel, a professor at the University of Nevada, the lack of candidates in judicial races is a trend that has developed nationwide during the past decade. He added, "From the ivory tower, I look at [uncontested races] as a welcome change after a decade of ugliness and battles." Ed Vogel, *Judicial Races Fail to Attract Opposition*, Las Vegas Rev.-J., May 16, 2000.
2. Article reports that two of three Nevada Supreme Court justices and all four Cook County (Nevada) District Court judges will be running unopposed in the general election. One of the justices, Bob Rose, stated that the high number of uncontested judicial races show that both lawyers and the general public are satisfied with the courts and are not pressing for changes. According to the Richard Siegel, a professor at the University of Nevada, the lack of candidates in judicial races is a trend that has developed nationwide during the past decade. He added, "From the ivory tower, I look at [uncontested races] as a welcome change after a decade of ugliness and battles." Ed Vogel, *Judicial Races Fail to Attract Opposition*, Las Vegas Rev.-J., May 16, 2000.
3. Column by Steve Sebelius discusses the proposal of Nevada's Rose Commission to addressing campaign finance in Nevada judicial elections. As matters now stand, judges face serious conflicts of interest: "Attorneys who appear before judges, and casino officials whose companies sometimes have millions riding on rulings, are the ones who write the checks." To alleviate the situation, the Rose Commission proposes a two-part scheme: first, a judge would be appointed to a vacancy, and then, after two years, would face election for her seat in a retention election. According to the Commission, such a plan would help insulate judges from special interests while, at the same time, subjecting them to public accountability. However, Sebelius notes that special interests may still exert powerful influence in retention elections. In any event, it is unlikely that the proposal will be approved by the state legislature. Steve Sebelius, *Tipping the Scales of Justice*, The Las Vegas Review-Journal, May 30, 2000.
4. Column by Rick Henderson warns that the recent efforts of the Nevada Standing Committee on Judicial Ethics and Election Practices seeking to ensure ethical behavior in judicial elections will both threaten candidates' right to free speech

- and “keep voters in the dark.” According to Henderson, the Committee’s rulings are informed by the idea that “candidates for judicial posts are to be seen and not heard.” In its three-year history, the panel has forbade candidates from disclosing their political affiliations and required candidates to pull advertisements that included either information that it found to be misleading or materials that threatened “the dignity appropriate to judicial office.” When challenged in court, the latter action was upheld by U. S. District Judge David Ezra as consistent with the First Amendment and is now being appealed. Henderson also worries that voters will be unable to make informed decisions in judicial elections: “rather than explaining their views . . . candidates must resort to spouting platitudes about how many civic organizations they belong to. . . . As a result, voters end up knowing little about the people they elect to positions of power.” Rick Henderson, *Judicial Candidates: Seen, but not Heard*, Las Vegas Review-Journal, July 16, 2000.
5. Column discusses a plan by University of Nevada, Las Vegas Professor Michael Bowers to reform state judicial elections. Recognizing the unpopularity of a merit selection system, Professor Bowers proposes an election system in which judges run for staggered 14-year terms. According to Prof. Bowers, such a scheme enjoys three advantages over the current system: a decreased need for campaign contributions; a decreased use of negative advertising; and a longer judicial record by which voters may assess a candidate’s quality. Responding to the charge that such a system removes the judges from electoral accountability, Prof. Bowers argues first that, within his system, judges may be removed early for misconduct, and second that, within the current system, electoral accountability is chimerical because incumbent judges rarely face opponents. Jon Ralston, *Get High Court Justices Off Campaign Trail*, Las Vegas Sun, July 26, 2000.
 6. Column praises U.S. Supreme Court Justice Antonin Scalia, who wrote the majority opinion striking down Minnesota’s canon restricting the speech of judicial candidates. The columnist derides the “elitist legal community,” particularly the American Bar Association, who “came unglued” over the ruling. “Of course, the Bar doesn’t think we ignorant taxpayers have any business electing judges at all.” However, as Justice Scalia wrote, there are legal ways to switch to an appointive system, but achieving that goal “by leaving the principle of elections in place while preventing candidate from discussing what the elections are about” violates the First Amendment. “If you want to stop electing judges, fine. But don’t make an end run.” The columnist urges Nevada judicial candidates, “as boxing referee and former Reno Judge Mills Lane would say: ‘Let’s get it on.’” Thomas Mitchell, *How Do You Solve A Problem Like Scalia?*, Las Vegas Review-Journal, July 14, 2002.

7. Article reports on possible changes to Nevada judicial elections resulting from the U.S. Supreme Court's recent decision striking down a Minnesota canon restricting the speech of judicial candidates. Washoe District Judge James W. Hardesty said that the decision "undermines the integrity of the judicial system, because you have the potential for candidates to convey to voters they will do one thing when in office, when in fact they're not permitted to do it at all." Carson City District Judge William Maddox disagreed, arguing that "people's right to speak out should not be abridged." Washoe County Bar Association President Herb Santos predicted that the system of selecting judges in Nevada may be overhauled if the new speech standard causes "a situation where we see interest groups taking control over the judicial elections." Associated Press, *Ruling Could Change Nevada Judicial Elections*, Reno Gazette-Journal, August 3, 2002.
8. Article reports that, after a "contentious election battle," Nevada District Court Judge Jeffrey Sobel "is charging that his successor, Jackie Glass, is putting Sobel's supporters in a difficult spot by asking them, and others, to erase her election debt." "In a letter sent out after the election that has been circulating around town, Glass says 'my biggest wish now is to start my term with no campaign debt.'" Glass is asking his supporters, "who believe she was lying, to pay her for the money she spent on the TV and mailers spreading those lies," Sobel said. In Nevada, "post-election fund-raising is legal," and Glass "will be the beneficiary of a planned fund-raiser ... hosted by Las Vegas Mayor Oscar Goodman." Glass refused to comment on Sobel's charges. "I have no intention of engaging in a second media contest with Judge Sobel," she said. Judy Odierna, *Judge Alleges that Successor Going After His Supporters*, Las Vegas Sun, November 20, 2002.
9. Article reports that "in a daylong symposium at" the University of Nevada at Las Vegas "on whether it is better to elect or appoint judges, a panel of judges, lawyers and academicians seemed to agree that neither practice is perfect, and that reforming judicial elections is necessary but highly unlikely in Nevada." John Curtas, "who recently lost in his bid to unseat incumbent District Court Judge Donald Mosley," said, "Money inevitably perverts and corrupts the system." According to Prof. Michael Bowers, "the rising cost of judicial elections, fueled by television advertising, coupled with a judicial canon that prohibits judges from commenting on issues combine to result in negative campaigning." However, "Jackie Glass, the only challenger to unseat a sitting judge this election, said the elective system 'opens doors for people who might not otherwise be in the system.'" Erin Neff, *Symposium Offers No Clear Answers to Judicial Elections*, Las Vegas Sun, December 11, 2002.
10. Article reports that "two low-profiles seats on Las Vegas Municipal Court have become the stage for some high-wattage political jockeying this election year," as

“nine challengers and one incumbent” seek two seats that have “proved to be a convenient springboard to District Court.” Consultant Mike Slanker, who is working for candidate Chief Deputy Attorney Abbi Silver, said, “This race will be probably unique in Municipal Court races because of the fact there are so many candidates and so much money spent across the board. Endorsements are going to matter and money is going to matter because there are so few voters.” He predicted that it will take at least \$100,000 to win the election. Jan Moller, *Two Low-Profile Court Seats Not Lacking Attention*, Las Vegas Review-Journal, February 17, 2003.

11. Article reports that “a recall attempt aimed at six Nevada Supreme Court justices who set aside a constitutional mandate requiring a two-thirds legislative vote to pass taxes likely won’t be launched, early backers of the move said.” George Harris, chairman of the Nevada Republican Liberty Caucus and part of the coalition Nevadans for Sound Government, cited “the difficulty of obtaining enough signatures in a short period of time.” He said, “It’s not just difficult, it’s impossible.” The recall backers would have had to gather between 111,011 and 153,340 signatures from registered voters in 90 days. Harris “said the coalition is more likely to move forward with a recall attempt aimed at Gov. Kenny Guinn [R.] because of his support for higher taxes.” Associated Press, *Recall Against Nevada Justices on Hold*, Las Vegas Sun, August 19, 2003.