



ETHICS BRIEFING
FOR CANDIDATES
AND CAMPAIGN
STAFF

STAY ON THE PATH



“A public office is a public trust and shall be held for the sole benefit of the people”

NRS 281A.020

STATUTORY AND REGULATORY AUTHORITY



- Chapter 281A Nevada Revised Statutes – Nevada Ethics Law
- Chapter 281A Nevada Administrative Code – Ethics Regulations

WHY AN ETHICS LAW?

- Watergate Scandal Triggered Enactment of Government Ethics Laws
 - Federal Ethics in Government Act (1978)
 - Nevada Ethics Law (1975)

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IMPROPER BENEFIT – CAMPAIGN SEASON



WHO IS COVERED UNDER THE JURISDICTION OF THE ETHICS COMMISSION?



Who?

- Public Officers (position in Nevada Constitution, Nevada Law, local government charter or ordinance, or listed in NRS 281A.182)
- Public Employees
- Some cases – former public officers/employees

- **Not** – private individuals, judges, federal employees

Examples

- Mayor running for re-election – YES
- Judge running for re-election – NO
- Deputy District Attorney running for judge – YES
- State employee supporting a judicial campaign – YES
- CEO running for County Commission – NO

WHAT DOES THIS MEAN FOR CAMPAIGNS?

- Currently elected officials running for re-election or a new office
- Public officers or employees running for office for the first time
- Public officer or employees supporting campaigns or candidates
- NOT - candidates who do not currently hold public office or employment



ETHICS CATEGORIES

- Improper Benefits
- Disclosure/Abstention
- Cooling Off

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ANDREA

SIXTEEN

CASPER

ETHICS CATEGORIES

- Improper Benefits
- ~~Disclosure/Abstention~~
- ~~Cooling Off~~

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ANDREA

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CASPER

IMPROPER BENEFIT – GOVERNMENT RESOURCES



1. Use of government position

2. Benefit

3. Benefit is for Self or to a Commitment in a Private Capacity or Result of Gift/Loan

UNWARRANTED BENEFIT – GOVERNMENT RESOURCES



CAMPAIGN INTERESTS = PECUNIARY OR PERSONAL INTERESTS

- Pecuniary Interest
 - Getting elected
- Personal Interest
 - Winning a campaign
 - Having someone you want to win a campaign, win

IMPROPER BENEFIT – GOVERNMENT RESOURCES TO BENEFIT A CAMPAIGN



1. Use of government position

2. Benefit your campaign or the campaign of someone you want to win



IMPROPER BENEFIT – GOVERNMENT RESOURCES

- Economic opportunity using public position (NRS 281A.400(1))
- Unwarranted privileges, preferences, exemptions or advantages using position (NRS 281A.400(2))
- Benefit to self or other using influence over a subordinate (NRS 281A.400(9))



GOVERNMENT TIME, PROPERTY, EQUIPMENT, OR FACILITY



- Use of government time, property, equipment, or other facility to benefit a significant personal or pecuniary interest. NRS 281A.400(7)



IMPROPER BENEFIT – GOVERNMENT RESOURCES

Limited Use Exception (Property, Equipment, Facility) NRS 281A.400(7)(a)

Properly authorized by policy allowing the use or if the use is the result of an emergency

Use does not interfere with performance of public officer/employee's public duties

Cost of value related to the use is nominal

Does not create the appearance of impropriety

All 4 conditions must
be met together



IMPROPER BENEFIT – USE OF INFORMATION



- Use of non-public information to benefit self or others (NRS 281A.400(5))
- Suppression of government report to benefit self or others (NRS 281A.400(6))



IMPROPER BENEFIT – GOVERNMENT
FUNDING TO SUPPORT A
CAMPAIGN

NRS 281A.510 – FUNDING TO
SUPPORT A CAMPAIGN



CAMPAIGN INTERESTS = PECUNIARY OR PERSONAL INTERESTS

- Pecuniary Interest
 - Getting elected
- Personal Interest
 - Winning a campaign
 - Having someone you want to win a campaign win



2022 CAMPAIGN CYCLE LESSONS – UNIFORMS

- *Cochran* - uniform in endorsement of another
- *Lombardo** - uniform to benefit self
- *Coverley* – appearance at campaign event in uniform
- *Spencer* – uniform to benefit self

* Currently being appealed



2022 CAMPAIGN CYCLE CASES – SOCIAL MEDIA & TECHNOLOGY

- Washoe County School District Cases
- Blondheim (Pershing Undersheriff)

The image displays three screenshots from a mobile application, likely Facebook, related to a political campaign cycle.

Left Screenshot: A Facebook post from Adam Mayberry - Washoe County School Board Trustee, dated Apr 13. The post text reads: "I had a great time visiting Booth Elementary recently in Reno's urban core. Grateful to Principal Joe Pazar and his team's compassion and support of our young students. #WCSDistrictF #ForTheKids". The post includes a photo of three people in front of a building with a sign that says "LIBBY BOOTH SCHOOL".

Middle Screenshot: The Facebook profile page for Adam Mayberry - Washoe County School Board Trustee. The profile picture shows a man in a suit and tie. The page indicates 231 followers and 54 following. There are buttons for "Follow" and "Message".

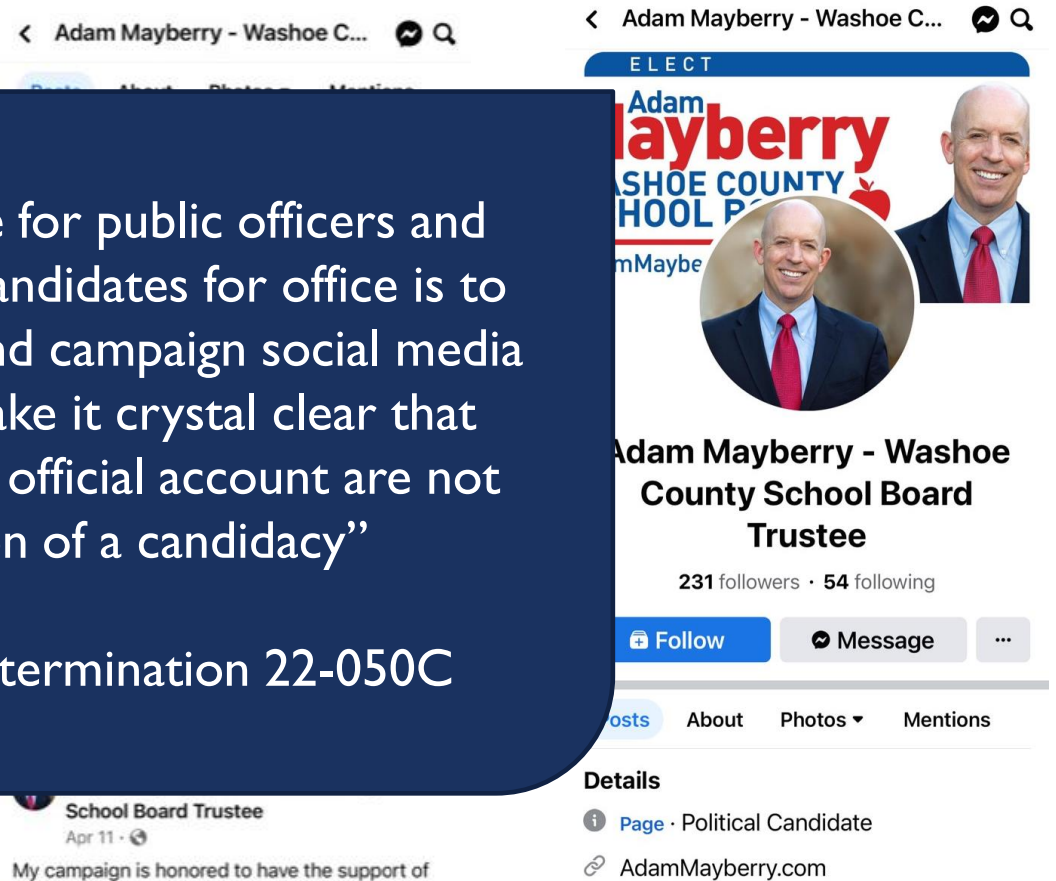
Right Screenshot: A "Push History" notification from Adam Laxalt. The notification text reads: "Pershing County Residents come down to the Court House park to support Republican Adam Laxalt for US Senate and help Defend the Great State of Nevada!!! US Eric Blondheim...". The notification is dated "Via All Users | 1 hour ago". Below the notification, there are two "Special Weather Statement" alerts issued by NWS Reno NV on October 30, 2022, at 2:03PM PDT and 3:04AM PDT. Both alerts mention "STRONG AND GUSTY WINDS" and "impacts from winds include road travel restrictions due to cross...".

2022 CAMPAIGN CYCLE CASES – SOCIAL MEDIA & TECHNOLOGY

- Washoe County School Board
- Blondheim (Pershing U)

“The best ethical practice for public officers and employees who are also candidates for office is to maintain separate official and campaign social media presences in order to make it crystal clear that communications from any official account are not related to promotion of a candidacy”

In re Mayberry, Panel Determination 22-050C



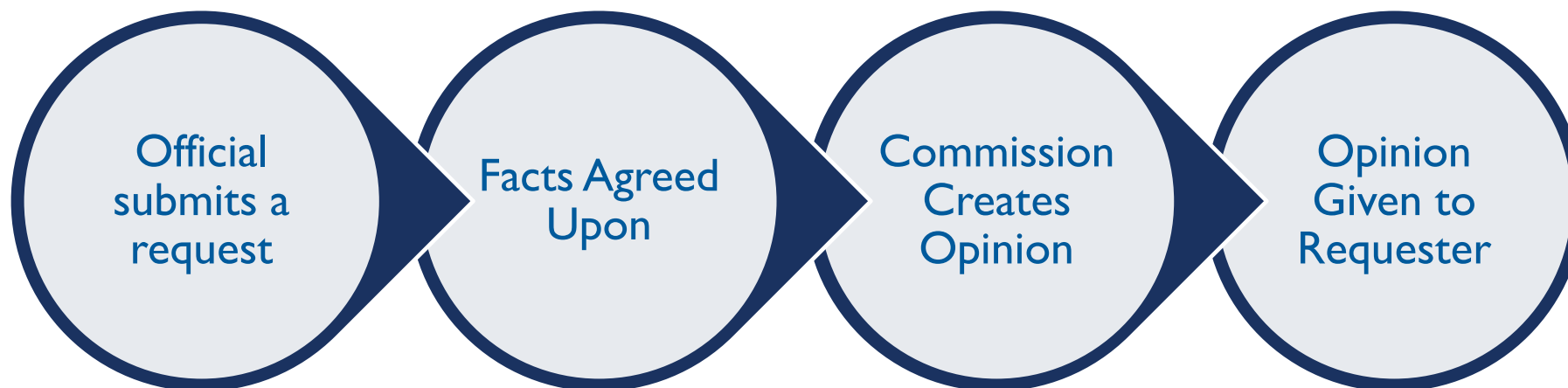
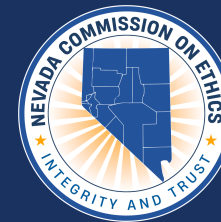


INFLUENCE OVER SUBORDINATES

- Case Examples
 - *Matson* – “support Shirley”
 - *Augustine* – computers and staff

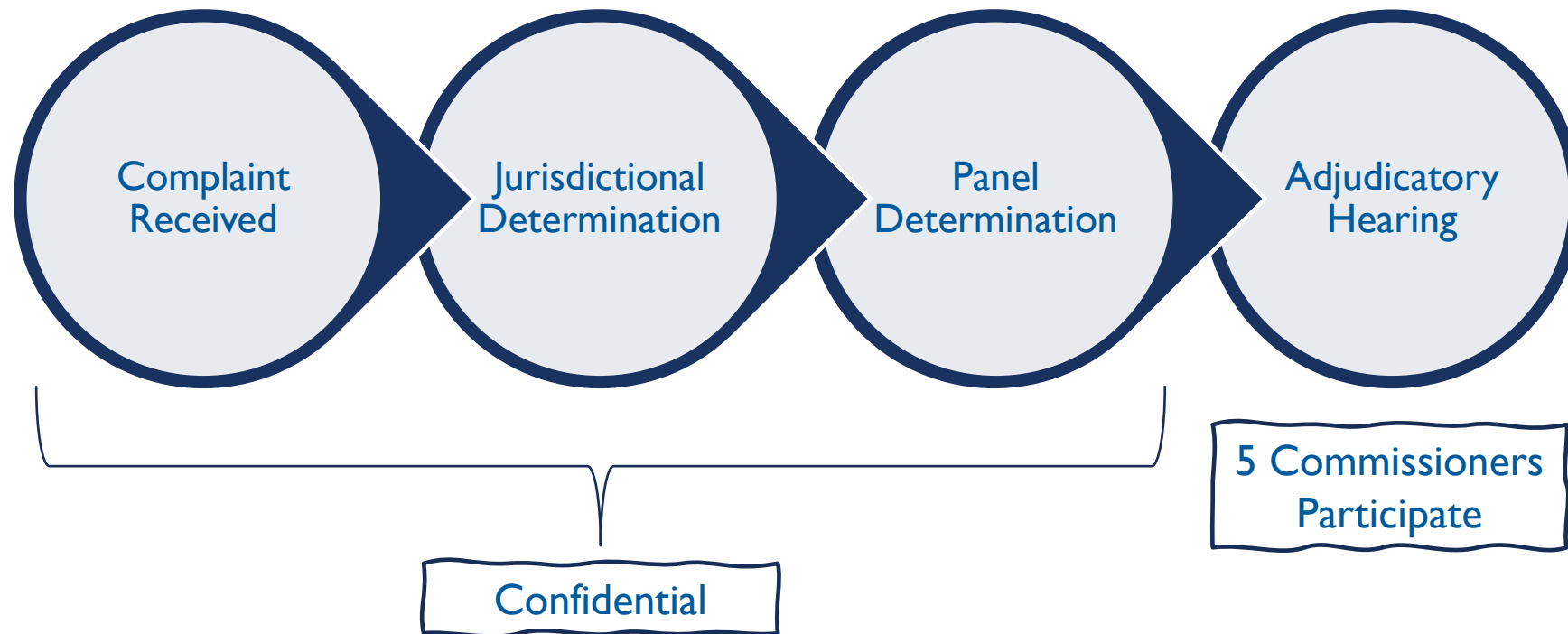


ADVISORY OPINION PROCESS



45 Days

COMPLAINT PROCESS





DISPOSITION OPTIONS – EXAMPLES OF PENALTIES

No Violation

Letter of Caution/Instruction

Non-willful

Training

Mandated Apology

Admonishment

Payback financial benefit

Conditions on future behavior

Willful

Any remedy or penalty available for non-willful

Civil Penalties
Up to \$5k, \$10k, or \$25k

Petition for removal of the public officer



4 TIPS FOR COMPLIANCE

1. Separate social media accounts for government and for campaign
2. Structured time specifically for campaign and for public duties
3. Refrain from using equipment, uniforms, buildings, or staff from your official position
4. Request an advisory opinion from the Commission



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