

US Supreme Court upholds ethics law against Sparks councilman Carrigan

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Sparks Councilman Mike Carrigan / David B. Parker / RGJ file

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Armed with the power of the U.S. Supreme Court, the director of the Nevada Commission on Ethics said Monday it now has the authority to restrict voting by public officials when a conflict-of-interest exists.

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In a case involving Sparks City Councilman Mike Carrigan, the country's highest court reversed a Nevada Supreme Court ruling and said that such laws do not violate a public official's First Amendment right to free speech.

Caren Jenkins, executive director of the commission, said she was "very thrilled" with the unanimous decision.

"It's a wonderful victory for the commission," she said. "Now know we can require people

to abstain."

But Carrigan, who had been censured by the commission after he voted on a project connected to his good friend and campaign manager, said the ethics law still needs some fine-tuning.

The U.S. Supreme Court decision makes clear that a public official's vote can be restricted if a conflict exists, Carrigan said.

Writing for the high court, Justice Antonin Scalia said legislative power "is not personal to the legislator but belongs to the people; the legislator has no personal right to it."

"In this respect, voting by a legislator is different from voting by a citizen," Scalia wrote. "A legislator is a political representative."

But the law, Carrigan said, remains "unconstitutionally vague" in the way it defines what would constitute a conflict.

The law states that conflict could occur if the issues involve people who are related to the public official, or are employers or business partners, Carrigan said. The law also states that this includes relationships that are "substantially similar" to those other connections.

"From my point of view, they left the door open so we can still argue that the Nevada statute — specifically that catch-all 'substantially similar' provision — is unconstitutionally vague and that provision violates my First Amendment freedom of association with my supporters," he said.

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