

Two months before the expiration of each license or certificate, the board will mail to the person authorized to practice as a registered nurse, licensed practical nurse or nursing assistant, at his address of record, a form to apply for the renewal of his license or certificate. The application for renewal must be received in the office of the board on or before the end of the business day on which the authorization to practice expires.

### QUESTION

Specifically, you have asked “given that a license or certificate may expire on a weekend or holiday, which business day is considered the deadline? Is it the business day preceding the weekend or holiday, or is it the immediate business day after the weekend or holiday?”

### ANALYSIS

The key in answering your question is found in the cited language of [NAC 632.192](#) (1), which refers to the expiration of the authorization to practice. It is well established that an individual may practice until the date his license expires. Since the date of expiration may fall on a nonbusiness day, that person’s license would not be considered expired on the business day preceding a weekend or holiday. It follows then that the business day the authorization to practice expires would necessarily be the day after a weekend or holiday. By analogy, rule 6(a) of the Nevada Rules of Civil Procedure deals with computation of periods of time for civil cases. That rule excludes weekends and nonjudicial days in computing time and indicates that a given time period runs until the next day that is not a Saturday, Sunday, or nonjudicial day. In comparing rule 6(a) with the Nevada State Board of Nursing’s application process it is apparent that the business day referred to in [NAC 632.192](#)(1) is the immediate business day which follows a weekend or holiday. Similarly, [NRS 293.1275](#) provides that if the last day for filing an election document falls on a Saturday, Sunday, or holiday, the time for filing expires on the following business day at 5 p.m.

### CONCLUSION

The authorization to practice under an occupational license continues until expiration. When a person’s license to practice is due to expire on a nonbusiness day, the license remains in effect until the next business day. As such, the application deadline for renewal of licensure is the next business day that follows a weekend or holiday.

FRANKIE SUE DEL PAPA  
Attorney General

By: KEITH D. MARCHER  
Senior Deputy Attorney

General

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AGO 98-19 SECRETARY OF STATE; ELECTIONS; CANDIDATES; JUDGES: A candidate who holds office as a judge and is seeking election to another judicial office may use the title “Judge” in conjunction with campaign materials. A candidate who resigned as a judge to seek election in a nonjudicial office may not use the title “Judge” in conjunction with campaign materials. Use of “elect” or “for” in campaign materials removes the implication of incumbency.

Carson City, June 18, 1998

The Honorable Dean Heller, Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701

Dear Mr. Heller:

You have requested an opinion from this office regarding use of the title “Judge” on campaign material.

#### QUESTION

May a candidate who holds office as a judge in a court of record and who is seeking election to another office, either within or without the judiciary, use the title “Judge” in conjunction with his or her name in campaign materials?

#### ANALYSIS

In 1989, the Nevada Legislature amended the campaign practices law to include provisions prohibiting the use of the term “reelect” during an election campaign unless the candidate was previously elected to the office, and prohibiting a candidate from indicating that he or she is an incumbent if he or she is not. These provisions were codified as [NRS 294A.330](#) and [294A.340](#) and provide as follows:

A person shall not use the term “reelect” in any material, statement or publication supporting the election of a candidate unless the candidate:

1. Was elected to the identical office with the same district number, if any, in the most recent election to fill that office; and
2. Is serving and has served continuously in that office from the beginning of the term to which the candidate was elected.

#### [NRS 294A.330.](#)

A person shall not use the name of a candidate in a way that implies that the candidate is the incumbent in office in any material, statement or publication supporting the election of a candidate unless:

1. The candidate is qualified to use the term “reelect” pursuant to [NRS 204A.330](#);
- or
2. The candidate:
    - (a) Was appointed to the identical office with the same district number, if any, after the most recent election to fill that office; and
    - (b) Is serving and has served continuously in that office since the date of appointment.

[NRS 294A.340.](#) These provisions have not been amended since their original enactment in 1989.

Examination of the legislative history A.B. 690, Act of June 23, 1989, ch. 448, 1989 Nev. Stat. 960, reveals that general discussions were held on creating the implication of incumbency by candidates, but the specific question here, use of the title “Judge,” was not addressed. *Hearing on A.B. 690 Before the Assembly Committee on Elections*, 1989 Legislative Session, 7 (May 16, 1989); *Hearing on A.B. 690 Before the Senate Committee on Government Affairs*, 1989 Legislative Session, 13 (June 9, 1989).

In accordance with [NRS 294A.330](#), a person must be holding the identical office either by appointment or through election in order to use the term “reelect” or to otherwise imply

incumbency. It has been the policy of the Secretary of State that use of “elect” or “for” in campaign materials removes the implication of incumbency, e.g. “Elect John Doe — District Court” or “Jane Smith for Governor.”

Your specific inquiry concerns the use of the title “Judge” by candidates who are or were judges and are seeking election to either another judicial office or a nonjudicial office.

“Judge” is defined as including “every judicial officer authorized, alone or with others, to hold or preside over a court of record.” [NRS 193.016](#); 208.045. The Nevada Constitution states in pertinent part, “The Supreme Court, the District Courts, and such other Courts, as the Legislature shall designate, shall be Courts of Record.” Nev. [Const. art. 6, § 8](#). If a person is a duly authorized judicial officer, the person would be permitted to use the title “Judge.” If such a judge seeks election to another judicial office, he or she may use the title “Judge” in campaign material. Unless the judge is seeking election to the identical office with the same district number in which he or she is currently serving, the judge could not use “reelect” in campaign material or otherwise imply incumbency to that office.

Canon 5 of the Code of Judicial Conduct requires a judge to resign from judicial office upon becoming a candidate for a nonjudicial office. In addition, the Nevada Constitution states, “The justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed.” Nev. [Const. art. 6, § 11](#). When a judge resigns from judicial office, he or she is no longer a duly authorized judicial officer and is not permitted to use the title “Judge.” Such a candidate seeking election to a nonjudicial office may not use the title “Judge” in campaign material.

If a former judge, who is a candidate for a nonjudicial office, uses the title “Judge” in his or her campaign material, this could constitute the publication of a “false statement of fact concerning the candidate” in violation of [NRS 294A.345](#). The Nevada Commission on Ethics has jurisdiction over this statute.

### CONCLUSION

A candidate who holds office as a judge in a court of record and who is seeking election to another judicial office may use the title “Judge” in conjunction with his or her name in campaign materials. A candidate who resigned as a judge to seek election in a nonjudicial office may not use the title “Judge” in conjunction with his or her name in campaign materials. Use of “elect” or “for” in campaign materials removes the implication of incumbency.

FRANKIE SUE DEL PAPA  
Attorney General

By: KATERI CAVIN  
Deputy Attorney General

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AGO 98-20 COLLECTION AGENCIES; CONTRACTS; INTEREST: If clearly authorized by the creditor, a collection agency may collect whatever interest on a debt its creditor would be authorized to impose. A collection agency may not impose interest on any account or debt where the creditor has agreed not to impose interest or has otherwise indicated an intent not to collect interest. Simple interest may be imposed at the rate established in [NRS 99.040](#) from the date the debt becomes due on any debt where there is no written contract fixing a different rate of interest, unless the account is an open or store account as discussed herein. In the case