

Director Elections and Appointments

Oregon Soil and Water Conservation Districts (SWCDs)
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Director Elections

- The Oregon Department of Agriculture (ODA) is the statewide filing officer for the SWCD director elections.
- Director elections occur every two years during the General Election.
- Oregon Revised Statute (ORS) Chapter 568 outlines the responsibilities of the ODA and SWCDs.
- ORS 568 supersedes where there are conflicts with election law.

Oregon's SWCDs

- 45 SWCDs with 291 director positions statewide.
- Each SWCD board consists of 5 or 7 district directors.
- 2 positions are at-large.
- Zone directors (3 or 5 positions) represent a specific area within the SWCD.
- 4-year terms are staggered.

Positions on Ballot

- Positions to be on the General Election ballot:
 - Positions with expiring terms;
 - All appointed positions since the last election, regardless of term; and
 - All vacant positions.
- Typically about 85% of positions on the ballot have terms expiring at the end of 2012 (on the ballot as 4-year terms).
- Roughly 15% of the positions have terms expiring at the end of 2014 (on the ballot as 2-year terms).

Legal Notice

- Each SWCD is responsible for publishing a legal notice.
 - ODA provides each SWCD with a list of positions eligible to be on the ballot to include in the legal notice.
 - Each position must be listed in the legal notice with the filing deadline for candidates.
 - If the legal notice is not published by the deadline, then no candidate may be listed on the ballot for any position.
 - Proof of the legal notice is provided to ODA.

Candidates

- ODA provides the instructions and forms for SWCDs and candidates statewide.
- Candidates must file with ODA no later than the 70th day before the election date:
 1. Declaration of candidacy form; and
 2. Petition for Nomination form.
- Filing only by declaration is not allowed (therefore no filing fee).
- Forms received after 5:00 p.m. on the date due are returned to the candidate.

Declaration of Candidacy

- Candidates must certify they meet the director qualifications as outlined in ORS 568.560 for the position they seek by filing a declaration of candidacy form.
- ODA checks director qualifications as needed (e.g., registered voter, resides within SWCD boundaries, land ownership or management, etc.).
- Providing false information on election forms may result in the conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years (ORS 260.715).

Petition for Nomination

- Candidate circulates the petition and gathers no less than 10 signatures supporting the nomination.
- Petition signatures must be from electors residing within the SWCD boundaries.
- The local county clerk verifies the signatures on each petition.
- Petition is delivered to ODA after the county clerk verifies the signatures.

Other Considerations

- Campaign finance laws apply to SWCD director elections.
 - ODA provides general information, but does not provide direct assistance relating to campaign finance (responsibility of the candidate).
- Candidates have the option of filing in the county Voters' Pamphlet in counties where one is published.
- Candidates may withdrawal from having their name placed on the ballot by filing a form with ODA no later than 70 days prior to the election date.

Election Ballots

- ODA provides the names of eligible candidates for placement on the General Election ballot to each county clerk for the respective counties and SWCDs.
- The deadline to provide the names to the county clerk is no later than 61 days prior to the election date.
- All positions are voted on by all electors within the district boundaries.
- Ballots are printed, voted, counted, and canvassed in accordance to the provisions outlined in general election laws.

Write-In Candidates

- If no candidate filed to have their name placed on the ballot, then the position becomes open for write-in votes.
 - Candidate may file a declaration of intent and request for write-in votes to be tallied form with ODA.
 - Candidate certifies by filing the form that they meet the director qualifications as outlined in ORS 568.560 for the position they seek, and will accept the position if elected.
 - Form must be filed with ODA no later than 14 days before the date of election.

Write-in Candidates

- ODA notifies the county clerks to count the write-in votes for candidates that have filed and are qualified.
- If no candidate filed to have their name placed on the ballot, and if no candidate filed as a write-in, then the county clerk does not have to county any votes cast for any person for the position, under most circumstances.
- General election laws still apply to the tallying of write-in votes.

Post Election

- Each county clerk provided the election abstract to ODA.
- ODA determines which candidate received the most votes from the abstracts.
- ODA notifies the successful candidates, the local SWCD, and county clerk, and issues a certificate of election.
- Successful candidates may take office after January 1 following the General Election.
- All district directors (elected or appointed) are required to take an oath of office prior to assuming the duties as director.

Vacant Positions

- ORS 568.560(7) outlines the conditions a position may become vacant:
 - A director is absent from three consecutive meetings.
 - No person files for election to a position.
 - A person elected is determined not qualified for a position.
 - A director no longer qualifies for the position.
 - A director resigns from a position.
 - Refusal to take the oath of office when elected or appointed.
- ODA is responsible for determining if/when a position is declared vacant and must have the appropriate documentation.

Director Appointments

- A director position that becomes vacant before the expiration of the term shall be filled by appointment by a majority vote of the remaining board directors (ORS 568.560).
- If the majority of the board positions are vacant, or if the remaining directors cannot agree on an appointee, then ODA shall make an appointment to fill the vacant position.
- Appointments serve until the next general election, regardless of term.

Summary

- District director election and appointment processes are outlined in statute:
 - ORS Chapter 568 directly relates to soil and water conservation district director elections.
 - ORS Chapters 246, 249, 254, 255, and 260 relates to general election laws and pertains to SWCD director elections where not covered in ORS Chapter 568.
- Election processes are shared between ODA and county clerks.

Resources

- SWCD website with election packets and forms:
<http://www.oregon.gov/ODA/SWCD/pages/services.asp>
[X](#)
- Oregon Secretary of State Elections Division website:
<http://oregonvotes.org/>

Questions?

Thank you!