The land representatives elect four (4) soil and water conservation district (SWCD) supervisors from the district. Each elected member represents one of four areas, as established at the time of the district’s organization. Supervisors serve a four-year term and are elected by a majority vote of the county’s land representatives under rules and policies formulated by the Soil and Water Districts Commission. It is the responsibility of the SWCD board to hold these elections as terms expire.

The SWCD Board of Supervisors is responsible for conducting the election under the rules and procedures developed by the Commission. The SWCD board shall conduct an election by the date a term of office expires or within four (4) months after that date.

The qualifications required to be a supervisor are:
1. Being a land representative from the district (10 CSR 70-4.010 (1) (I)).
2. Residing in, or owning a farm in, the area from which he/she is nominated where there is an expiring term.
3. Being a cooperator of the district, defined as, "a person who is actively engaged in farming and practices conservation activities related to agriculture”.
4. Being a resident tax-paying citizen of the county for at least two years preceding the election date.
5. Be eighteen (18) years of age or older by the election date.

A. Election Procedure Time-Line
1. The SWCD Board shall identify and approve one (1) nominating committee for each area where a term of office is expiring. A committee shall consist of three (3) land representatives residing in the same area where the committee has responsibility. No elected supervisor may serve on a nominating committee.
2. A nominating committee has the duty to nominate not less than two (2) qualified candidates. The committee shall submit the names of eligible candidates who agree to serve, if elected, to the SWCD board. These names shall be provided to the board more than 60 days prior to the proposed election date. The nominating committee also has the responsibility of verifying that the candidates selected meet the requirements to be a board supervisor. A copy of the “Candidate Nominees” form can be found in the Appendix and must be completed and signed by the nominating committee members. Eligible candidates and members of the board should read, verify and sign the “Verification of Supervisor Eligibility” form (refer to the Appendix) prior to the proposed election date.
3. Any land representative not nominated by the nominating committee, but residing in an area where an office term is expiring, may become a candidate for office and may have their name placed on the ballot if they meet the preceding qualifications and complete the following requirements:
   a. Secure petition with signatures of ten (10) land representatives in the area where an office term is expiring, stating desire for placing this candidate’s name on the ballot, and
b. Submit the petition to the SWCD Board not less than ten (10) working days before the date of the election

4. The district must publish two (2) legal notices (refer to “Notice of Election of Supervisors” form in the Appendix) of the proposed election in a newspaper of general circulation in the SWCD. One (1) notice shall appear in the latest issue distributed before the election date. The other notice shall appear one (1) week prior to the final one. The notice may include a sample ballot (refer to “Sample Election Ballot” form in the Appendix).

Funds for publishing these legal notices are provided to districts through the Administrative Grant.

5. Select and instruct three (3) residents of the SWCD to serve as election judges. Three (3) judges are required for each polling location. District employees or board members cannot serve as election judges in elections taking place in their district, or be persons related to the fourth degree to the individuals selected to serve as election judges.

6. On the day of the election, the district must provide a list of tax-paying land representatives from the County Assessor’s office, and a current list of landowners who have a Farm Services Agency farm number, for the election judges to utilize in verifying voter eligibility. Voters’ eligibility must be verified with a legal form of photo identification, such as a driver’s license.

B. Polling Requirements

1. The board of supervisors is to provide a locked or sealed ballot box for each polling location to the election judges. Provide ballots, tally sheets, list of voters sheet(s), and a storage envelope.

2. The board of supervisors is to store the sealed envelope containing voted ballots for one (1) year from the election date in a secure location.

3. Require the poll to be open in accordance with one (1) of the following:
   a. If the election is held in conjunction with an annual meeting, provisions must be made to have the balloting available at a central location not later than 12:00 p.m. (noon) on the day of the annual meeting. The balloting shall be moved to the meeting place in order to give those attending the opportunity to cast a ballot. The time for closing the polls, at each location, shall be specified in the legal notices, or;
   b. If no annual meeting is to be held during the period specified for holding the election, provisions shall be made for conducting the election at one (1) or more locations for a period of not less than six (6) hours.

C. Election Judge Responsibility

1. Open and close the polls promptly at the time advertised, allowing those who have entered the polls before closing time to complete their ballots.

2. Ensure that voters meet the eligibility requirements for voting.

3. Collect and attach any power of attorney (POA) authorization to the List of Voters (refer to “List of Voters” form in the Appendix) and make the proper notation on the form.
Judges will need to verify that the form is properly signed and pertains to the landowner that the land representative states he/she is voting for.

4. Once the polls are closed, count the ballots, record on the tally sheet the number of votes each candidate received. All election judges will need to certify and sign the “Tally Sheet and Election Certification form” found in the Appendix, as well as the List of Voters form.

5. Ballots must be placed in a sealed envelope. After sealing, ballots shall not be inspected, except in case of a contested election, and then only on order of the proper court or as authorized by the state’s Soil and Water Districts Commission.

6. Hand over the sealed ballots to the District Board of Supervisors for proper storage.

D. Eligibility for Voting

1. Voting in SWCD supervisor elections is limited to one (1) vote per independent farm enterprise by a landowner or the landowners legal representative. A legal representative must have a power of attorney that specifically authorizes voting in SWCD supervisor elections. An eligible land representative of an SWCD, as defined in 10 CSR 70-4.010(1)(I), may vote in any SWCD supervisor election held within that particular SWCD. Only a land representative is eligible to cast a vote in SWCD supervisor elections. If challenged, eligibility to vote must be demonstrated by the land representative.

2. Each farm, as defined in 10 CSR 70-4.010 (1)(H), shall be entitled to representation in SWCD supervisor elections, and for the purposes of this rule, a land representative shall be deemed as owning one (1) farm and having one (1) vote, regardless of the number of farms owned or POA by such person.

3. If it is impossible for the farm owner to personally participate in voting, a power of attorney may be given to a taxpaying citizen of the county who may represent the owner and cast the vote. A person so authorized shall not be the legal land representative for more than one (1) farm owner. A copy of the power of attorney authorization must be given to the election judges.

E. Certifying the Election

1. The election shall be certified by a majority of the board responsible for conducting the election. Only board members who are not on the current ballot should certify the election. These board members must complete and sign two (2) copies of the “Report and Certification of Election” form (refer to the Appendix). One (1) copy must be mailed to the Soil and Water Conservation Program and one (1) copy must be kept permanently, in the SWCD files, along with the Tally Sheet signed by the judges. After the election is certified complete by a majority of the board, the newly composed board shall select new officers and mail a copy of the reorganization of officers, with complete addresses, to the Soil and Water Conservation Program. The election certification and reorganization of the board must take place during an open session board meeting, and a public meeting notice must have been posted at least 24 hours in advance of the meeting. If the board wants to certify an election, immediately following the tallying of votes by the election judges, the board must conduct an official, properly posted board meeting in open session.
2. Districts should maintain a permanent record of the election history for the district (see Section VIII. Record Retention).

3. A newly elected supervisor cannot vote or make motions on issues until the election has been certified.

**G. Election Tie**

In the case of a tie, the district has three options:

1. Discuss the situation with both candidates to see if one candidate is willing to withdraw.
2. Bring in both candidates to “flip a coin”.
   a. If either 1 or 2, above, are necessary both candidates should sign documentation that describes the outcome of either.
3. Redo the election.

**H. Filling Supervisor Vacancies**

1. In case of death, termination of residence/ownership in the area, or resignation of an elected supervisor, before his/her term expires, the district board shall recommend another person to the Commission, for approval/consent, to complete the unexpired term. The following procedure should be followed when filling supervisor vacancies:
   a. **Supervisor resignation**, the board must request a letter of resignation. The letter should be forwarded to the Commission when submitting the district’s recommendation for appointment to fill the unexpired term.
   b. **Supervisor passes away**, the board must submit a letter of recommendation to the Commission. The letter should indicate that the supervisor has passed away.
   c. **In either case**, the board should contact the person being recommended to fill the vacancy to determine if he/she is interested in serving as a supervisor, and advise the prospective supervisor of the responsibilities of the position.
   d. The board shall submit a letter of recommendation, along with the Verification of Supervisor Eligibility form, to the Commission for appointment to fill the unexpired term. This letter must include the name and address of the person being recommended for appointment. Upon receipt of the district’s recommendation for appointment, and the Verification of Supervisor Eligibility form, the Commission will approve or reject the proposed appointee. Written notification of the Commission’s action will be forwarded to the district and the appointee, at which time the appointee, if approved, is officially a supervisor with all powers, duties and authorities of the position. The appointee will serve the remainder of the unexpired term of his/her predecessor.
I. Frequently Asked Questions

1. Are mail-in or absentee ballots allowed?
   No, all votes must be cast in person at a polling location. The rules have been updated to allow elections to be conducted electronically or with paper ballots, but the Soil and Water Districts Commission has not changed their current policy at this time.

2. What is an SWCD supervisor’s term?
   Except when completing an unexpired term of a supervisor that has passed away, moved or resigned, supervisors are elected to four (4) year terms.

3. Do supervisors receive compensation?
   Supervisors do not receive a salary or wage. However, supervisors may be reimbursed for expenses, including traveling expenses, incurred in the discharge of duties. A supervisor may be reimbursed for the use of his/her own automobile in the performance of official duties, at a rate set by the SWCD. If the district wants to pay more than the state maximum, local funds must be utilized.

4. Can a SWCD display candidate information on its website?
   This is a decision of the individual SWCD. However, if a district chooses to do so, be conservative in what is listed on the website. Here is some guidance:
   a. List basic biographical information/public information
   b. List what area the candidate is running for
   c. List the goals of the candidate, if elected as a district supervisor
   d. Do not include information that might not be relevant to the position (age, marital status, etc.)
   e. Do not advocate one candidate over another
   f. Ensure that all candidates have equal opportunity to have information posted

5. How to determine whether or not a voter is eligible?
   On the day of the election, it is recommended that the district provide a list of tax-paying landowners from the County Assessor’s office, for the election judges. It is also recommended that landowners/land representatives be asked to provide a legal form of photo identification, such as a driver’s license. If a district is charged for obtaining legal landowner lists, the expense is reimbursable. Copies of receipts for this expense must be submitted to the program office when requesting reimbursement.

6. For a farm where more than one person is on the deed, how many votes are allowed?
   Voting in SWCD supervisor elections is limited to one (1) vote per independent farm enterprise by a landowner or the landowner’s legal representative. A farm owned by a firm or corporation may be represented by one (1) vote cast by one (1) land representative so authorized by the firm or corporation. A farm owned by a partnership, or jointly by a husband and wife, may be represented by one (1) vote cast by one (1)
landowner or land representatives, provided they are both listed on the deed to the property.

7. Can a person owning more than one farm vote more than once?
   No, only one (1) vote is permitted per landowner or land representative, regardless of the number of farms he/she owns.

8. Can an SWCD board of supervisors delegate to district staff the duties of collecting names for nominating committee(s)?
   Yes, district staff can be directed, by the board, to provide a comprehensive list of qualified candidates to serve on the nominating committee, but the board must to approve who shall be on the committee. A majority of the board must approve the selections for the nominating committee(s) through a formal motion.

9. Can district employees vote?
   Yes, as long as the employee meets all the qualifications for eligibility (see D. Eligibility for Voting).

10. Can a relative of one of the district employee’s serve on the board?
    If the employee was hired prior to their relative (to the 4th degree) being elected to the board, the board member needs to abstain from any decisions involving the relative.
    If a relative (to the 4th degree) of a board member applies for a position in the district, the board member needs to abstain from any issues involved in the hiring process, for this position.
    In either case, it is recommended the relative not run for the board, or, if already on the board, resign their position to avoid any conflict of interest.

11. Can a relative of one of the district employee’s serve on the nominating committee?
    No, this would be a conflict of interest.

12. What if the nominating committee can only find one candidate from an election area?
    Nominating committees should make every effort to nominate, not less than, two (2) qualified candidates in each election area. However, in the event that only one (1) qualified candidate is found, the district should leave a blank line for a write-in candidate, and indicate such on the ballot. If an election is held with only one nominee this is a potential audit finding.

13. Do the same three (3) election judges have to serve for the entire election polling period?
    No, the only requirement is that there are, at least, three (3) election judges at any given time during the election. However, any and all election judges need to be made aware of all responsibilities, prior to serving as an election judge.

14. Can district employees serve as election judges?
    No, district employees cannot be election judges, as it would be a significant conflict of interest, which could result in a contested election.
15. Can Farm Services Agency or Natural Resources Conservation Service employees serve as election judges?

Yes, although it is recommended the SWCD board have other residents of the district to serve as election judges.

16. Can district employees be on a district’s nominating committee?

No, district employees cannot be on a district’s nominating committee, as it would be a significant conflict of interest, which could result in a contested election.

17. Can Farm Services Agency or Natural Resources Conservation Service employees be on a district’s nominating committee?

Yes, although it is recommended that the SWCD board has other residents of the district to serve as members of the nominating committee(s).

18. What happens after an individual is elected?

The election shall be certified by a majority of the board responsible for conducting the election. Only the board members who are not on the current ballot should certify the election. These board members shall complete and sign two (2) copies of the Report and Certification of Election form. One (1) copy shall be mailed to the Soil and Water Conservation Program and one (1) copy shall be kept permanently, in the SWCD files, along with the Tally Sheet signed by the judges. After the election is certified complete by a majority of the board, the newly composed board shall select new officers and mail a copy of the reorganization of officers, with their complete addresses, to the Soil and Water Conservation Program. The election certification and reorganization of the board must take place during an open session board meeting, and a public meeting notice must have been posted at least 24 hours in advance of the meeting. If the board wants to certify an election, immediately following the tallying of votes by the election judges, the board must conduct an official, properly posted board meeting in open session.