



Oregon
Department
of Agriculture

2020 SWCD Director Elections Instructions and Information

The Oregon Department of Agriculture (ODA) is the elections officer for the SWCD director elections. Elections for Soil and Water Conservation District (SWCD) directors occur every two years. The next General Election is scheduled for **Tuesday, November 3, 2020**. Please contact ODA if you have questions after reviewing this information.

Mailing Address:

Oregon Department of Agriculture
Attn: Grants Administrative Officer
635 Capitol St. NE, Suite 100
Salem, OR 97301

Contact Info:

Sandi Hiatt
Phone: 503-986-4704
Email: shiatt@oda.state.or.us
Web: <https://oda.direct/Elections>

This packet includes:

Information for All SWCDs

- Legal Notice form — Notice of Election for District Director — **Published no later than July 24, 2020**
- Election Process
- Important Dates for SWCD Director Elections
- Write-In Process At a Glance
- Oregon Revised Statutes (ORS) relating to SWCD Director Elections
- *Declaration of Intent and Request for Write-In Votes to be Tallied* form

Web links: Secretary of State Publications

- *ORS 260.432 Quick Reference — Restrictions on Public Campaigning for Public Employees*
- *Restrictions on Public Campaigning by Public Employees*

In compliance with the Americans with Disabilities Act, this publication will be made available in alternate formats upon request.

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Information for All SWCDs

Each SWCD is required to publish a Notice of Election for District Director in the local newspaper no later than **July 24, 2020**.

SWCDs are required to provide a copy of the published notice with the date published to ODA immediately after the notice appears in the newspaper.

This sample legal notice is available electronically at <https://oda.direct/SampleLegalNotice>

Sample Legal Notice

NOTICE OF ELECTION FOR DISTRICT DIRECTORS OF THE _____
SOIL AND WATER CONSERVATION DISTRICT

Notice is hereby given that on November 3, 2020, an election will be held for the purpose of electing board director(s) to the following positions for the _____ Soil and Water Conservation District:

Positions: **List all positions that will be filled by election and term. (Example: Zone 2, 4 years; Zone 3, 2 years; At-Large 1, 4 years; etc.)**

Zone boundaries, eligibility requirements, and copies of the required elections forms may be obtained at the SWCD Office located at _____

Election forms and information may also be found at: <https://oda.direct/Elections>

Each candidate must file a *Declaration of Candidacy* and a *Petition for Nomination Signature Sheet* with the Oregon Department of Agriculture, Natural Resources Program Area, Grants Administrative Officer. The filing deadline is 5:00 p.m. on August 25, 2020.

Election Process

Below is a general overview of the SWCD director election process. All forms needed by candidates for placing name on the ballot are available in Section 2 of the Candidate Packet and online at: <https://oda.direct/Elections>

STEP 1: District publishes a legal notice (see Page 2) in a community newspaper of general circulation in the district no later than **July 24, 2020**.

Note: Step 1 is the only step SWCD employees are required to complete, in addition to copying and distributing information, forms, and packets to candidates. See Section 2 for allowable activities and restrictions for public employees.

STEP 2: Candidate completes the *Declaration of Candidacy* form.

STEP 3: Candidate circulates a *Petition for Nomination Signature Sheet* and gathers no less than 10 signatures supporting the nomination, per ORS 568.520(3).

STEP 4: Candidate submits the *Petition for Nomination Signature Sheet* to the local county elections official for signature verification. The county elections official will review the forms for circulator certification (if needed), and verify the original signatures. Remember to allow time for the county elections office verification process.

Note: The county elections official returns the certified form to the candidate.

STEP 5: Candidate files the original certified *Petition for Nomination Signature Sheet* and *Declaration of Candidacy* form with ODA's Grants Administrative Officer. **Candidates must file these forms between 8:00 a.m. on July 16, 2020, and 5:00 p.m. on August 25, 2020.** Forms received *before* July 19, 2018, will be returned to the candidate.

STEP 6: Candidates expecting to receive or expend more than \$750, but less than \$3,500, must file the required forms with the Oregon Secretary of State's office within three business days of receiving or spending money, but no later than when the completed petition is filed. Candidates should refer to the *Candidate "Quick Guide" on Campaign Finance Reporting in Oregon* included in the Candidate Packet for more instructions.

STEP 7: If no candidate files to have name placed on the ballot for a position, then individuals may file a *Declaration of Intent and Request for Write-In Votes to be Tallied* form with ODA to have write-in votes cast in their behalf tallied. Candidates must file these documents no later than **5:00 p.m. on October 20, 2020**. Please see Page 6 for instructions on the write-in process.

STEP 8: General Election: **November 3, 2020**

STEP 9: The newly elected director takes the *Oath of Office* at a SWCD board meeting after **January 3, 2021**.

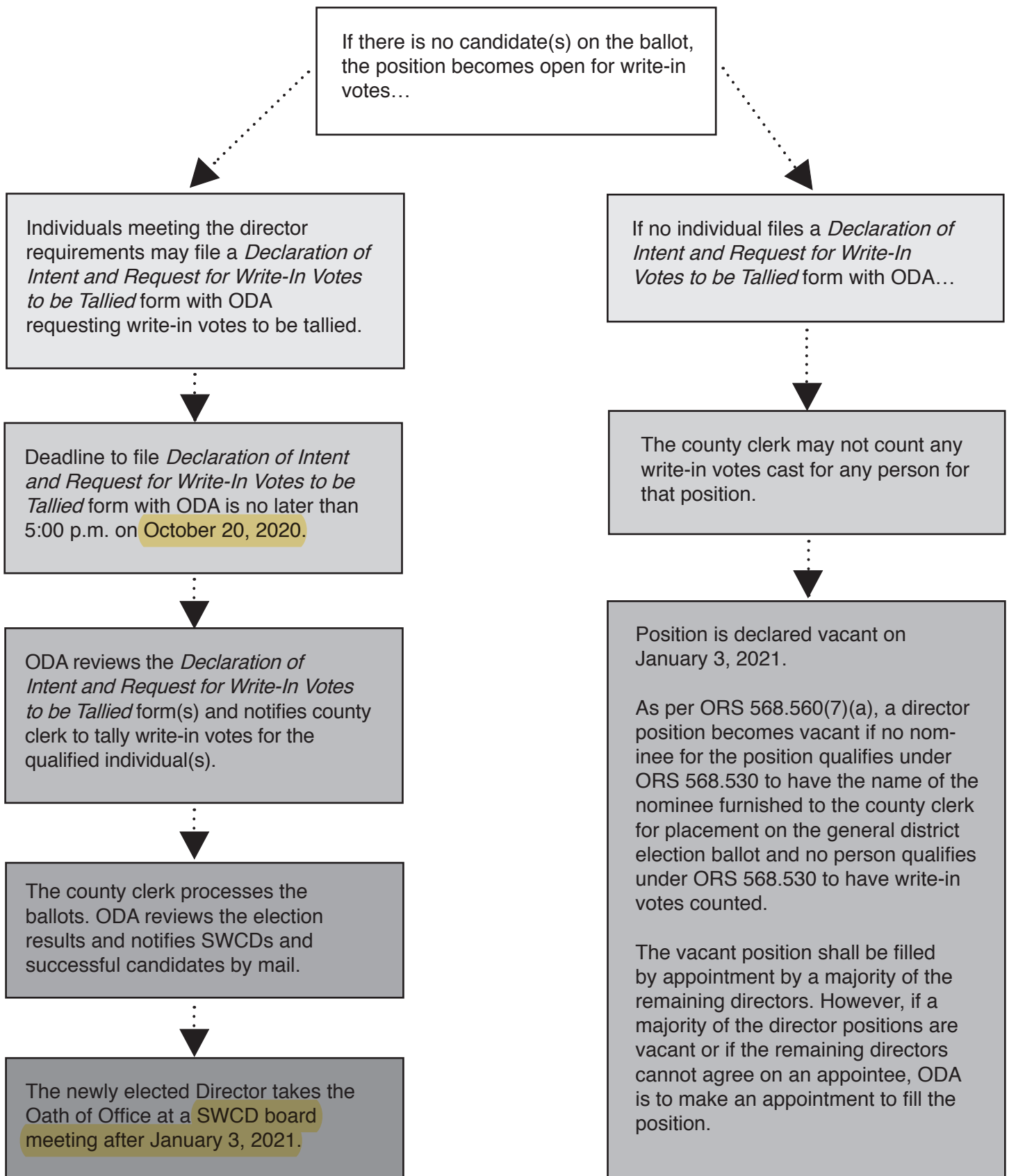
2018 SWCD District Important Dates for Elections

Date	Description of Event	Reference
July 16, 2020	First day for district candidate to file <i>Declaration of Candidacy</i> and <i>Petition for Nomination Signature Sheet</i> with ODA. Forms received before this date will be returned to the candidate.	ORS 255.235 (40 days before final filing date)
July 24, 2020	Last day for districts to publish <i>Notice of Election for District Director</i> for director elections for the General Election. An original copy of the publication of the notice must be filed with ODA.	ORS 568.520 (30 days before final filing date)
Within 3 days of spending or receiving money, but no later than when completed petition is filed.	Candidates expecting to receive or expend more than \$750, but less than \$3,500, must file the required forms with the Oregon Secretary of State's office within three business days of receiving or spending money, but no later than when the completed petition is filed.	ORS 260.035 <i>Candidate "Quick Guide" on Campaign Finance Reporting in Oregon</i>
5:00 p.m. August 25, 2020	Last day for district candidate to file the <i>Declaration of Candidacy</i> and <i>Petition for Nomination Signature Sheet</i> forms with ODA no later than 5:00 p.m.	ORS 568.520 ORS 255.235 OAR 603-071-0030
	Last day for district candidate to file the <i>Withdrawal of Candidacy</i> form for general election with ODA no later than 5:00 p.m.	(70 days before election)
August 26, 2020	First day for district candidate to file the <i>Declaration of Intent and Request for Write-In Votes to be Tallied</i> form with ODA.	ORS 568.530
*September 3, 2020	Last day for ODA to file a statement of candidates to the county clerks for placement on the general election ballot.	ORS 568.530 OAR 603-071-0030 (61 days before election)
October 20, 2020	Last day for district candidate to file <i>Declaration of Intent and Request For Write-In Votes to be Tallied</i> form with ODA no later than 5:00 p.m.	ORS 568.530 (14 days before election)
November 3, 2020	Election Day	ORS 254.056
January 3, 2021	First day newly elected directors may take the <i>Oath of Office</i> after receiving election certificates.	Oregon Constitution Article XV, Section 3 ORS 254.568

*Row highlighted in gray is for informational purposes only. Candidates and SWCDs are not responsible for this item.

Write-in Process for SWCD Director Elections

The following chart is an overview of the process for candidates to run a write-in campaign. The form required for this process is available in Section 3 of this packet and electronically at <https://oda.direct/Elections>



Declaration of Intent and Request for Write-In Votes to be tallied for District Director



Oregon
Department
of Agriculture

Oregon Soil and Water Conservation District

Please type or legibly print in black or blue ink.

Note: This information is a matter of public record and may be published or reproduced.

All fields must be completed. Do not leave any blanks.

<hr/> <p>Name of Candidate (may include nickname in parentheses)</p> <hr/>	<hr/> <p>Name as it is to Appear on Ballot</p> <hr/>
<hr/> <p>Residence Address (Street/Route, City, State, Zip Code)</p> <hr/>	<hr/> <p>Mailing Address (If different from residence)</p> <hr/>
<hr/> <p>Phone (Home)</p>	<hr/> <p>Phone (Work)</p>
<hr/> <p>Fax</p>	<hr/> <p>Email (optional)</p>

To the Oregon Department of Agriculture, as filing officer for Soil and Water Conservation Districts:

I hereby certify that I meet the following requirements as stated in Oregon Revised Statutes 568.560(1) for director of the

_____ **Soil and Water Conservation District**

for the following position:

(check one and write position number)

At-Large No. _____ (enter 1 or 2)

At-Large directors must reside within the district and be registered voters

Zone No. _____ (enter 1, 2, 3, 4 or 5)

Zone directors must own or manage 10 or more acres of land in the district, be involved in the active management of the property, reside within the boundaries of the district and be a registered voter.

Zone directors may either reside within the zone that is represented or own or manage 10 or more acres within the zone that is represented and be involved in the active management of the property and be a registered voter.

Zone No. _____ (enter 1, 2, 3, 4 or 5)

An individual may also serve as a zone director when the individual, in lieu of the other the requirements specified in this section, resides within the zone that is represented and indicates an interest in natural resource conservation as demonstrated by serving at least one year as a director or associate director of a district and having a conservation plan that is approved by the district, and be a registered voter.

CONTINUED ON REVERSE SIDE

Occupation (present employment — paid or unpaid) If not relevant experience, “None” or “NA” must be entered.

Occupational Background (previous employment — paid or unpaid) If not relevant experience, “None” or “NA” must be entered.

Educational Background (schools attended— use attachment if necessary) If not relevant experience, “None” or “NA” must be entered.

Complete Name of School	Last Grade Completed	Diploma/Degree/Certificate	Course of Study (optional)

Prior Governmental Experience (elected or appointed) If no relevant experience, “None” or “NA” must be entered.

Campaign Finance Information

Yes, I have a candidate committee.

No, I do not expect to spend more than \$750 or receive more than \$750 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$750 during a calendar year, I must follow the requirements detailed in the Campaign Finance Manual.

No, but will be filing a Statement of Organization for Candidate Committee (SEL 220).

By signing this document, I hereby state that:

- I will qualify for said office if elected; and
- I desire to serve as district director; and
- All information provided by me on this form is true to the best of my knowledge; and
- I request the County Clerk to count the write-in votes cast on my behalf

Candidate's Signature

Date

WARNING: Supplying false information on this form may result in the conviction of a felony with a fine of up to \$125,000 and/or prison for up to five years (ORS 260.715). No person may be a candidate for more than one position on the same board to be filled at the same election (ORS 249.013).

Return this form to:

Oregon Department of Agriculture
Attn: Grants Administrative Officer
635 Capitol St. NE, Suite 100
Salem, OR 97301

Filing deadline:

5:00 p.m. October 20, 2020

Oregon Revised Statutes (ORS) Related to SWCD Director Elections

The following Oregon Revised Statutes are included for your reference.

ORS 568.520 Petitions nominating directors; regular elections; duties of department.

(1) A regular election shall be held in each soil and water conservation district on the first Tuesday following the first Monday of November in each even-numbered year for the purpose of electing directors to succeed the directors whose terms expire the following January. Nominating petitions of candidates for director to be voted for at a general district election shall be filed with the department no later than a date set by the State Department of Agriculture.

(2) The department may extend the time within which nominating petitions may be filed.

(3) The department may not accept a nominating petition unless the petition is subscribed by 10 or more electors residing within the boundaries of the district.

(4) Electors residing within the boundaries of the district may sign more than one nominating petition to nominate more than one candidate for director.

(5) To the extent of any conflict between ORS chapter 255 and the provisions of ORS 568.530, 568.545 and 568.560 and this section, the provisions of ORS 568.530, 568.545 and 568.560 and this section control. Elections officers, as defined in ORS 255.005, are not responsible for delivering, preparing or publishing information concerning district elections.

(6) The department shall timely distribute and collect the forms established by the Secretary of State for updating information on members of district boards, including, but not limited to, any forms for information concerning the district offices to be filled or for which candidates are to be nominated or elected, or for information concerning the candidates. The district shall timely prepare and publish notice of the date for filing nominating petitions and the date of the election in a newspaper of general circulation within the district no later than 30 days before the final filing date. The department shall retain the information forms and publication information for not less than four years after the election for which the forms and publication were completed. [Amended by 1973 c.656 §9; 1981 c.92 §27; 1983 c.83 §106b; 1983 c.238 §2; 2007 c.690 §1; 2009 c.220 §23]

ORS 568.530 Ballots; write-in votes; unfilled positions.

(1) The State Department of Agriculture shall furnish the names of all nominees for director on behalf of whom nominating petitions have been filed to the county clerk of the respective counties lying within the district not less than the 61st day before the date of the general election. Ballots shall be printed, voted, counted and canvassed in conformity with the provisions of general law relating to elections, except as otherwise provided by subsections (2) to (4) of this section or ORS 568.210 to 568.808 and 568.900 to 568.933.

(2) If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot, the position becomes open for write-in votes on the ballot. An elector who meets the qualifications to become a director of the district in a position for which no candidate qualifies under subsection (1) of this section may file with the department a declaration of intent and request for write-in votes to be tallied. The person must file the declaration and request no later than 14 days before the date of the election. The declaration and request must certify that the person is legally qualified to assume the duties of director and desires the position.

(3) Upon receipt of a declaration and request filed under subsection (2) of this section, the department shall take actions the department deems necessary to determine whether the person filing the declaration and request is an elector who meets the qualifications to become a director of the district. If the department determines that the person is an elector who meets the qualifications, the department shall notify the county clerk to count the write-in votes for the person.

(4) If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot and no person filing a declaration and request for the position qualifies under subsection (3) of this section to have the county clerk count the write-in votes for that person, the county clerk may not count any write-in votes cast for any person for the position. If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot and no person filing a declaration and request for the position qualifies under subsection (3) of this section to have the county clerk count write-in votes for the person, the local governing body of the district shall appoint a person to each position that was not filled at the

election. [Amended by 1973 c.656 §10;
1981 c.92 §28; 1993 c.493 §86; 2007 c.690 §2; 2009 c.220 §24]

ORS 568.542 Payment of expenses for director election from county funds.

The expenses incurred for the election of directors of a soil and water conservation district under ORS 568.210 to 568.808 and 568.900 to 568.933 shall be paid out of county funds by the county or counties within which the territory of the district lies. [1995 c.243 §2]

ORS 568.560 Number of directors; director qualifications; officers; election; terms; vacancies.

(1) The local governing body of the soil and water conservation district shall consist of a board of either five or seven directors elected or appointed as provided by law. To ensure proper representation of all the people in the district and to facilitate district functions, the State Department of Agriculture shall provide for the zoning of each district, and shall provide each time directors are elected or appointed for the proper and equitable representation for each zone.

(2) Two director positions shall be at-large positions. At-large directors must reside within the district and be registered voters.

(3) Zone directors must own or manage 10 or more acres of land in the district, be involved in the active management of the property, reside within the boundaries of the district and be registered voters. Zone directors may either reside within the zone that is represented or own or manage 10 or more acres within the zone that is represented and be involved in the active management of the property. An individual may also serve as a zone director when the individual, in lieu of the other requirements specified in this subsection, resides within the zone that is represented and indicates an interest in natural resource conservation as demonstrated by serving at least one year as a director or associate director of a district and having a conservation plan that is approved by the district. Candidates nominated for director from a specific zone shall be voted on by all electors within the district.

(4) The directors shall designate a chairperson, secretary and other officers as necessary and may, from time to time, change such designation.

(5) The term of office of each director shall be four years, except that:

(a) Of the directors first appointed under ORS 568.400, two shall serve until January first following the first general election following their appointment, and three shall serve until January first following the second general election following their appointment, as determined by the department, and thereafter, their successors shall be elected as provided by law for other elected directors.

(b) Of the directors first elected as provided in ORS 568.545 (1), three shall serve until January first following the first general election and four shall serve until January first following the second general election after the date of their election, as determined by them by lot at the meeting referred to in ORS 568.545 (1).

(c) Of the directors first elected as provided in ORS 568.565 (1), three shall serve until January first following the first general election and two shall serve until January first following the second general election after the date of their election, as determined by them by lot at the meeting referred to in ORS 568.565 (1).

(d) Of the zone directors elected as provided under ORS 568.565 (2), three shall serve until January first following the first general election and two shall serve until January first following the second general election after the date of their election, as determined by lot at the meeting referred to in ORS 568.565 (2).

(6) A director shall hold office until a successor has been elected or appointed, has qualified and has taken the oath of office or until the office becomes vacant under subsection (7) of this section. Any vacancy occurring in the office of director shall be filled as provided by subsection (8) of this section.

(7) A director position becomes vacant under the following circumstances:

(a) The department, upon the written recommendation of a majority of the members of the local governing body of a district, may declare vacant the position of a director who is absent from three consecutive meetings of the local governing body of the district. A position becomes vacant under this subsection upon the issuance of the declaration by the department.

(b) No nominee for the position qualifies under ORS 568.530 to have the name of the nominee furnished to the county clerk for placement on the general district election ballot and no person qualifies under ORS 568.530 to have write-in votes counted. A position becomes vacant under this paragraph on January 1.

(c) The department determines that a candidate receiving the most votes at an election does not qualify under this section to hold the position. A position becomes vacant under this paragraph on January 1 next following the election at which the unqualified candidate was elected unless an appointee to the position has

been selected under subsection (8) of this section.

(d) A director serving in a position no longer qualifies under this section to hold the position. A position becomes vacant under this paragraph upon the department's declaration that the person no longer qualifies for the position.

(e) A director resigns from a position. A position becomes vacant under this paragraph upon the department's receiving notice of the resignation.

(f) A candidate who received the most votes at an election, or an appointee, refuses to take the oath of office as a director.

(8) A director position that becomes vacant before the scheduled expiration of a term shall be filled by appointment by a majority of the remaining directors. However, if a majority of the director positions are vacant or if the remaining directors cannot agree on an appointee, the department shall make an appointment to fill the position.

(9) An appointment under subsection (8) of this section shall end on January 1 next following the first general district election held after the appointment. If the appointment ends under this subsection before the January 1 that would normally complete the four-year term of office for the position, the position shall be placed on the ballot at the next general election as provided under ORS 568.530 to fill the position for the remainder of the four-year term. [Amended by 1955 c.142 §17; 1957 c.603 §5; 1961 c.641 §2; 1965 c.75 §1; 1969 c.393 §2; 1969 c.669 §§16, 19; 1973 c.656 §14; 1981 c.92 §32; 1993 c.166 §2; 2007 c.690 §5; 2009 c.220 §28]

ORS 249.031 Contents of petition or declaration.

(1) Except as provided in subsection (2) of this section, a nominating petition or declaration of candidacy shall contain:

(a) The name by which the candidate is commonly known. A candidate may use a nickname in parentheses in connection with the candidate's full name.

(b) Address information as required by the Secretary of State by rule.

(c) The office and department or position number, if any, for which the candidate seeks nomination.

(d) If the candidate is seeking the nomination of a major political party, the name of the major political party of which the candidate will have been a member, subject to the exceptions stated in ORS 249.046, during at least 180 days before the deadline for filing a nominating petition or declaration of candidacy.

(e) A statement that the candidate is willing to accept the nomination or election or, regarding a candidate for precinct committeeperson, that the candidate accepts the office if elected.

(f) A statement that the candidate will qualify if elected.

(g) If the candidate is seeking the nomination of a major political party, a statement that the candidate, if not nominated, will not accept the nomination or endorsement of any political party other than the one of which the candidate is a member on the date the petition or declaration is filed.

(h) The signature of the candidate.

(i) A statement of the candidate's occupation, educational and occupational background and prior governmental experience.

(2) Subsection (1)(i) of this section does not apply to a candidate for election as a precinct committeeperson.

(3) A declaration of candidacy shall include a statement that the required fee is included with the declaration.

(4) If required by the national rules of the major political party, the declaration of a candidate for election as a precinct committeeperson shall include the name of the individual the candidate supports for President of the United States or "uncommitted" or "no preference." [1957 c.608 §68; 1961 c.336 §1; 1961 c.667 §5; 1969 c.245 §1; 1975 c.779 §18; 1979 c.190 §104; 1981 c.173 §20; 1983 c.7 §1; 1983 c.567 §5; 1989 c.1054 §14; 1991 c.87 §3; 1991 c.719 §5; 1995 c.607 §15; 2009 c.11 §21]

Secretary of State Publications

- *ORS 260.432 Quick Reference - Restrictions on Public Campaigning by Public Employees*
The “Quick Reference” lists the prohibited and allowed activities by public employees. ODA strongly advises districts provide a copy of this publication to all district directors and employees.
http://sos.oregon.gov/elections/Documents/260.432_quickref.pdf
- *Restrictions on Political Campaigning by Public Employees ORS 260.432*
This separate document further describes the restrictions.
<http://sos.oregon.gov/elections/Documents/restrictions.pdf>