

THE ELECTION & APPOINTMENT OF CONSERVATION DISTRICT SUPERVISORS

WHO RUNS DISTRICT ELECTIONS

In compliance with the provisions of chapter 14, title 34, Idaho Code, conservation district elections are administered and conducted by the clerk of the county within which the district is located. Elections in districts that extend beyond the boundaries of a single county are to be conducted jointly by the clerks of the respective counties, and the clerk of the county in which the district office is located is charged with coordinating the election. The cost of conducting district elections is borne by the county, or counties.

WHEN DO ELECTIONS OCCUR

District elections are held on the first Tuesday after the first Monday of November in each even-numbered year. It is important to remember that in December of odd-numbered years, county clerks must publish the election calendar for the upcoming year, so **conservation districts that need to conduct an election during an upcoming even-numbered year must notify their county clerk of this need prior to December of the preceding year.** Throughout the election process it is a good idea to work closely with your county clerk to make sure you don't miss filing deadlines or other important instructions. Contact information for your county clerk can be found under the "Resources" tab at <http://www.idahovotes.gov/clerk.htm>.

Districts that have one or more supervisors with terms that are set to expire need to hold an election. However, **if after the deadline for filing a declaration of intent as a write-in candidate it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election.** The board of supervisors shall declare such candidates elected as supervisors, and the soil and water conservation district shall immediately make and deliver to such persons certificates of election.

(The deadline for filing a declaration of intent as a write-in candidate is 45 days before the day of the election.)

WHO IS QUALIFIED TO SERVE AS A DISTRICT SUPERVISOR

All supervisors must be registered to vote in the state of Idaho and must be landowners or farmers of the conservation district where they are elected or appointed to serve.

HOW TO BECOME A CANDIDATE FOR ELECTION

An individual who desires to be a candidate for election must file a nominating petition with the secretary of the district on or before September 1. Nominating petitions are available from the district office or from the county clerk and must be in the form provided by the county clerk. The district must verify the qualifications of the nominees and, not more than 7 days after the close of filing, certify to the county clerk the nominees to be placed on the ballot.

Write-in candidates must file a declaration of intent with the conservation district not less than 45 days before the day of the election.

AFTER THE ELECTION

Following an election, the county clerk will certify to the conservation district the names of the elected supervisors. The district then issues a certificate of election to each elected supervisor. District should notify the soil and water conservation commission of election results.

Before a supervisor enters upon the duties of his office, he must take an official oath before a notary public. The oath must be taken and filed with the county recorder within ten (10) days after the officer has notice of his election or appointment, or before the expiration of fifteen (15) days from the commencement of his term of office, when no such notice has been given.

A certificate of election and an oath of office are attached.

TERM OF OFFICE

A supervisor's term of office is 4 years and begins on the first day of January following the election.

NUMBER OF SUPERVISORS ON THE CONSERVATION DISTRICT BOARD

Conservation district law provides districts with only two options relative to the number of supervisors who may serve on the district's governing board at any one time: 1) the governing body may consist of five (5) supervisors, or; 2) after completing the process described in statute for increasing the number of supervisors, they may be governed by a body consisting of seven (7) supervisors (Section 22-2721, IC). If at any time the supervisors of a district deem it necessary, upon majority vote of the district board, they may increase the number of supervisors to seven or decrease the number of supervisors to five.

Vacancies on a district board do not change the fact that the board is either a 5 or a 7-supervisor body, so a quorum will still consist of either 3 or 4 supervisors, respectively.

A change in legislation would be necessary for districts to have the authority to structure their boards in ways different from those described above.

HOW MID-TERM VACANCIES ON THE BOARD OF SUPERVISORS ARE FILLED

Board vacancies occurring mid-term may be filled by appointment, accomplished by a vote of the majority of the supervisors. The conservation district shall issue a certificate of appointment to the new supervisor and inform the soil and water conservation commission of the appointed supervisor's name. Within ten (10) days after a supervisor has been notified of his appointment, he must take an oath of office before a notary public.

A certificate of appointment and an oath of office are attached.

The term for a supervisor appointed to fill a vacancy begins as soon as the district board approves such appointment by majority vote. Appointments are made for either the unexpired term or for a full term depending upon the motion supervisors act upon when voting to fill the vacancy. If the board has appointed the new supervisor to a 4-year term that supervisor shall serve his 4-year term and whatever time passes between the end of those 4 years and the next election.

In the event supervisors fail to appoint a replacement within ninety (90) days following a vacancy, and the vacancy results in the loss of a quorum of the district board, the governor shall appoint a replacement sufficient to reestablish a quorum of the district board. The soil conservation district shall issue a certificate of such appointment.

RECALL OF DISTRICT SUPERVISORS

District supervisors can be recalled. The provisions and procedures to recall elected officials are outlined in Title 34, Chapter 17, Idaho Code.

ASSOCIATE SUPERVISORS

From the Supervisor's Handbook: "Associate supervisors are optional and informal positions whereby interested members from the community serve as advisors and representatives to the board. Associates are not allowed to vote on board decisions, but they can augment the knowledge and experience of the supervisors and assist, as requested, with district programs.... The associate position is often a steppingstone to board supervisor."

The "associate supervisor" has no legal standing, responsibility, or authority under conservation district law. They are involved with districts at the pleasure of the board of supervisors.

If a conservation district board chooses to formalize their associate supervisor positions by voting individuals into the position, they are free to do so. However, such action by the board has no bearing on the fact that associates have none of the responsibilities or authorities of supervisors—they don't count towards a quorum, cannot vote, etc.

REFERENCES

Idaho Code, Section 22-2721, Election, Appointment, Qualifications and Tenure of Supervisors

Idaho Code, Section 34-1401 et seq., Uniform District Election Law

Idaho Code, Section 59-401 et seq., Oath of Office

Idaho Code, Section 34-1701 et seq., Recall Elections

Constitution of the State of Idaho, Article VI Suffrage and Elections, Section 6, Recall of Officers Authorized

CERTIFICATE OF ELECTION

(Newly Elected Supervisor's Name)

KNOW ALL PERSONS BY THESE PRESENT:

That on the (day) of (month) 20(year), the designated election official of the (Conservation District name) declared (supervisor's name) elected as Supervisor of said District for a term of four years. Beginning with the 1st day of January (year term begins) and ending the 31st day of December (year term ends), or until your successor is determined and qualified; that thereafter, the person designated above entered upon the discharge of the duties as Supervisor of said District by taking the prescribed Oath of Office, and that the designated person is the duly qualified Supervisor of the (Conservation District Name).

IN TESTIMONY WHEREOF, I have hereunto set my hand this (day) of (month) 20(year).

(Conservation District Name)

(Signature)

(Printed Name, Chair, Conservation District Board of Supervisors)

CERTIFICATE OF APPOINTMENT

(Newly Appointed Supervisor's Name)

KNOW ALL PERSONS BY THESE PRESENT:

That (name of appointed supervisor) of (town of residence), Idaho being a landowner or farmer of the (name of conservation district) and registered to vote in the State of Idaho was duly appointed supervisor of the (name of conservation district) to fill the unexpired term of (name of supervisor being replaced), serving until (either the date on which the term of the supervisor being replaced ends, or four years from today's date, as voted on by the district board);

IN TESTIMONY WHEREOF, I have hereunto set my hand this (date) day of (month), (year).

(Conservation District Name)

(Signature of District Chair)

(Printed Name of District Chair), Chair, Conservation District Board of Supervisors

IDAHO CONSERVATION DISTRICT SUPERVISOR

OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of the office of Supervisor of the

_____ Conservation District according to the best of my ability.

Signature: _____ Date: _____

State of Idaho)

s.s.

County of _____

On this ___ day of _____, in the year of 20____, before me _____,

personally appeared _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledge that he (she) executed the same.

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Notary Public: _____

My Commission expires on: _____