

## 2025 Legislative Resolution

**Title:** Soil and Water Conservation District Election Date

**Sponsor(s):** Kristina Glascock

**Statutes Affected:** 22-2721

**County Offices Affected (Must affect at least 2):** Commissioners and Clerks

**Counties Affected (Must affect at least 2):** Potentially all 44 counties

**Explain the Issue or Problem:** Soil and Water Conservation District Supervisor elections are conducted in November of even-numbered years. For counties that have Soil and Water Conservation Districts, this creates a myriad of ballot styles to proof and test. In Twin Falls County's November 2022 General Election, 116 ballot styles were proofed and tested because of Soil and Water Conservation District races. If those races were not included in that election, there would have been 50 ballot styles. The races are seldom contested and cause a large amount of work. There are multiple precincts that contain multiple soil districts. Absentee ballots must be mailed 45 days prior to the election in Federal elections per the Uniformed and Overseas Citizens Absentee Voting Act. The write-in deadline for the Soil and Water Conservation District Supervisors is the eighth Friday before the election per I.C. 34-1407. Absentee ballots must be mailed the following Friday. With the General Election having this tight deadline for absentee ballots, counties have to create ballots with and without soil district races so that their tabulating machines can be coded to count ballots with Soil District Supervisors if a write-in candidate were to file. This can cause ballots to go to two pages in a General Election. If the election date was moved to November of odd-numbered years, the Soil and Water Conservation District Supervisors would be held with other consolidated elections and have the same deadlines.

### **Background & Data:**

**Proposed Policy:** 22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. (1) The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this chapter. Elections shall be conducted pursuant to the provisions of this section and the uniform district election law, chapter 14, title 34, Idaho Code. 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 (7) or decrease the number of supervisors to five (5). If increased, the additional supervisors shall then be appointed as outlined in this section until such time as regular district elections for two (2) supervisors in each district. At that time, those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the district shall be persons who are by training and experience qualified to perform the specialized services that will be required of them in the performance of their duties. In the event the supervisors of a

district, upon majority vote of the district board, deem it necessary to reduce the number of supervisors to five (5), there must either be two (2) vacant positions on the board or two (2) of the supervisors must first volunteer to give up their seats. Written notification of the reduction in supervisors, signed by the district board chairman, shall then be sent to the state soil and water conservation commission. Such notification shall also be sent to the secretary of state to ensure only two (2) or three (3) supervisors shall be on the ballot for the next election cycle. All supervisors shall be landowners or farmers of the district where they are elected or appointed and shall be registered to vote in the state of Idaho.

(2) Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil and water conservation commission to nominate candidates for supervisors of each district. The county clerk shall conduct the election for the district in compliance with chapter 14, title 34, Idaho Code, and shall be the election official for the district. The election official shall have authority to extend the time within which nominating petitions may be filed. Nominating petitions shall be filed with the secretary of the district, and no such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated shall appear upon ballots, with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district.

(3) All elections in districts shall be conducted by the county clerk. Such election shall be held on the ~~first~~ Tuesday ~~succeeding~~ following the first Monday of November in each ~~even~~odd-numbered year. Such elections shall be in compliance with the provisions of chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the county clerk. The cost of conducting such elections shall be borne by the county that conducted the election. The county clerk shall certify to the soil and water conservation district the names of the elected supervisors. The soil and water conservation district shall issue certificates of election to each elected supervisor so certified. The county clerk or county clerks of the county or counties in which the district is located shall conduct the election for the soil conservation district, and the county clerk must provide a ballot for the district election and must provide a process that allows only qualified electors of the district to vote in that district's election.

(a) Any Supervisor who is up for election on the Tuesday following the first Monday in November of 2026 shall serve an additional year and will be up for election on the Tuesday following the first Monday in November of 2027.

(4) In any election for supervisor, 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.

(5) The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise, and the supervisors shall certify the name of the appointed supervisor to the state soil and water conservation commission. 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.

(6) A quorum shall consist of three (3) supervisors for those districts with a total of five (5) supervisors and four (4) supervisors for those districts with a total of seven (7) supervisors, and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

(7) In the event the district has a special project, approved by the state soil and water conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

(8) The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents or employees such powers and duties as they may deem proper. The supervisors shall furnish to the state soil and water conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ and such other information concerning the supervisors' activities as the commission may require in the performance of the commission's duties under this chapter.

(9) The supervisors shall provide for the execution of surety bonds for all employees and officers entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted; and shall provide for independent financial audits in accordance with the provisions of section 67-450B, Idaho Code. Supervisors shall be subject to recall in accordance with the provisions of chapter 17, title 34, Idaho Code.

(10) The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise

and consult with the supervisors of the district on all questions of program and policy that may affect the property, water supply, or other interests of such municipality or county.

**Arguments & Entities in Support:**

**Arguments & Entities Against:**

**Feasibility:**

**Other Stakeholders Affected & Nature of Impact:**

**Fiscal Impact:** Changing the election date to the odd year would save counties money on test decks and ballot coding.

**Will Proposed Policy Create an Unfunded County Mandate:** No