

# House Bill 3466

Sponsored by Representative DINGFELDER (at the request of John McDonald)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows person to file document and receive write-in votes for soil and water conservation district director position if no nominee for director position qualifies to have nominee's name placed on ballot. Specifies January 1 as ending date for director terms of office.

Identifies events causing director position to become vacant. States when vacancy takes effect. Creates procedure for filling director position that becomes vacant.

Specifies applicability of special provisions regarding district elections and responsibilities of State Department of Agriculture.

## A BILL FOR AN ACT

1  
2 Relating to conservation districts; creating new provisions; and amending ORS 568.520, 568.530,  
3 568.540, 568.545, 568.560 and 568.565.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 568.520 is amended to read:

6 568.520. (1) Within 30 days after the hearings on creation or consolidation of districts as pro-  
7 vided in ORS 568.300 and 568.450, but not later than a date set by the State Department of Agri-  
8 culture, nominating petitions may be filed with the department to nominate candidates for directors  
9 of such district. [*Notwithstanding the provisions of ORS chapter 255, the provisions of ORS 568.530,*  
10 *568.540, 568.545, 568.560 and this section apply to the election of directors of a district.*]

11 (2) A regular election shall be held in each district on the first Tuesday following the first  
12 Monday of November in each even-numbered year for the purpose of electing directors to succeed  
13 those whose terms expire the following January. Nominating petitions of candidates for director to  
14 be voted for at a general district election shall be filed with the department no later than a date  
15 set by the department.

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

17 (4) [*No such nominating petition shall be accepted by the department,*] **The department may not**  
18 **accept a nominating petition** unless it is subscribed by 10 or more electors residing within the  
19 boundaries of [*such*] **the** district.

20 (5) Electors residing within the boundaries of the district may sign more than one [*such*] nomi-  
21 nating petition to nominate more than one candidate for director.

22 (6) **To the extent of any conflict between ORS chapter 255 and the provisions of ORS**  
23 **568.530, 568.540, 568.545 and 568.560 and this section, the provisions of ORS 568.530, 568.540,**  
24 **568.545 and 568.560 and this section control. Elections officers, as defined in ORS 255.005, are**  
25 **not responsible for delivering, preparing or publishing information concerning district**  
26 **elections. The department shall timely distribute and collect the forms established by the**  
27 **Secretary of State for updating information on members of district boards, including, but**  
28 **not limited to, any forms for information concerning the district offices to be filled or for**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **which candidates are to be nominated or elected, or for information concerning the candi-**  
 2 **dates. The department shall timely prepare and publish** notice of the date for filing [*such*]  
 3 **nominating** petitions and the [*time*] **date** of the election [*shall be published*] in a newspaper of  
 4 general circulation within the district [*at least*] **no later than** 30 days before **the final** filing date.  
 5 **The department shall retain the information forms and publication information for not less**  
 6 **than four years after the election for which the forms and publication were completed.**

7 **SECTION 2.** ORS 568.530 is amended to read:

8 568.530. (1) The names of all nominees for director on behalf of whom such nominating petitions  
 9 have been filed with the State Department of Agriculture within the time designated as provided  
 10 by ORS 568.520 shall be furnished by the department to the county clerk of the respective counties  
 11 lying within the district not less than the 61st day before the date of the general election. Ballots  
 12 shall be printed, voted, counted and canvassed in conformity with the provisions of general law re-  
 13 lating to elections, except as otherwise provided by **subsections (2) and (3) of this section** or ORS  
 14 568.210 to 568.808 and 568.900 to 568.933.

15 **(2) If no nominee for a position qualifies under subsection (1) of this section to have the**  
 16 **name of the nominee furnished to the county clerk for placement on the ballot, the position**  
 17 **becomes open for write-in votes on the ballot. An elector who meets the qualifications to**  
 18 **become a director of the district in a position for which no candidate qualifies under sub-**  
 19 **section (1) of this section may file a declaration of intent and request for write-in votes to**  
 20 **be tallied. The person must file the declaration and request no later than 25 days before the**  
 21 **date of the election. The declaration and request must certify that the person is legally**  
 22 **qualified to assume the duties of director and desires the position. Write-in votes for a po-**  
 23 **sition described in this subsection may be counted only if the person voted for has filed a**  
 24 **declaration and request under this subsection.**

25 **(3) If no nominee for a position qualifies under subsection (1) of this section to have the**  
 26 **name of the nominee furnished to the county clerk for placement on the ballot, and no per-**  
 27 **son files a declaration and request under subsection (2) of this section, the elections officer**  
 28 **may not tally the write-in votes for the position. The governing body of the district shall**  
 29 **appoint a person to each position that was not filled at the election.**

30 **SECTION 3.** ORS 568.540 is amended to read:

31 568.540. The three candidates **nominated under ORS 568.520** who receive the largest number,  
 32 respectively, of the votes cast in the election shall be elected directors for the district.

33 **SECTION 4.** ORS 568.545 is amended to read:

34 568.545. (1) Notwithstanding ORS 568.470, when districts are consolidated, all directors continue  
 35 to serve until directors for the consolidated district are elected as provided in this subsection. Not  
 36 later than 30 days after the date of issuance of the certificate referred to in ORS 568.470, the boards  
 37 of the districts consolidated shall hold a joint meeting. At the joint meeting, a majority of all the  
 38 directors of all the districts affected constitute a quorum for the transaction of business. The di-  
 39 rectors so assembled shall elect seven persons from among their number to serve as directors of the  
 40 consolidated district. The term of office of the directors elected as provided in this subsection shall  
 41 be as provided in ORS 568.560 [(3)(c)] **(5)(c)**. The number of directors of a consolidated district may  
 42 be reduced to five in the manner provided in ORS 568.565.

43 (2) The directors elected as provided in subsection (1) of this section shall select a chairperson,  
 44 secretary and other necessary officers and select a regular date for the annual and other meetings.

45 **SECTION 5.** ORS 568.560 is amended to read:

1 568.560. (1) The local governing body of the district shall consist of not *[less]* **fewer** than five  
 2 nor more than seven directors who are elected **or appointed** as provided by law. To *[insure]* **ensure**  
 3 proper representation of all the people in the district and to facilitate district functions, the State  
 4 Department of Agriculture shall provide for the zoning of each district, and shall provide each time  
 5 directors are elected **or appointed** for the proper and equitable representation for each zone.

6 (2) Not more than two *[of such]* directors may fill at-large positions. At-large directors must  
 7 reside within the district and be registered voters.

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

18 *[(2)]* (4) The directors shall designate a chairperson, secretary and other officers as necessary  
 19 and may, from time to time, change such designation.

20 *[(3)]* (5) The term of office of each director shall be four years, except that:

21 (a) Of the directors first appointed under ORS 568.400, not less than one nor more than two shall  
 22 serve until January first following the first general election following their appointment, and not  
 23 less than one nor more than two shall serve until January first following the second general election  
 24 following their appointment, as determined by the department, and thereafter, their successors shall  
 25 be elected as provided by law for other elected directors.

26 (b) Of the directors elected as provided in ORS 568.540, one shall serve until January first fol-  
 27 lowing the first general election, and two shall serve from the date of the first annual election until  
 28 January first following the second general election, as determined by them by lot at the first meet-  
 29 ing of directors after creation or consolidation of the district.

30 (c) Of the directors first elected as provided in ORS 568.545 (1), three shall serve until January  
 31 first following the first general election, and four shall serve until January first following the second  
 32 general election after the date of their election, as determined by them by lot at the meeting re-  
 33 ferred to in ORS 568.545 (1).

34 (d) Of the directors first elected as provided in ORS 568.565, three shall serve until January first  
 35 following the first general election and two shall serve until January first following the second  
 36 general election, after the date of their election, as determined by them by lot at the meeting re-  
 37 ferred to in ORS 568.565.

38 *[(4)]* (6) A director shall hold office until a successor has been elected **or appointed**, *[and]* has  
 39 qualified **and has taken the oath of office** or until the office *[has been declared vacant by the de-*  
 40 *partment pursuant to subsection (5)]* **becomes vacant under subsection (7)** of this section. Any va-  
 41 cancy occurring in the office of director shall be filled as provided by *[ORS 198.320]* **subsection (8)**  
 42 **of this section.**

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

44 *[(5)]* (a) **The department**, upon the written recommendation of a majority of the members of the  
 45 local governing body of a district, *[the department]* may declare vacant the position of *[any]* a di-

1 rector who is absent from three consecutive meetings of the local governing body of the district. A  
 2 position becomes vacant under this subsection upon the issuance of the declaration by the  
 3 department.

4 (b) No nominee for the position qualifies under ORS 568.530 to have the name of the  
 5 nominee furnished to the county clerk for placement on the general district election ballot  
 6 and no person has filed a declaration and request under ORS 568.530 (2). A position becomes  
 7 vacant under this paragraph on January 1.

8 (c) The department determines that a candidate receiving the most votes at an election  
 9 does not qualify under this section to hold the position. A position becomes vacant under this  
 10 paragraph on January 1 next following the election at which the unqualified candidate was  
 11 elected unless an appointee to the position has been selected under subsection (8) of this  
 12 section.

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

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

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

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

24 (9) An appointment under subsection (8) of this section shall end on January 1 next fol-  
 25 lowing the first general district election held after the appointment. If the appointment ends  
 26 under this subsection before the January 1 that would normally complete the four-year term  
 27 of office for the position, the position shall be placed on the ballot at the next general  
 28 election as provided under ORS 568.530 to fill the position for the remainder of the four-year  
 29 term.

30 **SECTION 6.** ORS 568.565 is amended to read:

31 568.565. (1) Upon the written recommendation of the local governing body of a district having  
 32 seven directors, the number of directors of such governing body may be reduced from seven to five  
 33 by holding a meeting of the governing body at which the directors elect five persons from among  
 34 their number to serve as directors of the district. The term of office of the directors elected pursuant  
 35 to this section shall be as provided in ORS 568.560 [(3)(d)] (5)(d).

36 (2) Upon the written recommendation and majority vote of the local governing body of a  
 37 district having five directors, the number of directors for the district may be increased to  
 38 seven. Notwithstanding any unexpired term of office to which a member may have been  
 39 elected, all five zone positions shall be placed on the ballot at the next following general  
 40 election. The department shall determine the terms of office for the positions as provided in  
 41 ORS 568.560 (5)(d). Any vacancy that occurs in a zone position shall be filled as provided  
 42 under ORS 568.560.

43 **SECTION 7.** The amendments to ORS 568.520, 568.530 and 568.560 by sections 1, 2 and 5  
 44 of this 2007 Act apply to director positions filled on or after the effective date of this 2007  
 45 Act.

