



SOIL CONSERVATION DISTRICT SUPERVISOR ELECTION AND APPOINTMENT PROCESS GUIDANCE

Intent of this Guidance

The election and appointment of supervisors for Tennessee's 95 Soil Conservation Districts (SCDs) is a very important annual task. In each year's election cycle, questions arise about specific details pertaining to the election and appointment process. This document contains answers to many of these questions. It is hoped this document will help the election and appointment process to run smoothly; and with few if any contentious situations.

Supervisor Election and Appointment Cycles

Each SCD has the following election and appointment cycle: Year 1, election of three supervisors; each for a three-year term; Year 2, appointment of one supervisor for a three year term; Year 3, appointment of one supervisor for a three year term. This cycle will repeat with the election, appointment, appointment, into the future years. It is important to keep this cycle intact.

It is important to note the following procedures for elections and appointments will also be the procedures to follow when a position on a board becomes vacant and the vacancy needs to be filled for the remainder of the unexpired term of the position.

Term of Office

Traditionally, each SCD Supervisor term begins April 1st and ends March 31st. The term of service of the newly elected or appointed board member begins on April 1st, even if they have not signed the oath of office from the State Soil Conservation Committee by that date.

ELECTION OF SOIL CONSERVATION DISTRICT SUPERVISORS

Due Notice (Legal Notice) of the Election

The SCD statute (TCA §43-14-201) definition: "Due notice" means notice published at least twice, with an interval of at least seven (7) days between the two (2) publication dates, in a newspaper or other publication of general circulation within the appropriate area, or, if no such publication of general circulation is available, by posting at a reasonable number of conspicuous places within the appropriate area, the posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally.

Notice of Election Template (Examples for the Due Notice for the Newspaper).

Option 1

Pursuant to TCA §43-14-201, DUE NOTICE is hereby given that an election will be held March 21-25, 2016 for three positions on the FILLINTHEBLANK County Soil Conservation District (SCD) Board. Polling location will be: 123 ANY Street, ANYTOWN, TN, from 8am until 4pm CDT each day. Nominating petition submittal deadline is March 14, 2016, by 4pm CDT to the SCD office, at the address above. Per TCA §43-14-216, only persons holding legal title to lands in FILLINTHEBLANK County are eligible to vote in this election. Call the SCD office at 10-DIGIT PHONE for more information.

Option 2

Pursuant to TCA §43-14-201, DUE NOTICE is hereby given that an election will be held March 21, 2016 for three positions on the FILLINTHEBLANK County Soil Conservation District (SCD) Board. Polling locations will be: 123 ANYSTREET, 1STTOWN, 234 ANYSTREET, 2NDTOWN, 456 ANYSTREET, 3RDTOWN, or 678 ANYSTREET, FOURTHTOWN from 8am until 4pm CDT. Nominating petition submittal deadline is March 14, 2016, by 4pm CDT to the SCD office, at 432 SCDSTREET, TOWNNAME. Per TCA §43-14-216, only persons holding legal title to lands in FILLINTHEBLANK County are eligible to vote in this election. Call the SCD office at 10-DIGIT PHONE for more information.

Who is eligible to be a candidate for election to the SCD Board?

Any person who obtains the signatures of twenty-five (25) owners of land in the District (county) on a nominating petition and submits it by the stipulated deadline will be on the ballot for that District. There are no requirements or qualifications other than the completed nominating petition. For clarity, the statute does not require the candidate to reside in the District, nor own land in the District, nor to be actively engaged in agriculture. The deadline for nominating petition submittal should be included in the Due Notice and all other posted Public Notices and

should be set to allow sufficient time to confirm the names on the nominating petitions as bona fide landowners in the District.

Who is a Landowner?

Per the SCD Statute, "Landowner" or "owner of land" includes any person, firm or corporation who holds legal or equitable title to any lands lying within a district.

How Are Candidates Put on the Ballot?

There are two pathways for a person to become a candidate in the District election. The first is through a local nominating committee process, which will contact prospective candidates and if they are willing to serve, will facilitate getting the required signatures on the nominating petition on the candidate's behalf. The second pathway to becoming a candidate would be any person not contacted by the nominating committee, but who is none-the-less interested in serving on the Board. This person may get the required twenty-five District landowner signatures on a nominating petition on their own and submit it by the stipulated deadline for their name to appear on the ballot.

Role and Function of the Local Nominating Committee

Historically, the role of the nominating committee has been to facilitate the process on behalf of the candidates in getting the required signatures on the nominating petitions. The UT Extension Leader in each county is requested by the State Soil Conservation Committee to chair the nominating committee meeting; which is comprised of local representatives from agricultural organizations; such as the county FSA committee, the county Extension committee, the county Farm Bureau committee, and a member of the SCD Board whose term is not expiring. It is recommended that at least 4-6 candidates be on the ballot; but at a minimum, there must be three candidates on the ballot to conduct the election. It is important for minutes to be taken at this meeting to record the decisions reached by the committee.

Who Is Eligible to Vote in the Election for District Supervisor?

Any person, firm or corporation who holds legal or equitable title to any lands lying within the district may vote in the election. The prospective voter's name must be on the deed or title to the land. One common issue concerning voter eligibility is where the property is deeded to "John Doe, et ux". Since "et ux" is Latin for "and wife", the wife of the landowner would be an eligible voter. Additionally, homeowners of a home and lot in a subdivision, or the owner of a condominium would be eligible to vote, as they either hold legal or equitable title to their real property. There are no other eligibility requirements for casting a vote in the election.

Invalid Ballots

Each voter will cast one vote each for up to three candidates on the ballot. A blank ballot or a ballot with multiple votes for a single candidate or with votes for more than three candidates must be deemed invalid and discarded.

Absentee Votes/ Voting by Proxy

The statute makes no provisions for absentee voting, or voting by proxy in SCD elections.

Listing the Candidates on the Ballot

Per TCA §2-5-208, Tennessee election law requires names of candidates for all local, state and national general elections to be presented alphabetically, according to the first letter of the candidate's surname.

Manning of the Ballot Boxes

All polling locations must be manned by impartial parties, called polling officers. It is improper for candidates or relatives of candidates to be a polling officer. It is also improper for polling officers to campaign for a particular candidate, or to provide any information about specific candidates. It is imperative for polling officers to control the issuance of paper ballots, and to give these ONLY to a voter after the voter signs the poll list. The ballot box should only contain as many ballots as names on the poll list.

Number of Polling Locations

Each election must have at least one polling location. The number of polling locations should be determined by the level of interest and the number of individuals that agree to serve as polling officers on Election Day. It is suggested for single day elections that multiple polling locations be secured. For Districts who decide to hold the election for several days, or an entire week, it is recommended that a single polling location be used, in order to properly secure the poll list and the ballot box after hours. Since all owners of land in each District are eligible to vote in the election, it is advisable to have polling locations that are accessible to all landowners, not just agricultural landowners.

Voting Using a Two-Envelope System

Since only persons, firms or corporations who hold equitable title to land in the District are eligible to vote, SCDs need a method to verify landowner status prior to counting the ballots. The Knox County SCD received this recommended system from their county election officials. The process is as follows:

- Voter signs the poll list and is given a ballot
- Ballot is marked by a voter
- Voter puts ballot inside a blank envelope and seals it
- This envelope is put inside a second envelope which is numbered to correspond with the poll list number; then placed into the ballot box.
- The persons counting the votes take the envelopes from the ballot boxes and look up the names of the voters and confirm they are landowners in the District
- If voter is determined not to be a landowner, the envelope corresponding to their number on the poll list is found and discarded
- After verification of the ballots, all outside envelopes are opened and separated from the inside envelopes that contain the marked ballots
- Blank envelopes are opened and the ballots are tallied

This process will be very effective in maintaining the anonymity of the election process, while also preserving the ability to confirm the eligibility of each voter.

Counting the Ballots and Reporting Results

If a voter is in line to vote before the time the polls close, they may vote in the election. After the polls are closed, ballot boxes should be taped shut, signed by the polling officer and transported to the location where the votes will be counted. The votes should be counted by a group of two or three polling officers or other impartial persons. The results would then be compiled and reported to the State Soil Conservation Committee, in care of: Technical Secretary, SSSC, Ellington Agricultural Center, Holman Building; P.O. Box 40627, Nashville, TN 37204.

What to Do in Case of a Tie?

The better the public is notified of the election, the resulting larger turnout will all but eliminate the chance of a tie vote. Only a tie for third place in the voting would be problematic. If there is a tie vote, the statute has no remedy except for the District to hold a runoff election, following the same procedures as the full election. Some Districts have handled this issue by informing the candidates that are tied of the situation. In some instances, one of these candidates has voluntarily deferred to the other candidate, thereby eliminating the need for a runoff election.

Proper Actions of Candidates

It is acceptable for candidates to undertake campaign activities related to securing the votes of eligible voters. It is not advisable for a candidate to be present at a polling location and lobby for votes there on the dates of the election. State statutes at TCA 2-7-111(b)(1) would apply here: **(b)(1)** "Within the appropriate boundary as established in subsection (a), and the building in which the polling place is located, the display of campaign posters, signs or other campaign materials, distribution of campaign materials, and solicitation of votes for or against any person, political party, or position on a question are prohibited. No campaign posters, signs or other campaign literature may be displayed on or in any building in which a polling place is located."

Timeline for Conducting the SCD Supervisor Election

1. Letter sent to SCD and UT Extension leader from the State Soil Conservation Committee; notifying the District of the upcoming election.
2. Establish the date(s) of the election and the specific polling locations.
3. Establish the deadline date and time for submitting nominating petitions.
4. Inform the UT Extension leader of the planned election date and polling locations.
5. Schedule a meeting of the Local Nominating Committee (either the SCD staff or the UT Extension Leader, or both)
6. Complete the DUE NOTICE requirements for the election.
7. Prepare PUBLIC NOTICE announcements and have the SCD Board concur as to where these should be posted in the District.
8. The UT Extension Leader will conduct the Nominating Committee meeting. Get the prospective candidate's nominating petitions signed by the stipulated deadline.
9. After the nominating petition deadline has passed, print the ballots with the names of all qualified candidates (in alphabetical order).
10. Hold a meeting with the polling officers (if needed) and give them instructions regarding the proper procedures to follow during the voting.
11. Open the polls as indicated in the DUE NOTICE, and conduct the election.
12. After the polls close, secure the ballot box and transport it to the location where the votes will be counted.
13. Check the poll list and verify the eligibility of the voters.

14. Count the votes and report the results to the State Soil Conservation Committee, in care of the Technical Secretary at the TN Dept of Agriculture.
15. Have newly elected Board members sign the Oath of Office and email a copy of this to the SSCC Technical Secretary.

APPOINTMENT OF SCD SUPERVISORS

Qualifications of Appointed SCD Supervisors

TCA §43-14-217(a) states the two supervisors appointed by the State Soil Conservation Committee shall be persons who are, by training and experience, qualified to perform the specialized skilled service that will be required of them in the performance of their duties.

Role of the Nominating Committee Regarding Appointments

Currently, the nominating committee is convened to secure names to suggest for appointment to the State Soil Conservation Committee. It is recommended the nominating committee provide at least two names for consideration; but more than two names would be better. The State Soil Conservation Committee has broad discretion with respect to the appointment of supervisors; and the committee may appoint whomever they wish to fill the appointed position on any SCD Board.

Timeline for Conducting the SCD Supervisor Appointments

1. Letter sent to SCD and UT Extension leader from the State Soil Conservation Committee; notifying the District of the upcoming appointment action.
2. Schedule a meeting of the Local Nominating Committee.
3. Hold the Nominating Committee meeting. Complete the nomination form for recommended appointees, and transmit this information to the State Soil Conservation Committee.
4. After action is taken by the State Soil Conservation Committee, have the Oath of Office signed by the newly appointed Board member.