



# SWCD Operational Handbook

## Supervisor Elections

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## Supervisor Elections

Several changes to the statute governing Soil and Water Conservation District (SWCD) supervisor elections have taken place since the last edition of this handbook was published.

In 1997, the Legislature changed the section relating to SWCD supervisor terms; terms now run four years. Another change to note is that the timeline for appointments to fill vacancies was indexed to the filing deadline established for the 1996 elections (see [Vacancies](#) later in this section).

More changes to the law took place in the 2001, 2003, and 2010 legislative sessions. Most significant of these changes, made during the 2003 session, relate to how supervisor nomination districts are created and how supervisors are elected.

### Procedure for Establishing Soil and Water Conservation District Supervisor Nomination Districts

Changes were made in statute in 2003 to provide flexibility for SWCD supervisor elections. Language now allows additional discretionary authority for SWCDs, with the approval of the BWSR Board, to change from the current at large election of supervisors to election by a nomination district. If an SWCD decides to have an election by a nomination district, supervisor districts must align with county commissioner districts. The language change also allows the number of supervisors to be greater than five in counties with more than five county commissioners. SWCDs can continue using the at large process for election of supervisors.

#### 1. Establishment of Supervisor Nomination District Boundaries

##### a. Supervisors Elected at Large: [M.S. 103C.311, subd. 1](#)

The district board decides on the boundaries. Description of the boundaries should be defined by:

- (1) Townships or other legal boundaries. If a township or other boundary unit is further divided, any permanent identifiable means such as highways, streams, streets, etc., may be used. This description is to be recorded on the "[Nomination Districts Resolution](#)" form (click to see sample).
- (2) Population and area balance are not a requirement.
- (3) At the general election, all eligible voters throughout the area included in the SWCD are eligible to vote.

#### OR

##### b. Supervisors Elected by Nomination Districts: [M.S. 103C.311, subd. 2](#)

The district board decides to follow the county commissioner boundaries and elect the supervisors accordingly.

- (1) The supervisor districts must be composed of precincts established by county and municipal governing bodies under [M.S. 204B.14](#). This description is to be recorded on the "[Nomination Districts Resolution](#)" form (click to see sample). The supervisor districts must be compact, include only contiguous territory, and be substantially equal in population.
- (2) The supervisor districts must be numbered in a regular series.
- (3) The supervisor districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the Board of Water and Soil Resources.
- (4) The boundaries of the supervisor districts must be redrawn after each decennial federal census as provided in [M.S. 204B.135](#).

- (5) At the general election, only eligible voters within the supervisor nomination district are eligible to vote.

## 2. Nomination Districts Resolution Form

- a. The SWCD board secretary completes the “[Nomination Districts Resolution](#),” signs it after it has been approved by the SWCD board, and sends three copies to the Board of Water and Soil Resources along with a map showing the boundaries.
  - b. A list of the supervisors indicating the nomination district for each should also be sent to the Board of Water and Soil Resources.
  - c. At the next meeting of the Board of Water and Soil Resources, the resolution will be reviewed and acted on.
  - d. After the Board of Water and Soil Resources has approved the boundaries, the three approved copies will be returned to the district. At that time, the district should have the county auditor sign and date all three copies. The county auditor retains one copy, one copy is filed in the district’s files, and the other copy is returned to the Board of Water and Soil Resources.
3. If, in the establishment of nomination districts, two district supervisors are in one nomination district, each will complete the term for which elected. Adjustment will be made when terms expire. The first supervisor whose term expires will go off the board and a supervisor will be elected from the nomination district that does not have representation on the board.
  4. If a supervisor moves from one nomination district to another, the supervisor will finish the term for which elected.
  5. If a supervisor moves out of the SWCD, the supervisor must resign his or her position and the SWCD board must fill it in an appropriate manner (see Vacancies paragraph).

## Changes in Supervisor Nomination District Boundaries

Nomination district boundaries can be changed by the following procedure:

1. The SWCD supervisors at a regular board meeting should adopt a new resolution using the “[Nomination Districts Resolution](#)” form (see copy) and mark “REVISED.” This form should list the new boundaries. The SWCD board secretary should complete and sign the form, giving the date of the meeting and the vote.
2. The secretary should write a letter to the Board of Water and Soil Resources giving the reasons for the changes in boundaries. If supervisors would be representing different nomination districts, this information should also be given.
3. These items, including three copies of the resolution form, should be sent to the Board of Water and Soil Resources.
4. At the next meeting of the Board of Water and Soil Resources, the resolution will be reviewed and acted on.
5. After the Board of Water and Soil Resources has approved the boundaries, the three approved copies will be returned to the district. At that time, the district should have the county auditor sign and date all three copies. The county auditor retains one copy, one copy is filed in the district’s files, and the other copy is returned to the Board of Water and Soil Resources.
6. Since the filing period is from late May to early June and the process needs to be completed by the first of May, SWCDs need their resolution to change boundaries to the Board of Water and Soil Resources by at least March 1. To allow adequate time to complete any supervisor nomination district changes and to complete filing with the county auditor, SWCDs need to start discussing boundary changes around January or February.

## How to File for Supervisor

To run for supervisor, a candidate must file a “Minnesota Affidavit of Candidacy” with the county auditor of the county in which the SWCD office is located. (The county auditor has the affidavit forms; a candidate can generally just fill one out at the county auditor’s office.) The filing fee is \$20; this filing fee can be avoided by filing a “Petition in Lieu of Filing Fee” (see below and see sample).

## The Filing Period

An affidavit must be filed during the filing period, which begins 84 days before the state primary and ends 70 days before the state primary ([M.S. 204B.09](#)). Since the state primary is always the second Tuesday in August, this means that the filing period is open for about two weeks sometime in late May and early June. SWCD supervisors do not run in primary elections.

## Petition in Lieu of Filing Fee

Instead of paying the \$20 filing fee, a candidate may opt to submit a “Petition in Lieu of Filing Fee” at the time of filing. This petition must have at least 500 signatures or signatures of five percent of the total number of the voters who voted for SWCD supervisor in the preceding election, whichever is less. The signatures must be from people eligible to vote for the candidate. Contact your county auditor for a “Petition in Lieu of Filing Fee” form and complete instructions on the process.

## Elections within Areas Governed by Indian Tribes

If a nomination district is entirely within lands of an American Indian tribe or band to which Minnesota election laws do not apply, a supervisor to represent the district shall be elected or appointed by the governing body of the tribe or band.

## Terms of Office

In almost all cases, supervisors are elected for terms of four years commencing on the first Monday in January ([M.S. 103C.315, subd.2](#)).

## Vacancies

**(This section is from [M.S. 103C.305, subd. 6](#). It is inconsistent with [M.S. 204B.09](#). Please contact your county auditor if a vacancy occurs on the SWCD board.)**

If a vacancy occurs on the SWCD board more than 56 days before the next state primary, the SWCD board shall fill the vacancy by appointment. The appointed supervisor then holds office until the first Monday in January following the next general election. A successor shall be elected at the general election following the appointment and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

If a vacancy occurs on the SWCD board less than 56 days before the next state primary, the SWCD board shall fill the vacancy by appointment. The appointed supervisor shall hold office until the expiration of the term or until the first Monday in January following the second succeeding general election, whichever is shorter. A successor shall be elected at the general election preceding expiration of the appointed term and hold office for the remainder of the term or for the next regular term, whichever is appropriate.

## Primary Elections

Supervisors do not run in primary elections. They are elected at the general election.

## General Elections

If the SWCD has established supervisor districts based upon [M.S. 103C.311, subd. 1](#), all eligible voters throughout the entire SWCD may vote for supervisor candidates. However, if the SWCD has established supervisor districts according to [M.S. 103C.311, subd. 2](#), only eligible voters in the respective supervisor nomination district may vote for supervisor candidates.

## Certificate of Election

After the election, the county auditor fills out a “[Certificate of Election](#)” (click to see sample) and gives or sends it to the successful candidate. The candidate may keep the certificate or send it to the county recorder’s office to be kept on file.

## Oath of Office

Newly elected supervisors should take the “[Oath of Office](#)” (click to see sample) at the first SWCD official meeting, which occurs on or after the first Monday in January following the general election. Some counties hold ceremonies for all newly elected officials in January following a general election. Supervisors may wish to participate in the ceremony as well.

## How to File for the Office of Soil and Water Conservation District Supervisor

**Who to contact.** Contact your local SWCD or county auditor office to see which nomination districts are up for election. SWCD supervisors represent a county at large or specific district, called a nomination district. While most SWCD boards have five supervisors, recent changes to statute allow the number of supervisors to be greater than five in counties with more than five county commissioner districts (see [M.S. 103C.311, subd. 2](#)). Check the map or description available at the SWCD or county auditor office. An SWCD directory is also located on the BWSR web site: [http://www.bwsr.state.mn.us/partners/directories/SWCD\\_Dir.pdf](http://www.bwsr.state.mn.us/partners/directories/SWCD_Dir.pdf).

**Who is eligible.** To be eligible to file for the office of SWCD supervisor, you must be an eligible voter residing in the nomination district for which the vacancy exists.

**Filing deadline and election.** The filing deadline for SWCD supervisor is the same date as for other local offices. Filing opens 84 days prior to the state primary election and closes 70 days prior to the state primary election. All candidates have to file within this two-week time period to have their names appear on the ballot. Supervisors do not run in primary elections. They are elected at the general election.

### What must be filed.

- “**Minnesota Affidavit of Candidacy.**” Copies of this form are available from your county auditor. Upon completion, the form must be notarized.
- **Filing Fee.** Make out a check for the \$20 filing fee to county of filing OR you may file a nominating petition with the signatures of either 500 voters or five percent of the voters who voted for SWCD supervisor in the preceding election, whichever is less.

**Where to file.** The above materials must be filed with the county auditor in the county in which the election is to be held. To ensure meeting the deadline, you are encouraged to hand deliver filing materials. Don’t wait until the last minute!

**The election.** Once placed on the ballot from a nomination district, the election is conducted at-large over the entire SWCD or is conducted by supervisor nomination districts. This all depends upon how the SWCD has set up its supervisor nomination districts ([M.S. 103C.311, subd. 1 and 2](#)).

**Minnesota Petition In Lieu of Filing Fee**

WE, THE UNDERSIGNED ELIGIBLE VOTERS, RESIDING IN \_\_\_\_\_ HEREBY PETITION THAT  
 (election district)

\_\_\_\_\_ WHO RESIDES AT \_\_\_\_\_  
 (name of candidate) (street and number, city, state, zip)

AND WHO REPRESENTS THE \_\_\_\_\_ FOR THE OFFICE OF \_\_\_\_\_  
 (political party or principle)

TO BE VOTED ON AT THE GENERAL ELECTION TO BE HELD ON \_\_\_\_\_, 20\_\_\_\_\_, BE PERMITTED TO

FILE THIS PETITION IN LIEU OF THE ELECTION FILING FEE, AS PROVIDED BY MINNESOTA STATUTES 204B.11, SUBDIVISION 2.

**SIGNER’S OATH**

**“I swear (or affirm) that I know the contents and purpose of this petition and that I signed the petition only once and of my own free will.”**

**ALL INFORMATION ON THIS PETITION IS SUBJECT TO PUBLIC INSPECTION**

**ALL INFORMATION MUST BE FILLED IN BY PERSON(S) SIGNING THE PETITION UNLESS DISABILITY PREVENTS THE PERSON(S) FROM DOING SO.**

	DATE	SIGNATURE	PRINT FIRST, MIDDLE, AND LAST NAME	RESIDENCE ADDRESS (No. and Street or Box and Route No.)	CITY OR TOWNSHIP	COUNTY	YEAR OF BIRTH
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

### Certificate of Election

I, \_\_\_\_\_, Secretary of State of Minnesota, certify that

\_\_\_\_\_

has been declared by the State Canvassing Board elected to the office of

\_\_\_\_\_

at the election for that office held on November \_\_, 20\_\_.

sample

Witness my hand and the Great Seal  
of the State of Minnesota on this  
\_\_\_\_ day of November, 20\_\_.

\_\_\_\_\_  
Secretary of State

### Oath of Office

I, \_\_\_\_\_, do solemnly swear that I will support  
(Name of Supervisor)  
 the Constitution of the United States and the Constitution of the State of Minnesota, and that  
 I will faithfully discharge the duties of the office of supervisor, upon which I am now about  
 to enter.

Supervisor's Signature	Date
Address	Telephone No.
City, State, Zip	

Nomination District Number \_\_\_\_\_

of \_\_\_\_\_

Soil and Water Conservation District.

Subscribed and sworn to before me this \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(District Supervisor or Notary Public)



**Nomination Districts Resolution**

Be it resolved by the \_\_\_\_\_ Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

<u>District</u>	<u>Description of Boundaries</u>
I	
II	
III	
IV	
V	

Sample

I, \_\_\_\_\_, Secretary of the \_\_\_\_\_ Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the \_\_\_\_\_ Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on \_\_\_\_\_, 20\_\_\_\_\_, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of \_\_\_\_\_ to \_\_\_\_\_ of the members present.

Signed: \_\_\_\_\_  
 Secretary  
 \_\_\_\_\_ Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the \_\_\_\_\_ Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on \_\_\_\_\_, 20\_\_\_\_\_, is hereby approved.

I, \_\_\_\_\_, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the \_\_\_\_\_ Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on \_\_\_\_\_, 20\_\_\_\_\_, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of \_\_\_\_\_ to \_\_\_\_\_ of the members present.

Signed: \_\_\_\_\_  
 Executive Director  
 Board of Water and Soil Resources

Filed \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
 County Auditor  
 \_\_\_\_\_ County

## SWCD Responsibilities

Although the actual administration of the election is not the responsibility of the SWCD, the SWCD does have certain obligations relating to elections. Most importantly, it is incumbent upon the current SWCD board and staff to ensure that the open position(s) are widely publicized and to individually recruit worthwhile supervisor candidates. Some suggestions for doing this are:

- **Use the media!** This section includes a sample news release that can be tailored to your individual district. This can be mailed or hand-delivered to your local media. An example of a public service announcement (PSA) is also included; this can be sent or hand-delivered to your local media as well. Remember, if you mail a news release or PSA, follow up with a phone call. Radio talk shows are also often looking for guests; two district supervisors or a district supervisor and staff person could talk about the SWCD and encourage good candidates to file. Make sure anything you distribute includes the SWCD phone number for further information.
- **Newsletters.** Almost all districts send newsletters. Consider including an eye-catching ad for supervisor candidates in your newsletter, accompanied by a short article with more information. Consider calling other organizations (conservation groups, sporting groups, etc.) that have newsletters; these might reach the people you want to target.
- **Local meetings.** Get on the meeting agendas of some local organizations that might have members interested in running for SWCD supervisor.
- **Flyers.** Leave or post flyers at local gathering spots, such as grocery stores, cafes, etc.
- **Personal recruitment.** You may have a neighbor or friend that would be an excellent addition to the SWCD board. Don't be afraid to contact these people personally and explain the job and encourage them to run.

It's a good idea to have some type of written information to send to people who are interested (see sample). **Notice that changes may need to be made depending on how the SWCD has chosen to have the supervisors elected.**

### Information to Help Publicize Soil and Water Conservation District Supervisor Elections

Below is a link to elections information developed by the Minnesota Association of Soil and Water Conservation Districts (MASWCD). Special thanks to MASWCD Assistant Director Sheila Vanney for preparing the "[An SWCD's Guide to the Elections Process](#)". This version has been modified for the SWCD Operation Handbook.

Also visit the [MASWCD website](#) each election year for more information to help guide you through the elections process.