



## **FAQ: HOW ARE SWCD BOARD ELECTION WRITE-IN VOTES COUNTED?**

Not all write-in votes are counted in a Soil and Water Conservation District (SWCD) board election. Write-in votes are only counted if no eligible candidate files for the position in time to be included in the voter's ballot and write-in candidate file necessary paperwork with the Oregon Department of Agriculture (ODA) at least 14 days prior the general election. Upon verification of eligibility, ODA informs the county clerk to count write-in votes for enrolled candidates. Any other write-in votes will not be counted. If you have any further questions, please call Sandi Hiatt at 503-986-4704.

### **Supporting Laws**

#### **ORS 568.530**

- Ballots; write-in votes; unfilled positions.** (1) The State Department of Agriculture shall furnish the names of all nominees for director on behalf of whom nominating petitions have been filed to the county clerk of the respective counties lying within the district not less than the 61st day before the date of the general election. Ballots shall be printed, voted, counted and canvassed in conformity with the provisions of general law relating to elections, except as otherwise provided by subsections (2) to (4) of this section or ORS 568.210 to 568.808 and 568.900 to 568.933.
- (2) If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot, the position becomes open for write-in votes on the ballot. An elector who meets the qualifications to become a director of the district in a position for which no candidate qualifies under subsection (1) of this section may file with the department a declaration of intent and request for write-in votes to be tallied. The person must file the declaration and request no later than 14 days before the date of the election. The declaration and request must certify that the person is legally qualified to assume the duties of director and desires the position.
- (3) Upon receipt of a declaration and request filed under subsection (2) of this section, the department shall take actions the department deems necessary to determine whether the person filing the declaration and request is an elector who meets the qualifications to become a director of the district. If the department determines that the person is an elector who meets the qualifications, the department shall notify the county clerk to count the write-in votes for the person.
- (4) If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot and no person filing a declaration and request for the position qualifies under subsection (3) of this section to have the county clerk count the write-in votes for that person, the county clerk may not count any write-in votes cast for any person for the position. If no nominee for a position qualifies under subsection (1) of this section to have the name of the nominee furnished to the county clerk for placement on the ballot and no person filing a declaration and request for the position qualifies under subsection (3) of this section to have the county clerk count write-in votes for the person, the local governing body of the district shall appoint a person to each position that was not filled at the election. [Amended by 1973 c.656 §10; 1981 c.92 §28; 1993 c.493 §86; 2007 c.690 §2; 2009 c.220 §24]