

Section (4) A: Arizona Laws and Rules Guiding NRCD Elections

Every election year, many questions arise. Answers are found in the Arizona State Statutes. Three Supervisors serve in an elected capacity with staggered 6 year terms of office. Two Supervisors are appointed by the Arizona State Land Department for 2 year terms. Elections and appointments are conducted each even numbered year.

Title 37, Chapter 6, declares the policy of the legislature is to provide for the restoration and conservation of lands and soils resources of the state and establishes Conservation Districts. These NRCD statutes detail all the duties and responsibilities of the Districts. Article 4 (A.R.S. §37-1051 B) sets the date for the elections as the first Saturday in May of each even numbered year and states that at least one polling place shall be provided. Arizona's election laws are found in Title 16. Both sets of statutes govern district elections. Advice from the Attorney General's office in 1996 clarified how changes to Title 16 impact NRCD elections.

A.R.S. § 16-311 establishes procedures for filing nominating papers to run for office. Residency and voter registration requirements are also found in this section. The number of signatures required to nominate a candidate for district elections is set at twenty-five by A.R.S. § 37-1051.

Many supervisors commented on the lack of a blank line on district ballots to write in a candidate's name. "Write-in" candidates must file a nominating paper no later than 14 days before the election per A.R.S. §16-312. Any person not filing the required affidavit will not be counted in the tally of ballots.

Only qualified electors may run for office or vote in district elections. A.R.S. § 37-1036 D defines qualified electors as district cooperators, 18 years of age or over, who are registered to vote and live in the district. Rules relating to residency are found in A.R.S. §16-593. District cooperators are any person who has entered into a cooperative agreement with the district for the purpose of protecting, conserving and practicing the wise use of natural resources under his control.

Cooperative agreements may be written on residential lots as well as large ranches. Many farms and ranches are now operated by trusts, L.L.C.s or other corporate bodies. Districts should verify that the signer(s) on cooperative agreements are entitled to act on behalf of the entity. Changes in ownership and marital status affect qualified elector status. Cooperator lists should be reviewed prior to elections to ensure accuracy.

With the current level of interest in Conservation Districts and our mission, we may experience more contested elections. When two or more candidates receive the same number of votes, the law stipulates that the successful candidate is determined by drawing lots (A.R.S. § 37-1051 B).

Section (4) B: NRCD Biennial Election Protocol and Process

Biennial Election of Supervisors:

Article 3 37-1051 section A establishes the **first Saturday in May** of even numbered years as the election date. All required election timelines and filing of documents should be established as follows.

NRCD Election Board:

Elections are to be conducted biennially on even numbered years.

Each District shall organize an Electoral Board in January of the election year.

The Electoral Board shall consist of:

- a.) **1 inspector**; preferably one of the elected Supervisors who's term is not up for election.
 - b.) **2 judges**; additional Supervisors or cooperators of the District at large.
- The Electoral Board is responsible for posting public notices of election, availability of nominating petitions, monitoring the polling place, tallying of cast ballots, submitting the final tally sheet to the ASLD NRCD Program Administrator, and the security / retention of all election records.

Notice of Election:

By the first week in March of the election year, the Electoral Board is responsible for posting a ***Notice of Natural Resource Conservation District Supervisor Election*** in a publication of District wide distribution. At a minimum the notice should inform the general public of:

- 1.) The name of the District soliciting petitions for candidate nomination.
- 2.) The date of the election.
- 3.) The location / locations of the polling place.
- 3.) The time period during which the polling place is open.
- 4.) Candidate qualification and eligibility requirements:
 - a.) must be 18 years of age.
 - b.) a registered voter in the State of Arizona.
 - c.) a resident of the District in which the election is being held.
 - d.) have a current Cooperative Agreement with the District in question.
- 5.) Instructions on how to become a Cooperator with the District if they are not.
- 6.) Location at which Nomination Petitions may be obtained.
- 7.) Instructions on where Nomination Petitions need to be filed. Nomination Petitions must be filed 30 days prior to the scheduled date of election at the following location:

Attn: NRCD Program Administrator
Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007

NOTE: To reduce publication cost the basic who, what, when, and where should be addressed. The attached link ([Notice of NRCD Supervisor Election](#)) may be posted at various public locations for a more detailed description of the election process.

Candidate Nomination Petition:

A.R.S. 16-311 provides for a standard Nomination Paper and Affidavit of Qualifications to be filed with the ASLD Commissioner 30 days prior to the scheduled election. See attached link to ([NRCD Nomination Paper and Affidavit of Qualifications for Candidates filling Nomination Petitions](#)).

Write In Candidate Petition

A.R.S. 16-312 provides for a standard “Write In Nomination Paper and Affidavit for Qualification to be filed with the ASLD Commissioner 30 days prior to the scheduled election. See attached link to ([NRCD Nomination Paper and Affidavit of Qualifications for Write In Candidates](#)).

Notice of Required Ballots:

By no later than 20 days prior to the election the Electoral Board shall notify the ASLD Commissioner of the number of mail out ballots request by electors and number of ballots required at the polling place. See attached link to ([Request for Election Ballots](#)). **NOTE:** A.R.S. 37.6 Article 4 37-1051B states: “Qualified electors who wish to vote by mail ballot shall file a first class mailing address with the District governing body at least 30 days prior to the date of election.” Official return mail in ballots and accompanying envelopes will be provided in the quantity requested.

Preparation of ASLD Official Ballots:

Based on the Electoral Boards request, official ballots indicating the name of qualified candidates (mail out and polling place) will be prepared by the Arizona State Land Department for local distribution by District officials. See attached link to ([Official Ballot](#)). **NOTE:** It is the Electoral Board’s responsibility to mail ballots to those requesting such, in time for return mail by the election date. Mail in ballots are to be delivered in their sealed envelopes to the Electoral Board at the polling place prior to closing.

Election Day:

- All polls should be kept open between the hours stated in the Public Notice of Election.
- Voting may commence as soon as the polls open.
- All voters shall sign an approved Polling Place Register. See attached link to ([Register](#)).
- Any qualified elector present at the time the polls close shall be permitted to vote.

Electoral Board Responsibilities:

- Determine eligibility of each voter if in question.
- Monitor the “Polling Place Register” sign in.
- Provide the voter with an official ballot.
- Monitor the placement of the ballot in the ballot box.
- **Note:** At the request of the voter, ballots that have been spoiled / mismarked may receive a replacement ballot. The spoiled ballot should be destroyed in public.
- Once the name of the last voter has been entered on the Register, the Judge / Inspector shall write: “We certify the election completed with the voting of (enter the name of the last voter of record).

The election results shall be recorded on an Official Tally Sheet and signed by all Electoral Board Members. See attached link to ([Tally Sheet](#)).

- A Certificate of Returns must then be completed, signed by the Electoral Board members and submitted to the ASLD Commissioner. See attached link to ([Certification of Returns](#)).

Oath of Office:

The Arizona State Land Department will prepare and Oath of Office in triplicate and send to the winning candidate for notarized signature. The returned Oaths of Office will then be signed by the State Land Commissioner, the NRCD Program Administrator, and the Arizona Secretary of State. One original will be retained by the Secretary of State, one original will be held by the NRCD Program Administrator, and one original will be sent to the District headquarters for their file. The successful candidate will be sent a copy of said Oath.

Appointed Supervisors:

At the first meeting in June of the election years, the three “elected” Supervisors shall recommend to the Land Commissioner (in writing) two qualified candidates for appointment to the District Board of Supervisors. The term of appointment is for two years. Oaths of Office for the two appointed Supervisors will be prepared by the Land Commissioner.

Notice of Resignation:

In the event an appointed or elected Supervisor resigns before his or her term has expired, a Notice of Resignation shall be filed with the Land Commissioner. See attached link to ([Notice of Resignation](#)).

Nomination to Fill Unexpired Term of Office:

Supervisor vacancies shall be filled by submission of a Nomination to Fill the Unexpired Term of Office document with the State Land Commissioner. See link to ([Nomination to Fill the Unexpired Term of Office](#)).