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COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

DATE: March 26, 2019
TO: Soil and Water Conservation District Chairpersons
FROM: Richard Street, Chair, Virginia Soil and Water Conservation Board
SUBJECT: District Director Elections and Oaths of Office

A handwritten signature in black ink, appearing to read "Richard Street".

This correspondence is provided to remind Districts about the public posting procedures and filing requirements that an individual must satisfy to qualify as a candidate for the office of District Director. Districts are encouraged to share this information and assist with addressing local questions. The upcoming elections provide a great opportunity for Districts to let local communities know about the valuable services Districts provide and the need for strong local leaders that will serve as Directors on District Boards. Additionally, this communication addresses the required oath of office that must be taken and recorded by all individuals that win their election.

In 2002, the Virginia General Assembly amended the *Code of Virginia* to enable Soil and Water Conservation District (District) Directors to serve four-year terms, rather than three-year terms of office. Along with this change, other sections of state law were amended which alter the processes individuals must follow to qualify as candidates for the office of District Director and have their names appear on the general election ballot. In 2009, a further change in § 10.1-523 of the *Code of Virginia* altered requirements for public notice of the election of district directors. I am sharing this current passage and have added underline and bold text to the portions that pertain to public notice requirements:

§ 10.1-523. Nominating petitions; posting of notice.

A. Beginning 30 days after the date of issuance by the Secretary of the Commonwealth of a certificate of organization of a district, but not later than the filing date specified in § [24.2-507](#) for the November 2003 general election and each fourth year thereafter, nominating petitions, statements of qualifications, and declarations of candidacy shall be filed with the general registrar of the county or city where the candidate resides, pursuant to §§ [24.2-501](#), [24.2-503](#), [24.2-505](#), [24.2-506](#), and [24.2-507](#), to nominate candidates for elected directors of such districts. Nominating petitions, statements of qualifications, and declarations of candidacy for elected directors of existing districts shall be filed with the general registrar of the county or city where the candidate resides, pursuant to §§ [24.2-501](#), [24.2-503](#), [24.2-505](#), [24.2-506](#), and [24.2-507](#). **Notice of the date for filing such petitions and the time of the election shall be posted in a prominent location accessible to the public at each district office at least 30 days before the filing date. In addition, districts may use newsletters, websites, public service announcements, and other notices to advise the public of elections of district directors.**

B. Registered voters may sign more than one nominating petition to nominate more than one candidate for district director.

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C. The Virginia Soil and Water Conservation Board shall notify each district of the requirement (i) to post notice of the dates for filing such petitions and the election and (ii) that the posting shall be in a prominent location accessible to the public at each district office at least 30 days before the filing date.

D. Beginning in the year 2003, elections shall be held only at the November general election in 2003 and at the November general election in each fourth year thereafter.

Qualifying to be on the ballot:

The Virginia Department of Elections is the official source of the forms that must be completed by individuals that wish to qualify to have their name appear on the ballot as a candidate for the office of District Director. The requisite forms are available on their website at <http://elections.virginia.gov> and at your local general registrar office. A *Candidate Bulletin for Local and Constitutional Offices* outlining candidacy requirements is also available on the Department of Elections website.

Prospective candidates must complete the required forms and file them with their local general registrar (within the county or city where the candidate resides) by 7:00 p.m. on the second Tuesday in June (in 2019, this will be June 11). If the individual satisfies all filing requirements, their name will appear on the ballot for the November 5, 2019 general election.

Oath of Office requirements:

To qualify for their office, all elected Directors must take and file the oath that is required by the Constitution of Virginia (Article II, Section 7). Once the Department of Conservation and Recreation (DCR) receives the final election results from the Department of Elections, we will issue the oath of office form to each successful candidate along with information pertaining to its completion and filing. The responsibility for taking and filing the oath of office rests with each elected Director. An elected Director may not act in the office or function before taking the oath and should complete the oath by the beginning of their term on January 1st. However, after January 1st, until the elected Director qualifies by taking the oath, the incumbent shall continue to discharge the duties of the office.

All 47 districts will have elections this November. Once election results are certified and provided to DCR, your Conservation District Coordinator (CDC) will provide your District with the names and addresses of all of your newly elected Directors. Districts should consider adopting a policy of retaining documentation on file that verifies each elected Director fulfilled the requirement for completing and filing their oath of office. Districts may ask the Clerk of the Circuit Court to verify that the elected individuals took and filed the required oaths and retain such confirmation should any future questions arise. I encourage you to discuss these matters with members of your existing district board.

Should you have any further questions and/or comments with election related matters, please direct them to your CDC.

Enclosure

cc: District Administrative Secretaries (Electronically)
DCR CDCs (Electronically)