

161A.5 Soil and water conservation districts.

1. The one hundred soil and water conservation districts* established in the manner which was prescribed by law prior to July 1, 1975 shall continue in existence with the boundaries and the names* in effect on July 1, 1975. If the existence of a district so established is discontinued pursuant to [section 161A.10](#), a petition for reestablishment of the district or for annexation of the former district's territory to any other abutting district may be submitted to, and shall be acted upon by, the committee in substantially the manner provided by [section 467A.5](#), Code 1975.

2. a. The governing body of each district shall consist of five commissioners elected on a nonpartisan basis for staggered four-year terms commencing on the first day of January that is not a Sunday or holiday following their election.

b. Any eligible elector residing in the district is eligible to the office of commissioner, except that not more than two commissioners shall at any one time be a resident of any one township. A vacancy is created in the office of any commissioner who changes residence into a township where two commissioners then reside.

c. If a commissioner is absent for sixty or more percent of monthly meetings during any twelve-month period, the other commissioners by their unanimous vote may declare the member's office vacant. A vacancy in the office of commissioner shall be filled by appointment of the committee until the next succeeding general election, at which time the balance of the unexpired term shall be filled as provided by [section 69.12](#).

3. At each general election a successor shall be chosen for each commissioner whose term will expire in the succeeding January.

a. Nomination of candidates for the office of commissioner shall be made by petition in accordance with [chapter 45](#), except that each candidate's nominating petition shall be signed by at least twenty-five eligible electors of the district. The petition form shall be furnished by the county commissioner of elections.

b. Every candidate shall file with the nomination papers an affidavit stating the candidate's name, the candidate's residence, that the person is a candidate and is eligible for the office of commissioner, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

c. The signed petitions shall be filed with the county commissioner of elections not later than 5:00 p.m. on the sixty-ninth day before the general election.

d. The votes for the office of district commissioner shall be canvassed in the same manner as the votes for county officers, and the returns shall be certified to the commissioners of the district. A plurality is sufficient to elect commissioners, and a primary election for the office shall not be held.

e. If the canvass shows that two or three candidates receiving the highest number of votes for the office of commissioner are all residents of the same township, the board shall certify as elected the two candidates receiving the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township, if any. If one commissioner whose term has not expired is a resident of the township, and the canvass shows that two or three candidates receiving the highest number of votes for the office are from the same township, the board shall certify as elected the candidate receiving the highest number of votes for the office and the candidate receiving the next highest number of votes for the office who is not a resident of the same township, if any, as the candidate receiving the highest number of votes.

[C39, §2603.06; C46, §160.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §467A.5]

87 Acts, ch 23, §18; 89 Acts, ch 136, §73; 90 Acts, ch 1238, §41

C93, §161A.5

94 Acts, ch 1180, §41; 96 Acts, ch 1083, §1; 98 Acts, ch 1052, §5; 2009 Acts, ch 41, §201; 2017 Acts, ch 53, §1, 2; 2017 Acts, ch 159, §7

Referred to in [§39.21](#), [§161A.3](#), [§161A.15](#), [§466B.2](#)

*Established as "soil conservation districts"

See Code editor's note on simple harmonization

Subsections 1 and 2 amended
Subsection 3, paragraph e amended