

a ride that was shorter and more abrupt than most. In the end, despite more than 6,000 write-in votes in the race, the votes for Upper Willamette Conservation Soil and Water District (SWCD) will not be tallied for reasons that Luers say “certainly contradict our understanding of democracy in this country.”

Luers, who is known these days for his work to turn Eugene’s unused alleys into clean, useful water-filtering spaces, saw that no one was running for the position, “and I thought to myself I am qualified, and I am certainly better than no one.” Luers went back to school and completed a degree in landscape architecture at the UO, after serving time for environmentally motivated arson.

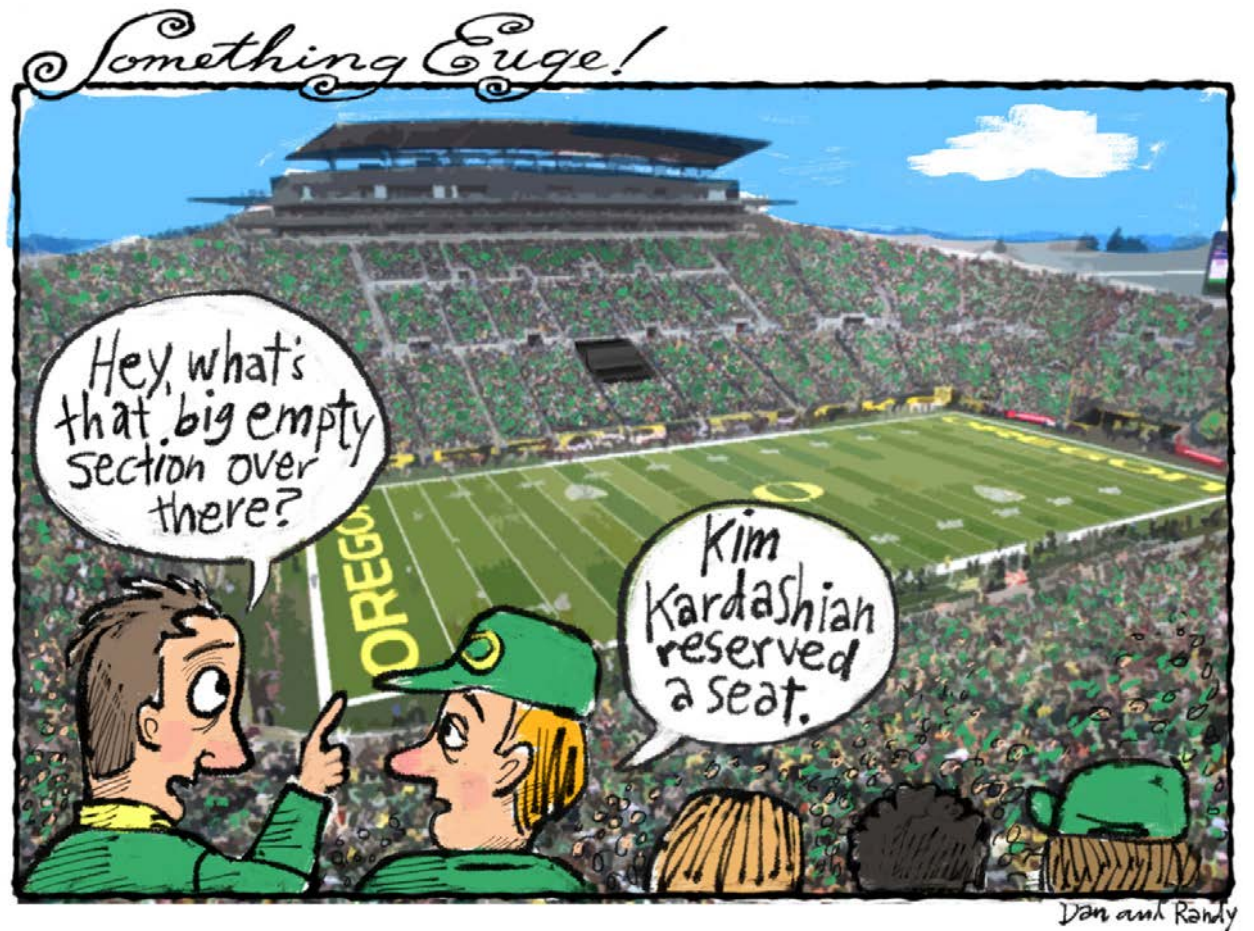
Word got out on social media and in *EW*’s endorsements issue, and the race was on. However, when *EW* contacted Lane County Elections for the results, it came to light that unlike other write-in positions, the county does not count the votes in a SWCD race unless the paperwork was filed in advance.

Lane County Clerk Cheryl Betschart says that under Oregon law, Luers “would have had to file a declaration of intent and request for write-in votes to be tallied with the Department of Agriculture no later than 14 days before the date of the election.”

Luers delved further into the issue and discovered that the SWCD positions also require that the candidate own or manage 10 acres or more of land in the district.

In early U.S. history, landownership was a requirement for voting and sometimes for holding office, assuring that government control was in the hands of the white and the wealthy. In states like Maryland, the courts have struck down municipal land ownership as a requirement for holding public office.

Heather Rickenbach of the Oregon Department of Agriculture, under which the SWCD districts fall, tells *EW* that not counting the ballots unless a write-in has filed is true only for the conservation districts, not for other



elections. “If no candidate files to have their name placed on the ballot,” Rickenbach continues, “and no write-in candidate files to have their votes tallied, then the county clerk may not count any votes for the position.”

She refers to the Oregon statutes on soil and water conservation districts that say “Zone directors must own or manage 10 or more acres of land in the district, be involved in the active management of the property, reside within the

boundaries of the district and be registered voters.”

Luers says, “It certainly seems that the county is following the law in not counting the ballots. And I have no objection to that.” But he adds, “I would certainly say that there is a fundamental flaw, when the county or state refuses to count anyone’s vote. I would argue that that amounts to a denial of civil rights.” — *Camilla Mortensen*

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