



## *News from The National Association of Farmer Elected Committees*

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From the President's Desk

***The following letter was sent to Peggy Browne, FSA Deputy Administrator of Field Operations. Because of the current pandemic NAFEC wanted to make sure all COC members understand and are made aware that an official County Committee Meeting is required for the counting of ballots cast to elect new County Committee Members.***

November 25, 2020

### **NAFEC Suggestions for Methods to Conduct County Committee Elections Due to Potential COVID-19 Pandemic Operational Restrictions**

Deputy Administrator Browne, FSA County Committee Election ballot counting will soon be occurring across the nation during the period December 7-14. NAFEC has become aware of some miscommunications in the field regarding procedures for conducting the 2020 County Committee Elections. It appears many county executive directors and county committees have been informed that election proceedings can be conducted without having an official county committee meeting. NAFEC respectfully takes issue with that guidance. We fully understand that we are operating in unprecedented times and we fully support all efforts by FSA and FPAC to promote and maintain safety for our employees and committee members. With that said, we have been in this posture since early Spring 2020 and we are aware that county committee meetings have continued to be held using in-person meetings, teleconferences, or other virtual platforms that allow county committees to officially convene. NAFEC respectfully asks that all levels of FSA be held accountable for ensuring official county committee meetings are held in December 2020 to properly conduct county committee elections. NAFEC fully understands and supports COVID-19 Pandemic Reopening Standard Operating Procedures. We want to cooperate and endorse FPAC's and the White House's procedures for pandemic recovery and reopening phases. At the same time, we want to partner with FPAC and FSA management to ensure that the county committee election processes are properly followed in the field. These processes are outlined in statute, regulation, and handbook policy. We respectfully request that DAFO remind FSA State Executive Directors, District Directors, County Executive Directors, and County Committees of the following:

- County committee minutes cannot be recorded without a meeting and a meeting cannot be convened unless a quorum is present to conduct official business (**Handbook 16-AO (Rev. 3), Amend. 6, Par.176E**).
- Only COC members who are not candidates may open sealed ballot boxes, in the presence of witnesses during the COC meeting which is designated for counting COC election ballots (**Handbook 15-AO(Rev. 5), Amend. 2, Par. 124C**).
- County committee members are considered FSA **officials (Handbook 16-AO, (Rev. 3), Amend. 6, Par.134A)** and would not be considered "visitors" in regard to entering facilities where they have jurisdiction for conducting FSA business.

NAFEC requests that the following clarifications be provided to FSA county offices to reinforce the requirement that official county committee meetings (not necessarily an in-person meeting) **are required** to properly conduct the December election processes, and to provide options for conducting county committee meetings:

- If a service center is quarantined or employee presence in the service center is limited, the CED and County Committee should make arrangements to hold the county committee meeting/election offsite at another public building that can provide space for CDC social distancing/hygiene requirements. Signage can be placed on the service center entrance to

provide notice of where the election is being conducted and any limitations for space occupancy due to COVID-19 precautions.

- FSA county offices have access to Microsoft Teams platform and can conduct the county committee meeting via teleconference (Teams teleconference line) or by a virtual Teams Meeting. If this option is used, at least 1 county committee member (not a candidate) will need to be present at the ballot box location to inspect the sealed ballot box and to open the ballot box before canvassing and counting begins (**Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 124C**). The county committee member, CED, DD, or other FSA employees can assist in canvassing and tabulating the ballots (**Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 127A**).
- District Directors have conference call lines that are available and can be used for county committee meeting teleconference calls. DD's and CED's would just need to coordinate and schedule the line availability. If this option is used, at least 1 county committee member will need to be present at the ballot box location to inspect the sealed ballot box and to open the ballot box before canvassing and counting begins (**Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 124C**). The county committee member, CED, DD, or other FSA employees can assist in canvassing and tabulating the ballots (**Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 127A**).

#### **Related Regulations and Policies:**

- **7 CFR 7.10, 7CFR 7.23, and 16-AO (Rev. 3), Amend. 6, Paragraph 136B:** "*COC shall direct County Office operations by conducting COC elections according to 15-AO.*"
- **Handbook 16-AO (Rev. 3), Amend. 6, Paragraph 176E:** "*More than one-half of the members or alternates serving for them are required as a quorum to conduct official committee business.*"
- **Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 124C:** "*only COC members who are not candidates may open sealed ballot boxes...*" NOTE: only COC members may open the ballot box in the presence of witnesses during the COC meeting which was designated for counting COC election ballots.
- **Handbook 15-AO (Rev. 5), Amend. 2, Paragraph 125D:** "*COC shall record all ballot counting activities as regular COC minutes.*" NOTE: Ballot counting must be done during a regular COC meeting and a quorum must be present to conduct official business such as counting ballots and making decisions.
- **Handbook 15-AO (Rev. 5), Amend. 8, Paragraph 126B, Step 2:** "*Inspect the ballot box to ensure it has not been tampered with. A COC member not up for election shall open the ballot box in the presence of witnesses.*"
- **Handbook 15-AO (Rev. 5), Amend. 9, Paragraph 188A:** "*Any nominee may challenge an election in writing, in person, or both within 15 calendar days after the election results are posted.*" Concern: failure to follow election procedures would certainly constitute grounds for validity of the county committee elections.

FSA County Committee Elections are critical to the administration and operations of our county offices across the nation. NAFEC trusts that FPAC and FSA Management will seriously and expeditiously consider implementing these proactive measures to ensure the integrity of county committee election process remains protected as we strive to be responsible and diligent in dealing with this pandemic.

Respectfully,

Craig Turner, President  
NAFEC