

**Questions and Answers and Procedures  
for the 2019 Reclamation District 1000  
Election of Trustees**

1. Who Can Vote? (note that proof of ownership is a separate question) Any landowner.

Under Water Code (“WC”) Section 50780.10(a), the word “Voter” means a landowner or the legal representative of a landowner. One need not be a registered voter to vote in this reclamation district election.

“Legal Representative” means an officer or other person or persons appointed to serve in that capacity by a landowner. (WC §50015)

“Landowner” means the holder of title or evidence of title to land within a district. (WC §50006)

Special consideration has been given outside of the definitional sections for the manner of voting certain types of ownerships, and special consideration must be inferred for others not specifically covered, as follows:

- (a) Community property, joint tenants and tenants-in-common: Any spouse, joint tenant or tenant in common shall be presumed to have authority to cast all votes for the parcel [so held] upon filing with the election board a certification under penalty of perjury identifying the spouse, joint tenants or tenants-in-common for whom the votes are to be cast (WC §50704.5). A form of certificate for this purpose is attached as Tab 1 and it will be made available to the election board on November 5, 2019.
- (b) Corporate and Partnership Landowners: The code specifically provides that a legal representative (see definition above) upon filing with the election board a

certificate under penalty of perjury identifying the principal and the authority of the legal representative, shall be presumed to have authority to cast all votes for the principal identified in the certification (WC §50704.5). An individual may be authorized to vote the ownership of a corporation by a duly authorized officer of the corporation or the ownership of a limited liability company (“LLC”) by the manager thereof. An individual may be authorized to vote the ownership of a partnership by a general partner (not by a limited partner).

A general partner (not a limited partner) can vote the entire ownership of a landowning partnership upon submitting proof that he or she is a general partner (a copy of the partnership agreement, or a statement of partnership or a Certificate of Limited Partnership would suffice) or filing with the election board a certificate under penalty of perjury similar in form and content to that provided for a legal representative of a corporate landowner. Forms of certificate for a corporate or LLC landowner and for a partnership landowner are attached as Tab 2 and 3, respectively. They will be made available to the election board on November 5, 2019.

- (c) Guardians, conservators, executors, administrators and other persons holding land in a trust capacity under appointment of court [a testamentary trustee] may sign petitions or vote without obtaining special authority therefore from the court (WC §50170). Such a Guardian conservator etc. would still need to present proof of their appointment as such in the form of a copy of letters testamentary or of conservatorship or guardianship from the court, or a copy of a decree of distribution in the case of a testamentary trustee, unless the ownership shown on

the appropriate assessment roll already shows the name and capacity of the conservator, executor, etc.

2. What is required for Proof of Ownership?

The Board of Trustees, prior to each election, is required to prepare, certify and deliver to the election board a copy of the appropriate O & M assessment roll under WC §50704. (WC §50701).

Under WC §50780.6(b) if the District has levied an O & M assessment within the calendar year in which the election occurs, then each voter is entitled to cast one vote for each parcel as shown on that [2019-2020] assessment roll for all parcels owned by the voter or his principal, and that assessment roll is conclusive evidence of ownership for the purpose of voting for a parcel seat.

RD 1000 regularly and periodically updates its O & M assessment roll for changes in ownership and subdivisions through communication with the Sacramento County and Sutter County Assessors offices. Additionally, parcel numbers used on RD 1000's O & M assessment rolls are identical to those used in the two counties. RD 1000 also has available for use an alphabetical-by-landowner version, of its 2019-2020 O & M Assessment Roll.

Ideally, a landowner will arrive at the polls with a list of assessor parcels owned. The election board personnel would then check the ownership against the 2019-2020 assessment roll. If a match is found, the number of votes entitled to be cast should be taken for the owned parcels from the 2019-2020 RD 1000 O & M Assessment Roll, subject only to the proviso that subdivisions and parcel splits (and consequential reapportionment of assessment valuation) will need to be taken into account and can be identified by reference to RD 1000's 2019-2020 O & M Assessment Roll.

If a landowner does not appear with a list of assessor's parcel numbers owned, RD 1000's alphabetical 2019-2020 Assessment Roll can be used as a convenience to access parcels owned.

If a landowners asserted ownership does not match (is other than as asserted or not shown at all on) the appropriate assessment roll, WC §50758 provides that if ownership of property is changed after the making of the assessment roll, the owner or legal representative may vote upon production of evidence of ownership of such property (WC §50758). Thus, a copy of a deed or a policy of title insurance dated or recorded after the making of the assessment roll could be accepted as adequate proof of ownership to vote those parcels.

3. How many votes does an owner get? Can they be voted cumulatively?

Each voter may cast one vote for each parcel owned by the Voter as shown on the 2019-2020 RD 1000 0 & M Assessment Roll (See discussion under paragraph 2, above - See also voting by spouses, joint tenants and tenants-in-common under paragraph 1(a), above). (WC §50704(a)).

Cumulative voting is allowed under WC §50753, which provides that each voter may cumulate his or her votes, and give one candidate a number of votes equal to the number of trustees to be elected (3) multiplied by the number of votes he or she is entitled to cast, or distribute them on the same principal among any candidates.

Thus, each voter really has three times the number of all parcels owned to be voted in any manner among any one or more candidates, provided that the total number of votes voted for all candidates does not exceed that total.

The election board should make a note on each ballot and in the voter roster of the number of votes (three times total number of parcels owned) a voter is entitled to cast so that the total number of votes to be spread is readily ascertainable.

4. Can a landowner vote by proxy?

Yes, provided the proxy is in proper form and properly executed and acknowledged by the landowner giving it. Water Code §50759 provides that no person shall vote by proxy at a district election unless authority to vote is evidenced by an instrument in writing acknowledged and certified in the same manner as grants of real property and filed with the election board.

The proxy must, of course, be signed by a landowner whose name either appears on the 2019-2020 assessment roll as an owner or be accompanied by proof of ownership showing a change since the current date of the assessment roll, such as a copy of a deed or a policy of title insurance. A proxy must name a natural person who actually votes the votes entitled to be voted, in person. A form of proxy with a form of acknowledgement which meets the requirements of WC §50759 is attached as Tab 4.

5. Can a landowner vote by mail or by absentee ballot?

No. There is no provision for voting by mail or by absentee ballot. Voting by proxy is the only alternative to voting in person.

6. How many offices are up for election?

Three of the seven seats of trustee [which are designated as “parcel seats per WC §50780.18(b)] are up for election in 2019. Trustees of RD 1000 are elected at large.

7. What is the term of office, and when does a newly elected trustee take office?

The term of office for a reclamation district trustee is four years (WC §50602). The term of an incumbent trustee expires on the first Friday in December (December 6, 2019).

8. How many votes must a candidate receive to be elected as a trustee?

The three candidates receiving the highest number of votes shall be deemed elected.

(WC §50756)

9. When are the polls open and how many polling places will there be?

The notice of election, to be posted by RD 1000, no later than October 5, 2019, shall indicate the polling hours and polling location (WC §50705).

There will be only one polling place for this election since the statutes do not provide for more than one election board made up of only three persons. No provision is made in the governing statutes for voting in precincts or for precinct boards.

10. Who conducts and oversees the election?

The election is overseen and conducted by an election board, consisting of three landowners (or legal representatives) from within the district, one inspector and two judges of election (WC §50700). The members of the election board are appointed by the Sacramento County Board of Supervisors (WC §50700). Members of the election board take and file an official oath of office with the elections official (one form for the inspector and another for the two judges – EC §12321). If the Board of Supervisors fails to appoint an election board, the voters present when the polls are opened may elect the election board (WC §50751).

11. What does the election board do?

The election board oversees and conducts the election, determining voters qualifications to vote and determining challenges to the authority of any voter to vote, with authority to administer oaths for that purpose (WC §50755). It is the responsibility of the election board to canvass the votes cast (the votes may be counted by a four person counting board) and issue

certificates of election to the persons elected, place the ballots, when canvassed, in a sealed envelope and forward the envelope to the Sacramento County elections official (WC §50752).

12. Are election board members paid for their services?

No provision is made in the statutes providing for reclamation district elections either requiring or prohibiting the payment of election board members for their services. Water Code §50951 provides general authority for a reclamation district to obtain and employ such services as are necessary to accomplish the purposes of the district. Under authority of this section, the Board of Trustees has authorized the payment of Five Hundred Dollars (\$500.00) to each of the three election board members.

13. What procedures are to be followed by the Election Board in conducting the election, canvassing and reporting results?

The Reclamation District Act sections dealing with the conduct of elections are minimal at best. The following procedures are taken from California's general election law, wherever not inconsistent with the requirements of the election provisions of the Reclamation District Act:

- (a) Form of Ballot. Extensive provisions governing the form and content of ballots, generally, are contained in California Elections Code ("EC") §13100 and following. The form of ballot attached hereto as Tab 5 has been prepared pursuant to the requirements of those sections wherever not inconsistent with the elections provisions contained in the Reclamation District Act.
- (b) Pre-elections procedures (primarily issues regarding the provision of voting booths and delivery of ballots). Of the three members of the election board the inspector will be chiefly in charge of conducting the election. The election board will be responsible for providing an adequate number of consecutively numbered

official ballots to the polling place (EC §§14102 and 14103), properly set-up voting booths, a ballot box and a roster of voters (EC §§14105 and 14110). A detailed memo on these procedures has been prepared for the election board.

- (c) Procedures at the polls. The election board will follow, to the extent consistent with the Reclamation District Act, the polling procedures set forth in EC §14200 et. seq., including preparing and posting appropriate signs and notices and placing the American Flag (EC §§14105, 14105.3 and 14105.5) and posting a copy of the ballot with the voting instructions translated to Spanish (EC §14201), maintaining the roster of voters (EC §14216); dealing with oral challenges (EC §14240), and administering oaths as necessary (WC §50755, EC §§14243 through 14245). A detailed memo on these procedures has been prepared for the election board.
- (d) Canvassing ballots. Ballots will be canvassed and results declared and certified in accordance with WC §50752 and, to the extent not inconsistent with the provisions of the Reclamation District Act, EC §15000 and following. A detailed memo on these procedures has been prepared for the election board.