



# PANOCHÉ WATER DISTRICT

52027 West Althea Ave., Firebaugh, CA 93622 – (209) 364-6136 – [panochewd.specialdistrict.org](http://panochewd.specialdistrict.org)

---

---

November 3, 2021

Dear Landowner,

Recently, as part of our General Election for the Board of Directors to be held on November 9, 2021, and the District's efforts to ensure a fair and efficiently run election, a landowner workshop was held on Tuesday, October 26, 2021. During that workshop, the District walked through the instructions contained in the Voter's Pamphlet which was provided along with the ballot mailed to every landowner of record within the District. During the workshop, participants raised a number of questions, the answers to which the District feels should be provided to landowners generally. This letter provides information that pertains to both the Water and Drainage District ballots. **Importantly**, the Voter's Pamphlet provided with your ballot contains detailed instructions on how to properly fill out and return your Official Ballot, and nothing in this letter contradicts those instructions.

**Question:** When will the hearing for the election take place? Will members of the public be able to attend in person?

**Answer:** The District will hold the hearing to count the votes on Tuesday, November 16<sup>th</sup>, beginning at 9:00 a.m, at the District's main office at 52027 West Althea Ave., Firebaugh, CA 93622. The District is doing this to ensure that, when it opens the hearing and canvasses the Official Ballots, it has all the Official Ballots timely and properly cast. As reflected in the Voter's Pamphlet, the law provides that a vote by mail ballot shall be timely cast if it is received by the District via the United States Postal Service, or other bona fide private mail carrier, no later than three days after election day, provided, among other things, the District provided Return Envelope is postmarked on or before election day, November 9<sup>th</sup>. Thursday, November 11, 2021, is Veterans Day and a Federal holiday, and because the District office is closed during the weekend and cannot receive mail, the District is interpreting the three-day rule as: Wednesday the 10<sup>th</sup>, Friday the 13<sup>th</sup>, and Monday the 15<sup>th</sup>. Conducting the canvass of votes on November 16<sup>th</sup> gives the District confidence that all Official Ballots timely and properly cast can all be counted.

**Please Note:** As the Voter's Pamphlet states, landowners, designated representatives, or proxies, may hand deliver the Official Ballots, properly sealed in the Return Envelopes, to the District in person. Note that in the case of hand delivery, the Official Ballot and Return Envelope must be received by the District by 5:00 pm on November 9<sup>th</sup>, election day. The three-day rule only applies to vote-by mail ballots returned to the District via the USPS or bona fide carrier.

**Question:** Will landowners and members of the public be able to attend the election hearing on November 16, 2021, in person?

**Answer:** Yes, though on a limited basis. Landowners and members of the public should contact Mr. Josh Marquez at the District at (209) 364-6136 if they wish to attend in person. Because of the COVID-

19 pandemic, the District has adopted policies and implemented practices intended to keep the public and District employees safe. These policies and practices require, for example, the wearing of masks and social distancing. Given the size of rooms in District headquarters, only a limited number of members of the public may be allowed in the hearing room at the same time. Additionally, the District's internet and wifi capabilities are at times limited, and therefore moving the hearing to another facility such as the District's warehouse may preclude remote participation. The District welcomes landowners' attendance at the hearing, and if necessary will create a schedule to ensure that, to the extent practicable, all landowners who wish to attend the hearing may do so.

**Question:** Some landowners may have returned multiple Official Ballots in the same Return Envelope. Will those Official Ballots be counted?

*Answer:* The back of the Return Envelope clearly states that "ONLY ONE VOTED OFFICIAL BALLOT PER ENVELOPE" is to be returned to the District. This is to ensure that the District has confidence that the votes cast on the Official Ballot reflect the desire of the voting landowner. So long as the District has evidence that an Official Ballot was properly cast, which includes any required authorization or proxy to vote granted by the landowner to a representative or proxy, any votes cast as reflected on an Official Ballot will be counted. Specifically, and as provided for in the Voter's Pamphlet, the answer to the above question may depend on whether any required authorization or proxy to vote has been properly filled out and submitted along with the returned Official Ballots, and whether the signature on the Return Envelope matches the name of the landowner, designated representative, or proxy. Every Official Ballot has been assigned a unique Ballot Number, which is tied to an APN and the landowner of record. The District must be able to trace every vote on an Official Ballot back to the landowner. Therefore, in the case above of multiple Official Ballots returned in a single envelope, so long as the signature on the back of the envelope either: a) in the case of a natural person, matches the name of the landowner to which the ballot is assigned; or b) in the case of a non-natural person (e.g. a corporation), matches the name of the designated representative; or c) in the case of the appointment of a proxy, matches the name of the designated proxy, the votes will be counted.

**Please note:** If you believe you have returned your ballot(s) in a manner inconsistent with the instructions provided in the Voter's Pamphlet, including by returning multiple Official Ballots in one Return Envelope, please contact Mr. Josh Marquez at (209) 364-6136 immediately to obtain a replacement ballot and Return Envelope.

**Question:** Some landowners may have failed to sign the back of the Return Envelope. Will the votes of an Official Ballot, otherwise properly cast, still be counted if the Return Envelope is not signed?

*Answer:* No. The Voter's Pamphlet clearly instructs landowners to "**Fill in the complete mailing address, the date, and the place of signing and sign the declaration on the Identification/ Return Envelope.**" This is to ensure that the respective District has confidence that the votes cast on the Official Ballot reflect the desire of the voting landowner. So long as the signature on the back of the envelope either: a) in the case of a natural person, matches the name of the landowner to which the ballot is assigned; or b) in the case of a non-natural person (e.g. corporation), matches the name of the designated representative; or c) in the case of the appointment of a proxy, matches the name of the designated proxy, the votes will be counted. Without a signature on the back of the envelope that matches either the landowner, the representative, or the proxy, and even with an accompanying valid authorization to vote

or appointment of proxy, the District has no way of tracing the votes cast on the Official Ballot to the landowner, thereby ensuring that the votes cast reflect the will of the voting landowner.

**Please note:** If you believe you have returned your ballot(s) in a manner inconsistent with the instructions as contained in the Voter's Pamphlet, including failing to sign the Return Envelope, please contact Mr. Josh Marquez at (209) 364-6136 immediately to obtain a replacement ballot and Return Envelope.

**Question:** Some landowners may have provided electronic signatures on relevant forms or the Return Envelope. Will the District count votes otherwise properly cast where the landowner, the landowner's representative, and/ or the landowner's designated proxy, used an electronic signature?

*Answer:* Yes, so long as the signature is legible and matches the appropriate person. Though the instructions in the Voter's Pamphlet instruct the appropriate person to sign a respective document, the instructions do not specify that the signature may not be electronic. The District will not discard votes otherwise properly cast solely because of the use of an electronic signature.

The District is working very hard to ensure a fair and efficient election. The District welcomes your questions and active participation. Again, if you have any questions or concerns, or if you believe that you may have incorrectly returned your ballot, please contact Mr. Josh Marquez at (209) 364-6136 immediately.

Thank you for your interest and participation in this year's general election.

Yours truly,



Ara Azhderian