

## MEMORANDUM

**TO:** Board of Directors, BRDWID

**FROM:** Ron Krug, Vice-Chairman

**SUBJECT:** Elections

Please note that I am providing this as a background informational item and is not intended to be discussed between or among the Board Members at this time. I think and believe that this fits within the parameters of the Open Meeting Law.

At the next BRDWID Board of Directors meeting on June 18, 2022 or at a study session prior to that meeting I would like to have further discussion regarding the issue of who is eligible to vote in our elections. I have taken the time to carefully examine and compare all the writings we have been provided on this issue and I think there are serious mistakes in the reasoning that is going into this. Additionally I think it is a serious error to postpone action on this for a year because the history on such issues is that if an error is made initially, when it is confronted later, the argument is that "That's the way we've done it in the past and we should be consistent." Let's get it right from the beginning.

Additionally I think it is ill advised to keep emphasizing how few qualified electors we have relative to the overall membership. And, I think the numbers being tossed out at meetings are incorrect and give a very jaundiced impression. We well may have a very large number of qualified electors in the district, not an ever dwindling number.

Here is my position. I think that that (1) all members of the BRDWID (2) who are registered to vote in Arizona (3) are permitted to vote in Board of Directors elections.

Here are my arguments based on publicly available documents:

1. Arizona Revised Statutes 2022: Article 4, Section 48-1012, paragraph G. states:

"For the purposes of either a domestic water improvement district or a domestic wastewater improvement district that is organized pursuant to this article and that serves at the time of organization a population of ten thousand persons or less in addition to any other qualified elector of the district, ***any natural person who is a qualified elector of this STATE and who is a real property owner within the district is eligible to vote in a district election without regard to that person's residency*** and shall be deemed a qualified elector of the district for purposes of service on the board of directors." (Note that the emphasis is mine).

This is the authorizing document which created the District, and it does not say "qualified elector of the **COUNTY**" but rather of the state.

2. In the information which Mike Bourne provided at the last Board Meeting which contained a communication from Patty Hansen, the second sentence of her message reads as follows (Emphasis is mine).

"Eligibility to vote in a Domestic Water District election is based on **PROPERTY OWNERSHIP** in the district **OR** voter registration for eligible people residing in the district..." *Please note that*

*this is an either/or statement, not a both/and statement. This reads as if one doesn't even have to be registered to vote but just registered as owning property within the district. Please see the next comment from Ms. Hansen.*

Ms. Hansen continues: "The number of registered voters, 242, is the number of registered voters residing within the boundaries of the DWID. This number **DOES NOT** (emphasis is mine) provide you the entire number of eligible voters for the DWID election because it does not include property owners that do not reside in the district or property owners that may not be registered to vote..." *This clearly indicates that to be eligible to vote in our elections, you do not have to be registered to vote and/or reside in Coconino County.*

3. The document titled **Procedure to Determine Property Owners who are Qualified Electors in a Domestic Water Improvement (DWID) and Domestic Waste Water Improvement Districts (DWWID)** has more support for the position that one does not have to be registered to vote in Coconino County to be an eligible voter.

Step 3 states: "Review the list for in-county, out-of-county or out-of-district property owners and verify if they are registered voters in the county **OR** state. **Remove those not registered from the list...**"

*This clearly supports the issue that one does not need to be registered to vote in Coconino County in order to be a registered voter in an election.*

Step 4 is confusing. It refers to a "Registered –in District" tab for property owners registered in the county who live in the district. It states that an affidavit is not necessary for these owners. That implies that there is another list of "Registered-out-of-district" property owners who need an affidavit. Nowhere is this affidavit defined. I suspect that it is a "proof of voter registration" document; however, we need to be clear about what this means.

The issue in this document of disqualifying Trusts is bothersome.

***In summary***, it seems clear to me that the Legislature in writing the legislation to create DWIDs intended that the members of the District who own property in the district and are registered to vote in Arizona are eligible voters in a Board election. It also seems clear to me that the County agrees with that position.

Thank you for taking the time to read and understand my logic.

Ronald Krug

Vice-Chairman