

GMD 4 District Election Procedure

Whereas K.S.A. 82a-1021 defines an “Eligible Voter” as any person whom is 18 years old and older, or a public or private corporation, municipality or any other legal or commercial entity that 1) owns 40 or more contiguous acres within the boundaries of the Northwest Kansas Groundwater Management District No. 4 (GMD 4) and outside the corporate limits of a municipality, provided the land has not been voluntarily excluded from GMD 4 assessments, or 2) withdraws or uses at least one acre-foot (325,851 gallons) of groundwater per year from within the GMD 4.

Whereas K.S.A. 82a-1021 continues to say that each tract of land and each quantity of water use can only be represented by one eligible voter, and if the land is held by lease, an estate for years, under a contract ,or otherwise, the deed holder is the person or corporation who is presumed to be the eligible voter unless an agreement to the contrary has been reached by the parties involved. Furthermore, if the land is held jointly or in common, the majority of interest determines which person or corporation can vote. If equal interests exist, only one voter can be selected; and

Whereas K.S.A. 82a-1021 continues to state each eligible voter may cast only one vote except that person who is the duly authorized representative for an estate, a trust, a municipality, or a corporation who may cast an additional vote for each one of these entities that he or she represents; and

Whereas K.S.A. 82a-1021(b) does not authorize proxy voting; and

Whereas it is in the best interest of GMD 4 to provide a procedure by which to identify Eligible Voters to ensure legal voting during any GMD 4 voting.

Be it resolved that the Northwest Kansas Groundwater Management District No. 4 (GMD 4) Board adopts the following as GMD 4 election policy:

- 1. District Eligible Voter List.** Annually from its records, the GMD 4 will prepare an Eligible Voter List for use during all voting events of all known eligible voters based on land ownership and permitted water use.
- 2. Special Circumstances.** Annually by 5:00pm central time at least seven (7) days before a voting event, any person requesting a ballot under the following special circumstances must provide the following additional written evidence of eligibility to vote:
 - 2.1. Estate.** A person requesting a ballot on behalf of an estate must furnish written evidence that he or she is an executor of the estate.
 - 2.2. Trust.** A person requesting a ballot on behalf of a Trust must furnish a signed and notarized Certificate of Trust declaring that person as a Trustee of the Trust.
 - 2.3. Business.** A person requesting a ballot on behalf of a joint venture, partnership, limited partnership, corporation, limited liability company, or other private or public entity must provide written evidence that the person is an officer of that entity.
 - 2.4. Municipality, Governmental, or other Public Entities.** A person requesting a ballot on behalf of a municipality, governmental, or other public entity must be an Elected Official of that entity. Only one Elected Official may vote on behalf of the municipality, governmental, or other public entity.
 - 2.5. Tenant.** A tenant requesting a ballot on behalf of a landlord, or multiple landlords, must

provide a written lease that includes a legal description of the real estate being leased and written authorization from the landlord to vote on the landlord's behalf. A tenant may only cast one ballot on behalf of one landlord even if the tenant is leasing multiple acres from multiple landlords.

2.6. Annual Water use in Excess of One (1) Acre Foot per year. A person requesting a ballot based on water use in excess of 325,851 gallons of non-permitted water use will furnish written confirmation of such use consisting of:

2.6.1. Water utility receipt(s) showing total annual use from the previous calendar year;

2.6.2. Energy and pumping records from the previous calendar year; or

2.6.3. Other documentation sufficient to support such use within the previous calendar year.

3. No proxy voting. Nothing in this Resolution will be interpreted to allow proxy voting and proxy voting is disallowed.

4. Elections Officer. Annually, the GMD 4 Board will appoint an Elections Officer to oversee the process of voting at the Annual Meeting. The Elections Officer will use the Eligible Voter List, supplemented by the additional evidence of eligibility to vote, to distribute ballots to those Eligible Voters at the Annual Meeting.

5. Severability. If any part of this Resolution is for any reason held to be unenforceable, the rest of it remains fully enforceable.

This resolution will become effective November 1st, 2018, and will remain in effect until amended or rescinded.