

CHAPTER 1570
DEPARTMENT OF AGRICULTURE
COMMODITY COUNCILS; PROMOTIONAL ORDERS

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1570.0200 DEFINITIONS.

[For text of subs 1 to 10, see MR.]

Subp 11. **Producer certification.** "Producer certification" means a document qualified voters must sign which affirms that they are producers of the particular agricultural commodity for which a referendum is being held, that they meet the qualifications for a producer set forth in the promotional order, and that they are casting only one vote each in the election or referendum

[For text of subs 12 to 14, see MR.]

Statutory Authority: *MS s 17.54; 17.58, 17.63*

History: *27 SR 377*

1570.0500 POWERS AND DUTIES OF THE COUNCIL.

[For text of subs 1 to 3, see MR.]

Subp 4 **Other actions.** The council shall take the actions listed in items A to D

A. The council shall prepare an annual estimated budget for the operation of the promotional order and submit it to the commissioner within 30 days of the first day of the fiscal year unless the promotional order directs otherwise. Budgets may be revised during the fiscal year. If they are, the commissioner must be notified within 20 days of the revision. Minutes of the council meeting, documenting the changes and the reasons for them, shall constitute notification to the commissioner. Budgets or budget revisions may be prepared on forms provided by the commissioner or on similar forms.

[For text of items B and C, see MR.]

D. The council shall complete a financial statement at the close of each fiscal year on forms provided by the commissioner or similar forms.

[For text of subs 5 to 8, see MR.]

Statutory Authority: *MS s 17.54, 17.58, 17.63*

History: *27 SR 377*

1570.0600 COUNCIL MEETINGS.

Subpart 1 **Notice.** The chief administrative officer shall arrange dates and physical facilities for meetings of the council and executive committee after consultation with the council chair or vice-chair and the commissioner. The chief administrative officer shall also send written notice by U.S. mail, fax, or e-mail of the time and place of the meeting to all council members, the commissioner, and the commissioner's designee at least seven days in advance of council meetings

[For text of subp 2, see MR.]

Subp 3 **Frequency and location of council and executive committee meetings.** The council shall meet at least four times annually in a location which is reasonably accessible to all council members. Telephone and video conferencing consultations are permitted and may replace actual meetings. The executive committee shall meet as frequently as authorized by the council in a location which is reasonably accessible to all executive committee members. Telephone consultations may be held in lieu of actual meetings.

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COMMODITY COUNCILS; PROMOTIONAL ORDERS 1570.0800

[For text of subps 4 and 5, see MR]

Statutory Authority: *MS s 17 54; 17 58, 17 63*

History: *27 SR 377*

1570.0700 ELECTIONS.

[For text of subps 1 and 2, see MR]

Subp. 3. **Referendums.** The procedures in items A to G must be followed in conducting a referendum

[For text of items A to C, see MR]

D The commissioner shall provide a complete copy of the promotional order to be voted on to each county extension office and Farm Service Agency office in the organized areas.

[For text of items E to G, see MR]

[For text of subp 4, see MR]

Statutory Authority: *MS s 17 54, 17 58, 17 63*

History: *27 SR 377*

1570.0800 GENERAL POLLING PROCEDURES.

Subpart 1 **Qualified voters.** Participating producers who may vote in any election or referendum must meet all the conditions in subpart 2 and at least one of the conditions in subpart 3 All qualified voters or designated voters must sign the producer certification at the time they vote

Subp 2 **Conditions for all qualified voters.** The conditions in items A to E apply to all qualified voters

[For text of items A and B, see MR]

C Absentee mail voting by individual qualified voters is not permitted. Mail balloting is permitted only in accordance with subpart 5

D No individual, landlord, tenant, partnership, association, cooperative, corporation, fiduciary, firm, university, college, or foundation may cast more than one vote per election or referendum even if operations are carried on in more than one organized area of the council.

[For text of subp 3, see MR]

Subp 4 **Balloting at polling places.** The procedures in items A and B must be followed whenever the commissioner determines that an election will be held at established polling places or a council determines that a referendum will be conducted at established polling places.

A Election and referendum judges will be selected by the commissioner in consultation with the council Judges must not indicate their opinions about the election or referendum on the day of the election or referendum. Each polling place must have at least one judge The judges are to do the following

[For text of subitems (1) to (4), see MR.]

(5) have each qualified or designated voter write the qualified voter's name, organization, title, and county of business, when appropriate, on a producer certification to be provided by the commissioner and have each qualified or designated voter sign the producer certification. The written authorization of the designated voter must be attached to the producer certification;

(6) initial the back of the ballot and give it to each qualified or designated voter provided the qualified or designated voter has signed the producer certification,

[For text of subitem (7), see M.R]

(8) collect a signed producer certification at the time a qualified or designated voter places a ballot in the ballot box,

[For text of subitems (9) to (11), see M.R.]

B The election and referendum judges shall return the following voting materials to the commissioner by first class mail: completed ballots, signed producer certifications, judges' oath forms, certification of election form, and any expense vouchers. The election judges handbook must be retained by the chief judge for 30 days after the election or referendum and then destroyed. Any unused ballots or producer certifications must also be destroyed.

Subp 5. **Mail balloting.** For any election or referendum conducted by mail, the procedures in items A to E must be followed:

A. A council must make available ballot request cards and advertise the forthcoming board elections starting no later than its annual meeting and up to the mail balloting period or provide a complete list of its participating producers before an election or a referendum can be conducted by mail. The list must be submitted to the commissioner at least 45 days before the starting date of the election or referendum.

B. The commissioner shall mail to all producers that sent in a ballot request card or to all participating producers on the council's list a ballot, a producer certification, a voter instruction sheet, and a return envelope.

[For text of items C to E, see MR]

[For text of subp 6, see MR]

Subp 7 **Certification of election or referendum.** The commissioner shall follow the procedures in items A to D in certifying an election or referendum:

A. Before certifying an election or referendum conducted in accordance with subpart 4, the commissioner shall assure that

[For text of subitems (1) to (3), see M.R.]

(4) all producer certifications are signed, and

[For text of subitem (5), see MR]

B. Before certifying an election or referendum conducted in accordance with subpart 5, the commissioner shall assure that

(1) returned ballots and producer certifications have been postmarked by the closing date set in subpart 5, item C,

[For text of subitem (2), see MR]

(3) the producer certifications are signed.

[For text of item C, see MR]

D. Ballots received may be counted mechanically or an impartial committee of at least three people appointed by the commissioner shall count the ballots received from the elections or referendums conducted under subpart 4 or 5.

Statutory Authority: *MS s 17 54, 17 58, 17 63*

History: *27 SR 377*