

**1570.0700 ELECTIONS.**

Subpart 1. **Election of first council.** The procedures in items A to C must be followed in electing the first council:

A. Upon receipt of nominations for council offices, the commissioner shall promptly arrange for an election, designate polling places reasonably convenient for the producers of the particular agricultural commodity, and provide notice via press release of the election to all media having a general circulation in the organized area.

B. The commissioner shall make available ballots which set forth the names of the nominated candidates and shall provide space for write-in candidates at all polling places. Mail balloting is permitted in accordance with part 1570.0800, subpart 5.

C. Only qualified voters may vote in an election of the first council.

Subp. 2. **Subsequent council elections.** In addition to the procedures for electing the first council in subpart 1, the commissioner shall take the following actions in subsequent council elections:

A. determine the manner of selecting the nominating committee;

B. set the time limit for accepting nominations; and

C. set the times and places of subsequent elections.

Subp. 2a. **Elections after redistricting.** If a council chooses to redistrict, the term of all present council board members terminates when a new council is elected and takes office. Present council members may run in the newly formed district for the next term. The term of each council member is determined by lot in accordance with Minnesota Statutes, section 17.54, subdivision 5.

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

A. The council, in consultation with the commissioner, shall set the time and places for the referendum when required under part 1570.0800, subpart 4.

B. The commissioner shall conduct a referendum in accordance with the general polling procedures outlined in part 1570.0800.

C. The commissioner shall publish a notice of the referendum, including time and place, in legal newspapers with general circulation in the organized area and shall provide notice to other media at least ten days in advance of the date of the referendum.

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.

E. Only qualified voters may vote in referendums.

F. The promotional order shall become effective, suspended, amended, or terminated if approved by a majority of the qualified voters who vote in the referendum.

G. If a referendum fails, the commissioner shall not conduct another referendum on any promotional order for the same agricultural commodity until one year has elapsed.

Subp. 4. **Financing elections and referendums.** Petitioners must deposit with the commissioner in advance an amount sufficient to defray the expenses of electing the first council, formulating the initial promotional order, conducting the first referendum, and issuing that promotional order. The funds will be deposited in accordance with part 1570.0900, subpart 7. Full reimbursement will be made to petitioners by the council when the promotional order is adopted and funds are available from the collection of check-off fees. Petitioners may choose to leave the funds from this reimbursement with the council. Partial reimbursement on a pro rata basis shall be made by the commissioner in cases where the referendum fails and there are funds remaining after the expenses of conducting it are paid. Subsequent elections and referendums will be financed by the council.

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

**History:** *27 SR 377; 29 SR 655; 34 SR 1327*

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