

6/23/15



UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Fruit and Vegetable Program
Southeast Marketing Field Office
1124 1st ST S
Winter Haven, FL 33880

PECAN GROWER REFERENDUM

TO PECAN GROWERS:

The US Department of Agriculture held public hearings _____ in _____ to consider a proposed marketing agreement and order (order) to cover pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas for the purpose of receiving evidence on the proposed order. The Secretary of Agriculture has announced his decision to provide pecan growers with an opportunity to vote in a referendum to determine if they favor the proposed program. The proposed order will not be made effective unless favored by at least two-thirds of the growers voting in this referendum or by producers representing at least two-thirds of the volume of pecans voted in the referendum, during the representative period.

The proposed order would authorize research and promotion (including marketing and paid advertising); data gathering; establishing grade, size, quality and container requirements; and related inspection and certification requirements. The program would be financed by assessments on processing handlers of pecans grown in the production area. Assessment rates would be established by the Secretary of Agriculture (Secretary), based on the recommendations of a Council appointed by the Secretary to administer the order. The Council would initially be composed of 9 grower members, 6 sheller members, an accumulator member, and a public member, each with an alternate.

A Grower Referendum Ballot is attached. Also attached are:

- (1) Voting Instructions and Rules Governing Grower Eligibility to Vote;
- (2) Copy of _____, Secretary's Decision and Referendum Order;
- (3) News Release concerning the Referendum;
- (4) An addressed envelope for returning the ballot - no postage is required.

The referendum voting period is from _____, 20____, through _____, 20____. Please vote promptly and mail your ballot in the addressed envelope. Ballots postmarked after _____, 20____, cannot be opened or counted. Each ballot is held in strict confidence.

Christian D. Nissen
Referendum Agent

GROWER REFERENDUM BALLOT

Marketing Order No. 986:

Pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas

This referendum is being held to determine producer support for the proposed Federal marketing order regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas. Please read the attached **VOTING INSTRUCTIONS AND RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE** before completing this ballot. Additional ballots may be obtained by contacting the Southeast Marketing Field Office at (863) 324-3375.

Are you in favor of a Federal marketing order regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas? Indicate your vote by marking "X" in the appropriate block:

Yes

No

GROWER ELIGIBILITY STATEMENT

1. I hereby certify that I am currently a producer of pecans, and that during the representative period of _____, 20____, through _____, 20____. I produced for market an annual average of _____ inshell pounds of pecans on _____ acres in _____
County or Counties and State or States

(If you are renting on a share-crop basis, only indicate your share of the crop)

2. _____
Producer's Signature* (or Organizational name if Item IV applies) Telephone #

Street or P.O. Box City State ZIP Code

E-mail

3. If partnership, insert name(s) of partner(s) _____

4. If this ballot is cast by an officer or employee of a corporation or institution, school or college or by an administrator, executor or trustee of a producing estate, the following must be completed:

Name of Producer (corp., estate, et.) Signature Title

Street or P. O. Box City State ZIP Code

***Your signature certifies that you have the authority to take such action and will submit supplementary evidence**

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of such authority at the request of an agent of the Secretary of Agriculture.

The information provided in this ballot is required to determine voter eligibility and vote of tart cherry producers. Falsification of information on this government document may result in a fine of not more than \$10,000 or imprisonment for not more than five (5) years, or both (18 U.S.C. 1001).

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is XXXX-XXXX. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

VOTING INSTRUCTIONS
RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE

- I. **VOTING PERIOD:** _____, 20 __, through _____, 20 __.
- II. **PRODUCTION AREA:** The entire States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.
- III. **PECANS:** means the nuts of the pecan tree of the genus of *Carya illinoensis* (*syn. C. illinoenses*) including all varieties thereof, excluding hicans, that are produced in the production area
- IV. **PERSONS ELIGIBLE TO VOTE:** Any grower who is currently engaged in the production of pecans for market produced during the representative period is entitled to cast one ballot. **Each separate individual, partnership, corporation, association, or any other business unit is entitled to one vote.**

Grower is synonymous with producer and means any person engaged within the production area in a proprietary capacity in the production of pecans if such person: (a) owns an orchard and harvests its pecans for sale (even if a custom harvester is used); or (b) is a lessee of a pecan orchard and has the right to sell the harvest (even if the lessee must remit a percentage of the crop or rent to a lessor);

Provided, That the term grower shall only include those who produce a minimum of 50,000 pounds of inshell pecans during a representative period (average of four years) or who own a minimum of 30 pecan acres according to the FSA, including acres calculated by the FSA based on pecan tree density.

- V. **HOW TO VOTE:**
 1. Indicate whether you favor or do not favor the establishment of a marketing order regulating the handling of pecans by placing an "X" in the appropriate box.
 2. Certify your pecan production by listing the quantity in pounds produced; number of acres in production; and that the pecans were produced within the designated production area during the representative period _____, 20 __, through _____, 20 __.
 3. PRINT or type your information (name, address, telephone number, e-mail, etc.) requested. All information must be provided to ensure validity of the Ballot. **Sign the ballot.** Unsigned or incomplete ballots cannot be counted.
 4. If the producer is a partnership, fill in the names of all partners.
 5. If voting as an officer or employee of a corporation or institution, school or college or by an administrator, executor or trustee of a producing estate, also show the name and address and your title. Proxy voting is not authorized; however, an officer or employee of a corporate producer or an administrator, executor or trustee of a producing estate may vote, if they have such authority.

Return ballots to: United States Department of Agriculture, Southeast Marketing Field Office, 1124 1st ST S, Winter Haven, FL 33880. Please mail completed ballot in the attached envelope. Ballots postmarked after _____, 20 __, will be considered invalid.