

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SPECIALTY CROPS PROGRAM
SOUTHEAST MARKETING FIELD OFFICE
1124-1st STREET SOUTH
WINTER HAVEN, FLORIDA 33880

_____, 20____

TART CHERRY PRODUCER BALLOT

TO TART CHERRY PRODUCERS:

USDA is holding a referendum to consider:

The Secretary of Agriculture announced his decision to provide tart cherry producers with an opportunity to vote on _____. The _____ will only be enacted if it is favored by at least two-thirds of the producers voting in this referendum, or it is favored by producers representing at least two-thirds of the tart cherry volume.

A Producer Referendum Ballot is attached. Also attached are:

- (1) Voting Instructions and Rules Governing Producer Eligibility to Vote;
- (2) News Release concerning the Referendum;
- (3) An addressed envelope for returning the ballot - no postage is required.

The referendum voting period is from _____ 20, to _____, 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.

Referendum Agent

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 0581-0177. 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.

PRODUCER'S REFERENDUM BALLOT

Marketing Order No. 930:
Tart Cherries Produced in Michigan, New York, Pennsylvania,
Oregon, Utah, Washington and Wisconsin

This referendum is being held to determine producer and processor support for _____ under Marketing Order No. 930, regulating the handling of tart cherries produced in Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin. 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.

1. **Are you in favor of**

Indicate your vote by marking "X" in the appropriate block:

Yes

No

PRODUCER ELIGIBILITY STATEMENT

1. I hereby certify that I am currently a producer of tart cherries, and that during the representative period from _____, 20____, through _____, 20____. I produced for market: _____ of tart cherries on _____ in _____.

_____ Pounds _____ Acres _____ County or Counties and State or State
(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

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 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).

VOTING INSTRUCTIONS
RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE

- I. VOTING PERIOD:** _____, 20__ through _____, 20__.
- II. PRODUCTION AREA:** The entire States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin.
- III. TART CHERRIES:** all tart cherry varieties grown in the production area are classified as *Prunus cerasus*, *Prunus cerasus* by *Prunus avium*, or *Prunus cerasus* by *Prunus fruticosa*.
- IV. PERSONS ELIGIBLE TO VOTE:** Any producer who is currently engaged in the production of tart cherries for processing, or who produced tart cherries in the production area for processing during the representative period of _____, 20__, through _____, 20__, is entitled to cast one ballot. **Each separate business unit, partnership, LLC, family enterprise, corporation, association, estate, or firm that is a member of the cooperative association is entitled to one vote.**

Producer: any person who produces tart cherries to be marketed in canned, frozen, or other processed form, and who has a proprietary interest therein. Producer does not include a person who produces tart cherries to be marketed exclusively for the fresh market in an unpitted condition.

A producer is any individual, partnership, corporation, association, institution, estate, or other business unit that:

- i. Owns and farms land resulting in ownership of the tart cherries produced thereon;
- ii. Rents and farms land resulting in ownership of all or a portion of the tart cherries produced thereon;
- iii. Owns land from which, as rental for such land, ownership is obtained of a portion of the tart cherries produced thereon. (A lienholder, cash landlord, or person having only a financial interest in the tart cherry crop is not eligible to vote.);

V. HOW TO VOTE:

1. Indicate your vote by placing an “X” in the appropriate box.
2. Certify tart cherry production by listing the quantity in pounds produced; number of acres in production; and that tart cherries were produced within the designated production area during the representative period _____, 20__ through _____, 20__.
3. PRINT or type your information (name, address, telephone number, 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 on behalf of a producer, 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 Street South, Winter Haven, FL 33880. Please mail completed ballot in the attached envelope. Ballots postmarked after _____, 20__, will be considered invalid.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.