

UNITED STATES DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
Fruit and Vegetable Programs
Marketing Field Office
2202 Monterey Street, Suite 102B
Fresno, CA 93721

OFFICIAL BUSINESS

**IMPORTANT: YOUR REFERENDUM BALLOT TO VOTE ON CONTINUANCE OF THE FEDERAL
MARKETING ORDER FOR WALNUTS**

To: The Walnut Producer Addressed

The Secretary of Agriculture has announced his decision to submit for industry approval of the continuance of the marketing agreement, and Order No. 984, regulating the handling of walnuts (English varieties) grown in California, Oregon and Washington. The referendum is being held during the period July 8, 20__ through July 16, 20__, to determine whether producers of English walnuts favor or disfavor continuance by the Secretary of Agriculture of the marketing order. A public hearing on the continuance of marketing order was held in California, _____, 20_____.

The continuance amendment will not be made effective unless is favored by at least two-thirds of the eligible producers voting in the referendum or by producers representing at least two-thirds of the volume of English walnuts voted in the referendum. Diamond Walnut Growers, Inc. has declared its intention to vote in block on behalf of its members, which is permitted by the Agricultural Marketing Agreement Act of 1937, as amended. Therefore, ballots are not being mailed to Diamond Walnut Growers, Inc. members.

On the reverse side of the page is the REFERENDUM BALLOT for your use in indicating whether you favor or disfavor continuance of the marketing order. Also enclosed are the following: 1. Rules governing producer eligibility to vote and voting instructions. 2. Copy of marketing order. 3. Envelope for returning the ballot.

Please read the rules governing producer eligibility to vote and the voting instructions before filling out your ballot. Be sure your ballot is complete. **BALLOTS WHICH DO NOT SHOW YOUR VOTE AND YOUR SIGNATURE CANNOT BE COUNTED.** Please vote promptly; to be counted, ballot envelopes must be postmarked not later than midnight, _____, _____.

Very truly yours,

Kurt J. Kimmel
California Marketing Field Office

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
FRUIT AND VEGETABLE PROGRAMS

REFERENDUM INSTRUCTIONS

**CONTINUANCE OF THE MARKETING ORDER,
REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA**

I. Eligibility to vote.

- A. Producer means (a) a person who owns and farms land producing English walnuts for market; (b) a renter or tenant of a farm producing English walnuts for market; (c) a landlord who received from a renter or tenant a portion of the production as rent for the land on which the English walnuts were produced for market. (A landlord who rents for cash, a lien-holder or a person having only a financial interest in the crop is NOT eligible to vote.)
- B. A person buying English walnuts either on the tree or after they have been harvested is NOT a producer of such walnuts and therefore is NOT eligible to vote.
- C. A business unit (partnership, family enterprise, corporation, association, estate, firm) may cast only one vote; but each separate unit is entitled to a vote.
- D. Any producer now engaged in producing English walnuts in California for market and was so engaged during the representative period, August 1, 20____, through July 31, 20____, is eligible to vote in this referendum. The referendum is confined to growers in California.

I. Instructions for voting. On the Ballot indicate:

- A. The tonnage of English walnuts produced for market by you (or by the producer for whom this Ballot is cast) during the period August 1, 20____, through July 31, 20____.
- B. Your vote: check either YES () NO ()
- C. Your signature and mailing address in Item 3 if you are casting the ballot in your own behalf as an individual owner.

If you are casting the ballot as a partner of a partnership, or as an officer or employee of a producer (corporation, institution, school, or college) or as an administrator, executor, or trustee of a producing estate - enter the producer's name and address in Item 3 and complete the Certification in Item 4.

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 0581-0178. 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.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

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.

UNITED STATES DEPARTMENT OF AGRICULTURE
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OFFICIAL PRODUCER'S REFERENDUM BALLOT
WALNUTS GROWN IN CALIFORNIA

REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA

THIS BALLOT WILL BE HELD CONFIDENTIAL

PLEASE READ THE COVER LETTER AND THE ENCLOSED RULES OF ELIGIBILITY AND VOTING INSTRUCTIONS BEFORE COMPLETING THIS BALLOT. YOUR BALLOT ENVELOPE MUST BE POSTMARKED NOT LATER THAN _____, 20_____.

- 1. I hereby certify that I am, or the producer's name I have inserted in Item 3 below is, now an eligible producer of California of English variety walnuts. I produced for market during the period August 1, 20_____ through July 31, 20_____ the following quantity of English walnuts:

_____ Ton(s), (inshell basis)

(NOTE: If you are renting on a share crop basis, report only that part of the tonnage representing your share.)

- 2. DO YOU FAVOR CONTINUANCE OF THE FEDERAL WALNUT MARKET ORDER? (Place an "X" in the appropriate space.)

YES () NO ()

- 3. _____
Producer's Signature (or Name if Item 4 is applicable)

_____ (Mailing Address, if applicable, and county)

_____ (City, State, and ZIP Code)

- 4. If this Ballot is cast on behalf of a partnership or by an officer or employee of a producer (corporation, institution, school, or college), or by an administrator, executor, or trustee of a producing estate, the following must also be completed:

I HEREBY CERTIFY to the Secretary of Agriculture that I have authority to cast the ballot of the producer named above in Item 3 and that I will submit evidence of such authority at the request of an agent of the Secretary.

_____ (Signature and Title or Capacity)

_____ (Mailing Address)

_____ (City, State, and ZIP Code)

CALIFORNIA WALNUT BALLOT
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PLACE STAMP
HERE
POST OFFICE
WILL NOT
DELIVER
WITHOUT
POSTAGE

Referendum Agent
USDA-AMS-F&V-MFO
2202 MONTEREY STREET, SUITE 102-B
FRESNO, CA 93721

◆ FOLD HERE, TAPE AT THE TOP, AND MAIL PROMPTLY ◆

CALIFORNIA WALNUT BALLOT

VOTING INSTRUCTIONS AND RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE

- I. **VOTING PERIOD:** _____ through _____.
- II. **REPRESENTATIVE PERIOD:** _____, 2006 through _____.
- III. **PRODUCTION AREA:** The State of California.
- IV. **PERSONS ELIGIBLE TO VOTE:** Any person who is currently a walnut producer in the State of California and produced such walnuts during the representative period _____, through _____, is entitled to cast one ballot. **Each separate business unit, partnership, family enterprise, corporation, association, estate, or firm is entitled to one vote.**

“Producer” means any individual, partnership, corporation, association, or other business unit who:

- Owns and farms land producing English walnuts for market;
- is a renter or tenant of a farm producing English walnuts for market; or
- is a landlord who received from a renter or tenant a portion of the production as rent for the land on which English walnuts were produced for market. (A landlord who rents for cash, a lien-holder or a person having only a financial interest in the crop is NOT eligible to vote.)

V. **HOW TO VOTE:**

- A. Indicate your vote by placing an ‘X’ in the appropriate box.
- B. Certify your walnut production by listing the pounds of English walnuts produced for market by you (or by the producer for whom this Ballot is cast) during the period _____, through _____.
- C. Print or type your name, phone number, business name, and address.
- D. Proxy voting is not authorized. If ballot is cast by an officer or employee of a partnership, corporation, or other business unit, check box to indicate your business designation, and sign to indicate authority to vote. If partnership or joint venture, list names of partners.
- E. Sign below the certification. Incomplete or unsigned ballots cannot be counted. Fold your ballot so the Referendum Agent’s address is displayed, seal with tape and mail to Referendum Agent, USDA-AMS-FV-NWMFO, 2202 MONTEREY ST, SUITE 102-B, FRESNO, CA 93721. For further information, please call Shereen Marino or Kurt Kimmel at (559) 487-5901.

Ballots must be postmarked by _____.

VOTER CERTIFICATION ELIGIBILITY STATEMENT

B. I hereby certify that I am eligible producer of walnuts within the production area and that during the representative period _____, I produced:

_____ on _____ in _____
Pounds (Kernelweight) Acres County/Countries

(SIGNATURE REQUIRED BELOW – SECTION D)

C.

Producer's Name _____ Phone Number _____
Name of Business _____
Mailing Address _____
City _____ State _____ Zip _____

D. If this ballot is cast by an officer or employee of a partnership, corporation, association or other business unit, my signature below further certifies that I am duly authorized to vote on behalf of the producing entity name on this ballot and that I will submit evidence of such authority at the request of an Agent of the Secretary.

Partnership LLC Corporation Association Other _____

Signature* Title

If Partnership or Joint Venture, list name(s).

E. I hereby certify that the information I provided on this ballot is accurate and correct to the best of my knowledge.

Signature* Title

*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 California walnut producers. Falsification of information on this government document may result in a fine of not more than \$10,000 or imprisonment of 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 collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0178. 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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CALIFORNIA WALNUT BALLOT

TO CALIFORNIA WALNUT PRODUCERS:

The U.S. Department of Agriculture is submitting for producer consideration proposed amendments to Marketing Order No. 984 (marketing order), regulating the handling of walnuts grown in California. The proposed amendments will not be made effective unless they are favored by at least two-thirds of the eligible producers voting in this referendum or by producers representing at least two-thirds of the volume of English walnuts voted in the referendum. If approved, the proposed amendments would:

A Producer Referendum Ballot is on the reverse side of this page. Also enclosed are:

- 1) Voting Instructions and Rules Governing Producer Eligibility to Vote;
- 2) The news release announcing the referendum; and
- 3) A copy of the Referendum Order dated _____.

The voting period for the referendum is _____. *Please vote promptly because ballots postmarked later than _____, cannot be opened or counted.* Each ballot will be held in strict confidence.

Shereen Marino, Referendum Agent
Phone: (559) 487-5901