

**UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Fruit and Vegetable Programs
Washington DC Marketing Field Office
4700 River Road, Unit 155, Suite 2A04
Riverdale, MD 20737**

TART CHERRY PRODUCER BALLOT

TO TART CHERRY PRODUCERS:

The tart cherry marketing order requires a continuance referendum to be conducted within the month of March every sixth year after the effective date of this marketing order to ascertain whether continuance of the order is favored by producers and processors. The marketing order provides, pursuant to section 930.83 (d), that the order shall be terminated if termination is favored by a majority of the producers and processors who produced or canned and frozen more than 50 percent of the volume of tart cherries which were produced or processed within the production area.

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 _____, 20____. Please vote promptly and return your ballot. Ballots arriving in envelopes postmarked after _____, 20____, cannot be opened or counted. Each ballot will be held in strict confidence.

XXXXXX XXXXXXXX
Referendum Agent
(301) 734-5243

REPRODUCE LOCALLY. *Include form number and date on all reproductions.*
0177

OMB No. 0581-



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 the continuance of Marketing Agreement and 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 Washington, DC Marketing Field Office at (301) 734-5243.

1. **Do you favor continuance of the Federal marketing order for tart cherries produced in Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin? Indicate your vote by marking the appropriate block:**

Yes

No

PRODUCER ELIGIBILITY STATEMENT

2. 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 States _____

(If you are renting on a share-crop basis, you should show only that part of the crop represented by your share)

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

Complete mailing address _____

Street or
P.O. Box
Number

City State ZIP Code

4. If partnership, insert name(s) of partner(s)

5. 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).

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.

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FV-43 (08/06)

VOTING INSTRUCTIONS AND RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE

- I. VOTING PERIOD:** _____, 20__.
- II. PRODUCTION AREA:** The entire States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin.
- III.** Tart Cherries means all tart/sour cherry varieties grown in the production area 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 who produced tart cherries in the production area for processing during the representative period of _____, 20__ through _____, 20__, is entitled to cast one ballot.

Producer means 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. Further, a producer is any individual, partnership, corporation, association, institution, estate, or other business unit that:

- A. Owns and farms land resulting in ownership of the tart cherries produced thereon,
- B. Rents and farms land resulting in ownership of all or a portion of the tart cherries produced thereon, or
- C. 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.)
- D. A business unit, partnership, family enterprise, corporation, association, estate, or firm may vote. Each such separate entity is entitled to one vote.

V. HOW TO VOTE:

- 1. Indicate whether you favor or do not favor continuance of the marketing order by marking your vote in the appropriate block.
- 2. Certify your tart cherry production by listing the quantity in pounds that you produced, the number of acres in production, and that the tart cherries were produced within the designated production area during the representative period _____, 20__ through _____, 20__.
- 3. Provide your name, address, and telephone number. Sign the ballot. Unsigned ballots are not valid.
- 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.
- 6. Ballots should be returned to: United States Department of Agriculture, Washington DC Marketing Field Office, 4700 River Road, Unit 155, Suite 2A04, Riverdale, MD 20737. Please mail your completed ballot in the attached envelope. Ballots received postmarked after _____, 20__, will be considered invalid.

