

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service

Fruit and Vegetable Program
Southeast Marketing Field Office
799 Overlook Drive, Suite A
Winter Haven, FL 33884

TART CHERRY COOPERATIVE BALLOT

TO TART CHERRY COOPERATIVE ASSOCIATIONS OF 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 Cooperative 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

COOPERATIVE 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 COOPERATIVE ASSOCIATION OF PRODUCERS 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

COOPERATIVE ASSOCIATION OF PRODUCERS ELIBILITY STATEMENT

1. Please print the contact and mailing information for the cooperative association:

Cooperative Association Name _____ Telephone Number _____
Street or P.O. Box _____ City _____ State _____ ZIP Code _____

2. The total volume of tart cherries in pounds that were produced from _____, 20____, through _____, 20____, by the member growers of this cooperative association: _____.

3. The total number of acres represented by this ballot: _____.

4. The total number of producers for whom this cooperative association represents:

5. _____
(Title of Person Authorized to Sign)

6. _____
(Signature)* _____ Date _____

***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.

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

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

OMB No. 0581-0177

call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

VOTING INSTRUCTIONS
RULES GOVERNING COOPERATIVE ASSOCIATION OF PRODUCERS
ELIGIBILITY TO VOTE

- I. VOTING PERIOD:** _____, 20__ through _____, 20__.
- II. PRODUCTION AREA:** The 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 cooperative association engaged in the marketing of fresh tart cherries grown in the production area during the representative period. Section 608(c) (12) of the Agricultural Marketing Agreement Act of 1937 provides, in part, that the Secretary of Agriculture shall consider the approval or disapproval by any cooperative association, bona fide engaged in the marketing of the commodity covered by the subject Marketing Order, as the approval or disapproval of the producers who are members of, stockholders in, or under contract with, such cooperative association. Cooperative associations are defined in the Capper-Volstead Act (7 U.S.C. §§ 291, 292). **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” means any individual, partnership, LLC, corporation, association, institution, estate, or other business unit who:
- Owns and farms land resulting in ownership of the tart cherries produced thereon;
 - Rents and farms land resulting in ownership of all or a portion of the tart cherries produced thereon; or
 - Owns land from which, as rental for such land, ownership is obtained of a portion of the tart cherries produced thereon. (A lien holder, cash landlord, or person having only a financial interest in the tart cherry crop is not eligible to vote.)
- V. HOW TO VOTE:**
- A. Indicate your vote by placing an “X” in the appropriate box.
- B. Print or type the information requested under the eligibility statement. All information must be provided to ensure the validity of the Ballot.
- C. Sign below the certification. Incomplete or unsigned Ballots cannot be counted.
- D. Attach to the Ballot a list of tart cherry producers who are currently members of, stockholders in, or under contract with the cooperative association named herein as of the date this Ballot is cast, and who produced tart cherries for fresh market during the representative period. For each such producer provide the following:
- Address (street and house number, rural route number, city, state, zip code).
 - Volume of tart cherries produced for fresh market during the representative period in tons.
- E. Attach to the Ballot a certified copy of the resolution of the Board of Directors authorizing the individual signing this Ballot to cast the Ballot on behalf of the cooperative association.

Return ballots to: United States Department of Agriculture, Southeast Marketing Field Office, 799 Overlook Drive, Suite A, Winter Haven, FL 33884. Please mail completed ballot in the attached envelope. Ballots postmarked after _____, 20 ____, will be considered invalid.