

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 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

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

OMB No. 0581-0177

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 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, 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.