

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 has announced his decision to provide tart cherry producers with an opportunity to vote on _____ . The _____ will not be made effective unless favored by at least two-thirds of the producers voting in this referendum or by producers representing at least two thirds of the volume of tart cherries voted in the referendum.

A Cooperative 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 _____, 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.

Referendum Agent

COOPERATIVE ASSOCIATION OF PRODUCERS 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. **Do you favor** _____
Indicate your vote by placing an "X" in the appropriate block:

Yes

No

COOPERATIVE ASSOCIATION OF PRODUCERS - ELIGIBILITY STATEMENT

1. Please print the name, mailing address, and telephone number of the cooperative association voting this ballot:

Cooperative Association Name Telephone Number

Street or P.O. Box Number City State ZIP Code

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

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

4. Indicate the total number of producers for which this cooperative association is casting this ballot: _____

5. _____
(Title of Person Authorized to Sign)

6. _____
Signature Date

Your signature certifies that you have the authority to vote on behalf of the cooperative association of producers named herein and that the information provided on this ballot and all attachments hereto is accurate and correct to the best of your knowledge. Further, you hereby agree to 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.

**VOTING INSTRUCTIONS AND RULES GOVERNING ELIGIBILITY OF
COOPERATIVE ASSOCIATIONS OF PRODUCERS 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. **ELIGIBILITY TO VOTE:** Any cooperative association of producers engaged in the marketing of tart cherries grown in the production area during the representative period of _____ 20 _____, through _____ 20 _____. Section 608c(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 of producers, 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 of producers. Cooperative associations of producers are defined in the Capper-Volstead Act (7 U.S.C. 291, 192).

"Producer" is synonymous with grower, and 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.)

Each business unit, partnership, family enterprise, corporation, association, estate, or firm that is a member of the cooperative association of producers is entitled to one vote on the attached ballot.

ONLY ONE BALLOT MAY BE CAST BY EACH SEPARATE COOPERATIVE ASSOCIATION OF PRODUCERS.

VI. HOW TO VOTE:

- 1-2. Indicate whether the cooperative association of producers approves or disapproves the proposed amendments by placing an "X" in the appropriate block on the attached ballot.
3. Complete the eligibility statement by providing the information requested. All information must be provided to ensure the validity of the ballot.
4. Attach to the ballot a list of tart cherry producers who are currently members of, stockholders in, or under contract with the cooperative association of producers named herein as of the date this ballot is cast, and who produced tart cherries for market during the representative period. For each such producer provide the following:
 - a. Address (street and house number, rural route number, city, state, ZIP Code).
 - b. Volume of tart cherries produced during the representative period in pounds.
 - c. Acreage of tart cherries during the representative period. Include the location of tart cherry acreage if different than the producer's address.
5. Attach to the ballot a certified copy of the resolution of the Board of Directors authorizing the individual signing this ballot to so cast the ballot on behalf of the cooperative association of producers.
6. Mail the completed ballot, corporate resolution and all requested attachments to:

**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SOUTHEAST MARKETING FIELD OFFICE
799 OVERLOOK DRIVE, SUITE A
WINTER HAVEN, FL 33884**

BALLOTS MUST BE COMPLETED IN THEIR ENTIRETY AND POSTMARKED NO LATER

THAN _____, 20____, TO BE VALID.