

UNITED STATES DEPARTMENT OF AGRICULTURE  
Agricultural Marketing Service  
Specialty Crops Program  
Southeast Marketing Field Office  
1124 1<sup>st</sup> Street S  
Winter Haven, FL 33880

### PECAN GROWER REFERENDUM BALLOT

#### TO PECAN GROWERS:

The U.S. Department of Agriculture held public hearings \_\_\_\_\_ in \_\_\_\_\_ to consider a proposed marketing agreement and order (order) to cover pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas for the purpose of receiving evidence on the proposed order. The Secretary of Agriculture (Secretary) has announced his decision to provide pecan growers with an opportunity to vote in a referendum to determine if they favor the proposed program. The proposed marketing order will not be made effective unless favored by at least two-thirds of the growers voting in this referendum or by producers representing at least two-thirds of the volume of pecans voted in the referendum, during the representative period.

The proposed marketing order would authorize research and promotion (including marketing and paid advertising); data gathering; establishing grade, size, quality and container requirements; and related inspection and certification requirements. The program would be financed by assessments on processing handlers of pecans grown in the production area. Assessment rates would be established by the Secretary, based on the recommendations of a Council appointed by the Secretary to administer the order. The Council would initially be composed of 9 grower members, 6 sheller members, an accumulator member, and a public member, each with an alternate.

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#### A Grower Referendum Ballot is attached. Also attached are:

- (1) Voting Instructions and Rules Governing Grower Eligibility to Vote;
- (2) Copy of \_\_\_\_\_, Secretary's Decision and Referendum Order;
- (3) News Release concerning the Referendum; and
- (4) An addressed envelope for returning the ballot - no postage is required.

The referendum voting period is from \_\_\_\_\_, 20\_\_\_\_, through \_\_\_\_\_, 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.

Christian D. Nissen  
Referendum Agent

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 OMB 0581-NEW. 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.

**GROWER REFERENDUM BALLOT**

Marketing Order No. 986:Pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas

This referendum is being held to determine producer support for the proposed Federal marketing order regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas. 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 Southeast Marketing Field Office at (863) 324-3375.

**Are you in favor of a Federal marketing order regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas? Indicate your vote by marking "X" in the appropriate block:**

Yes

No

**GROWER ELIGIBILITY STATEMENT**

- 1. I hereby certify that I am currently a producer of pecans, and that during the representative period of \_\_\_\_, 20\_\_, through \_\_\_\_, 20\_\_. I produced for market an annual average of \_\_\_\_\_ inshell pounds of pecans on \_\_\_\_acres in \_\_\_\_\_.County or Counties and State or States

(If you are renting on a share-crop basis, only indicate your share of the crop)

- 2. \_\_\_\_\_  
Producer's Signature\* (or Organizational name if Item 4 applies) Telephone No.

\_\_\_\_\_  
Street or P.O. Box City State ZIP Code

\_\_\_\_\_  
Email

- 3. If partnership, insert name(s) of partner(s)\_\_\_\_\_

- 4. 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, etc.) 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.**

**VOTING INSTRUCTIONS**  
**RULES GOVERNING PRODUCER ELIGIBILITY TO VOTE**

- I. VOTING PERIOD:** \_\_\_\_\_, 20\_\_, through \_\_\_\_\_, 20\_\_.
- II. PRODUCTION AREA:** The entire States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.
- III. PECANS:** means the nuts of the pecan tree of the genus of *Carya illinoensis* (*syn. C. illinoenses*) including all varieties thereof, excluding hicans, that are produced in the production area.
- IV. PERSONS ELIGIBLE TO VOTE:** Any grower who is currently engaged in the production of pecans for market produced during the representative period is entitled to cast one ballot. **Each separate individual, partnership, corporation, association, or any other business unit is entitled to one vote.**

*Grower* is synonymous with producer and means any person engaged within the production area in a proprietary capacity in the production of pecans if such person: (a) owns an orchard and harvests its pecans for sale (even if a custom harvester is used); or (b) is a lessee of a pecan orchard and has the right to sell the harvest (even if the lessee must remit a percentage of the crop or rent to a lessor);

Provided, That the term grower shall only include those who produce a minimum of 50,000 pounds of inshell pecans during a representative period (average of four years) or who own a minimum of 30 pecan acres according to the FSA, including acres calculated by the FSA based on pecan tree density.

**V. HOW TO VOTE:**

1. Indicate whether you favor or do not favor the establishment of a marketing order regulating the handling of pecans by placing an "X" in the appropriate box.
2. Certify your pecan production by listing the quantity in pounds produced; number of acres in production; and that the pecans were produced within the designated production area during the representative period \_\_\_\_\_, 20\_\_, through \_\_\_\_\_, 20\_\_.
3. PRINT or type your information (name, address, telephone number, e-mail, 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 as an officer or employee of a corporation or institution, school or college or by an administrator, executor or trustee of a producing estate, 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, 1124 1<sup>st</sup> Street S, Winter Haven, FL 33880. Please mail completed ballot in the attached envelope. Ballots postmarked after \_\_\_\_\_, 20\_\_, will be considered invalid.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider, employer, and lender.