

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Chapter No.: 80-8-8

Chapter Title: Rules for Sheep and Goat Referendum

X New;        Amend;   x   Repeal;        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? N/A

Is there another less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

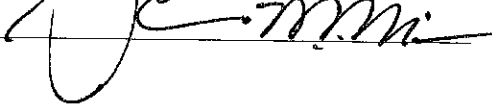
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*  
Does the proposed rule have any economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official  
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer   
Date: 12-12-2017

(DATE FILED)  
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Chapter NO. & Title: 80-8-8 Rules for Sheep and Goat Referendum

Intended Action: To Repeal and Replace with New Chapter

Substance of Proposed Action: To provide uniformity with check-off commodities so that the rules governing the referendum are clear and unchanging between commodities and conform entirely to the Code of Alabama.

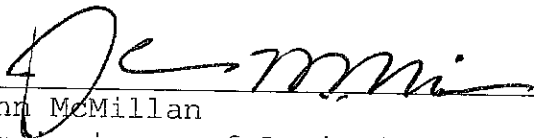
Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, February 13, 2018, at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

Final Date for Comment and Completion of Notice: February 13, 2018.

Contact Person at Agency: N. Gunter Guy Jr., Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

12/12/2017

Date

  
\_\_\_\_\_  
John McMillan  
Commissioner of Agriculture  
and Industries

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
MARKETING  
ADMINISTRATIVE CODE  
CHAPTER 80-8-8  
RULES FOR SHEEP AND GOAT REFERENDUM "Repealed"  
TABLE OF CONTENTS

80-8-8-.01	Purpose
80-8-8-.02	Referendum To Be Held
80-8-8-.03	Notice To Be Given
80-8-8-.04	Polling Places And Time Of Operation
80-8-8-.05	Procedure For Polling And Handling Results Of The Poll
80-8-8-.06	Persons Entitled To Vote
80-8-8-.07	Bond Required For Certified Association

**80-8-8-.01**      Purpose. The purpose of this Chapter is to set up procedures and rules governing referendums conducted under the provisions of Section 2-8-310 through 2-8-326, Code of Ala. 1975, for sheep and goat promotional programs.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.02**      Referendum To Be Held. A referendum shall be held by the Association, certified by the Board of Agriculture and Industries, on a statewide basis at which time Alabama sheep and goat producers may vote upon the question of whether they favor a five-year assessment in an amount of fifty cents (\$0.50/animal) per sheep or goat. **Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.03**      Notice To Be Given. Notice of said referendum shall be not less than 30 days before the date of any referendum. The notice shall include the date, hours, polling places, and rules for voting in the referendum, the geographic areas covered by the referendum, the amount and basis of the assessment proposed to be collected, the means by which the assessment shall be collected, and the general purposes for which the amount collected shall be expended and applied. The notice shall be published by the certified association in its trade publication and written notice shall be given to each county agent in the geographic area covered by the referendum.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.04**      **Polling Places And Time Of Operation.**

(1) The referendum shall be held by providing voting facilities at the county seat in each of the 67 counties of the State of Alabama. In those counties where it is determined by the State Referendum Committee that another location is more convenient outside of the county seat, then an alternative voting facility may be provided in such counties at public location such as a county cooperative extension system office, city hall, community centers, local offices of the County Farmers Federation, or other locations. The exact location of the voting places in each county shall be given publicity in order that all sheep and goat producers will have an opportunity to vote. The certified association shall furnish all necessary ballots and arrange for the necessary poll holders. All expenses and costs necessary to conduct a referendum shall be borne by the association.

(2) The polls shall be open for voting from 8:00 a.m. to 4:00 p.m. on the date of the referendum.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.05**      **Procedure For Polling And Handling Results Of The Poll.**

(1) Each polling place shall have not less than two individuals who shall serve as poll holders to be in charge of and supervise the voting. Such polling places shall have a voters' register, and those who are eligible to vote shall sign his or her name upon such register and enter thereon his or her address together with the number of sheep or goat owned in the previous year.

(2) Sheep or goat producers shall be furnished with a printed ballot for voting by secret ballot box or other similar container suitable to serve as a ballot box.

(3) As soon as the last voter has voted and the polls close, the poll holders shall immediately open the ballot boxes, count and tabulate the results of the voting, and certify the results thereof to the Chairman of the County Committee. Any interested individual who cares to be present when the ballots are counted or tabulated may be present and observe such vote counting and tabulation of results.

(4) Upon the conclusion of paragraph no. (3) above, a poll holder shall deliver the ballots in a sealed container to the Chairman of the Referendum Committee with the certification of the results. The County Chairman and at least two other members of the County Referendum Committee shall then tabulate and certify the results received from each polling place in the county to the State Referendum Committee of the certified Association. The County Chairman will also deliver or forward all county ballots in the sealed containers, after tabulation of voting results to the Director of the certified Association. The state certified Association shall upon receipt of certified results from each county, tabulate, publicly declare and announce the results of the state wide referendum within a period of ten (10) days following receipt of the results from each county in Alabama.

(5) A certified copy of the results of the statewide referendum shall be forwarded to the Associationer of Agriculture and Industries.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.06**      **Persons Entitled To Vote.**

(1) All persons subject to the assessment are entitled to vote in the referendum upon the question of whether they favor an assessment of an amount of fifty cents per sheep or goat to be deducted from all sales for a period of five years.

(2) Each sheep or goat producer shall have one vote where the production operation is conducted by an individual, partnership, corporation, estate or other legal entity. If the sheep or goat production operation is conducted by a partnership, corporation, estate or other legal entity, then one individual shall be designated to vote for such production operation.

(3) Each eligible voter shall vote in person only once at an established polling place. Proxy voting or voting by mail shall not be permitted. **Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324.

**History: New Rule:** Filed August 12, 2003; effective September 16, 2003.

**80-8-8-.07**      **Bond Required For Certified Association.** The treasurer of the certified Association shall be bonded in an amount of not less than forty thousand dollars (\$40,000). At the end of a complete year of assessment collections, the above bond amount requirement will be adjusted to adequately reflect as required under the law, the amount of assessment forwarded to the certified Association. **Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-8-324. **History:**  
**New Rule:** Filed August 12, 2003; effective September 16,  
2003.

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
ADMINISTRATIVE CODE

MARKETING

CHAPTER 80-8-8  
RULES FOR SHEEP AND GOAT REFERENDUM "New Chapter"

TABLE OF CONTENTS

<u>80-8-8-.01</u>	<u>Purpose</u>
<u>80-8-8-.02</u>	<u>Referendum to be Held</u>
<u>80-8-8-.03</u>	<u>Conduct of Referendum; Payment of Expenses</u>
<u>80-8-8-.04</u>	<u>Notice Requirements</u>
<u>80-8-8-.05</u>	<u>Polling Places and Time of Operation</u>
<u>80-8-8-.06</u>	<u>Persons Eligible to Vote; Voting Requirement</u>
<u>80-8-8-.07</u>	<u>Polling Procedures; Certifying of Results</u>

80-8-8-.01. Purpose

The purpose of this Chapter is to establish the rules and procedures to govern the conduct of a referendum under the terms of Code of Alabama. This referendum will allow sheep and goat producers to vote an assessment against themselves which will be used for promotion of the sheep and goat industry in Alabama.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §§2-8-311, 2-8-324

History: Filed:

80-8-8-.02. Referendum to be Held

Pursuant to Code of Ala. 1975, § 2-8-313 the Association certified by the State Board of Agriculture and Industries shall hold a referendum amongst producers of sheep and goats. At that time Alabama sheep and goat producers will vote and determine if they favor paying for a period of 3 years from the date of the referendum, an assessment in an amount not to exceed the limit set forth in the Code of Ala. 1975, §2-8-317

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-315

History: Filed:

**80-8-8-.03. Conduct of Referendum; Payment of Expenses**

- (1) The Association certified by the State Board of Agriculture and Industries shall have the responsibility to arrange, manage and conduct any referendums.
- (2) All expenses and costs necessary to conduct any referendums shall be borne by the Association certified by the State Board of Agriculture and Industries.

**Author:** N. Gunter Guy, Jr.

**Statutory Authority:** Code of Ala. 1975, §2-8-315

**History:** Filed:

**80-8-8-.04. Notice Requirements**

Not less than 30 days before any referendum is held, the Association certified by the State Board of Agriculture and Industries shall give notice of such referendum by publishing same in the State Certified Association's trade publication and by mailing a written notice to each county extension coordinator in the area covered by the referendum. The notice shall include, at minimum, the geographic area covered by the referendum, the date of the referendum, the hours that the polls will be open, the addresses of polling places, the rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected and the general purposes for which the assessment is collected.

**Author:** N. Gunter Guy, Jr.

**Statutory Authority:** Code of Ala. 1975, §2-8-315

**History:** Filed:

**80-8-8-.05. Polling Places and Time of Operation**

- (1) Voting facilities shall be provided in counties in which sheep and goats are produced. Additional facilities may be provided should the Association certified by the State Board of Agriculture and Industries find same advisable.
- (2) Polls shall be open from 8:00 a.m. to 4:00 p.m. on the date of the referendum.

**Author:** N. Gunter Guy, Jr.

**Statutory Authority:** Code of Ala. 1975, §§2-8-315, 2-8-324

**History:** Filed:



**80-8-8-.06. Persons Eligible to Vote; Voting Requirements**

- (1) All producers of sheep and goats in the geographic area covered by the referendum who shall be subject to the assessment levied shall be eligible to cast a vote in the referendum. If there is any question of eligibility, the Association certified by the State Board of Agriculture and Industries is authorized to request any additional information permitted by law.
- (2) Each producer shall have one vote.

**Author:** N. Gunter Guy, Jr.

**Statutory Authority:** Code of Ala. 1975, §§2-8-315, 2-8-316

**History:** Filed:

**80-8-8-.07. Polling Procedures; Certifying of Results**

- (1) There shall be two persons at each polling place who shall serve as poll holders. Such poll holders shall be in charge of and supervise the voting.
- (2) Each polling place shall have a voting register in the form of an affidavit. Prior to casting his or her vote, each person who is entitled to vote in the referendum shall sign his or her name to the register. Also, each voter shall write in the register his or her address and the total number of sheep or goats they produced that year.
- (3) Each producer shall be provided a ballot. The producer will mark whether he approves or disapproves the promotional program.
- (4) Votes shall be cast by secret ballot. Each marked ballot shall be deposited in a ballot box or other designated container where it will be kept until such time as it is counted.
- (5) As soon as the polls close and the last vote is cast, the poll holders shall open the ballot boxes or other containers, count each ballot and tabulate the results of the count. They will then immediately report the results to the Association certified by the State Board of Agriculture and Industries. Following the referendum and within 10 days thereafter, the Association certified by the State Board of Agriculture and Industries shall publicly declare and announce the results.

**Author:** N. Gunter Guy, Jr.

**Statutory Authority:** Code of Ala. 1975, §2-8-324

**History:** Filed: