

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
MARKETING
ADMINISTRATIVE CODE

CHAPTER 80-8-5
WHEAT, CORN, GRAIN SORGHUM,
AND OATS PROMOTIONAL REFERENDUM

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80-8-5-.01 Purpose And Definitions.

(1) The purpose of this Chapter is to set up procedures and rules governing the referendum conducted under the provisions of Code of Ala. 1975, §§2-8-230 through 2-8-252, for feed grains promotional programs.

(2) For purposes of this Chapter the words **feed grains** shall mean wheat, corn, grain sorghum and oats, both singular and collectively.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986.

80-8-5-.02 Referendum To Be Held. A referendum shall be held by the Association certified by the Board of Agriculture and Industries, under the provisions of Code of Ala. 1975, §2-8-234, on a statewide basis at which time Alabama producers of wheat, corn, grain sorghum, and oats may vote, upon the question of whether they favor an assessment of \$.01 per net bushel after deductions for foreign matter on any feed grains sold by said producers during the period beginning on November 16, 2011, and ending on November 16, 2016, for the purpose of financing a

promotional program for grains as authorized by Code of Ala. 1975, §2-8-246.

Authors: Robert J. Russell, Reginald L. Sorrells

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986. **Amended:** August 27, 1991.

Amended: Filed August 15, 1996; effective September 19, 1996.

Amended: Filed August 15, 2001; effective September 19, 2001.

Amended: Filed August 18, 2006; effective September 22, 2006.

Amended: Filed May 12, 2011; effective June 16, 2011.

80-8-5-.03 **Notice To Be Given.** Notice of said referendum by publication or otherwise shall be given by the certified associations as provided under Code of Ala. 1975, §2-8-236.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986.

80-8-5-.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 there is a large number of feed grains producers and if for other reasons it may not be convenient for feed grains producers to vote at the county seat, then additional voting facilities may be provided in such counties at convenient locations such as city hall, community centers, local offices of the county Farmers Federation or other locations to be selected by the County Referendum Committee. The exact location of the voting places in each county shall be given publicity in order that all feed grains producers will have an opportunity to vote. The certified association shall furnish all necessary ballots and county election supplies and bear all expenses necessary and incident to holding the referendum.

(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: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986. **Amended:** Filed August 27, 1991.

80-8-5-.05 **Procedures 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 voter's 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 acres of feed grains harvested in 2010 or planted in 2011.

(2) Producers of feed grains shall be furnished with a printed ballot for voting by secret ballot and after the vote is cast, such ballot shall be folded, deposited and kept in a 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 statewide 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 Commissioner of Agriculture and Industries.

Authors: Robert J. Russell, Reginald Sorrells

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986. **Amended:** Filed

August 27, 1991. **Amended:** Filed August 15, 1996; effective

September 19, 1996. **Amended:** Filed August 15, 2001; effective

September 19, 2001. **Amended:** Filed August 18, 2006; effective

September 22, 2006. **Amended:** Filed August 18, 2006; effective September 22, 2006. **Amended:** Filed May 12, 2011; effective June 16, 2011.

80-8-5-.06 **Persons Entitled To Vote.**

(1) All persons subject to the deduction of \$.01 per bushel from the sale price of their feed grains are entitled to vote in the referendum upon the question of whether they favor an assessment of one cent (\$.01) per bushel to be deducted from the sale price of their feed grains sold during the period beginning November 16, 2011, and ending on November 16, 2016, provided such persons produced feed grains in 2010 or planted feed grains for harvest in 2011.

(2) Each feed grains producer shall have one vote where the production operation is conducted by an individual, partnership, corporation, estate or other legal entity. If the feed grains production operation is conducted as a family enterprise and different members of the family produce feed grains which are sold separately, each such producer is entitled to one vote. If the feed grains production operation is conducted by a partnership, corporation, estate or other legal entity, then one individual shall be designated to vote for such a production operation. Where feed grains are produced on lands of another, on a share crop or share tenant basis and such share cropper receives feed grains which he sells, then such share cropper is entitled to vote in the referendum.

(3) Each eligible voter shall vote in person at an established polling place. Proxy voting or voting by mail shall not be permitted.

Authors: Robert J. Russell, Reginald L. Sorrells

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 23, 1986. **Amended:** Filed August 27, 1991. **Amended:** Filed August 15, 1996; effective September 19, 1996. **Amended:** Filed August 15, 2001; effective September 19, 2001. **Amended:** Filed August 18, 2006; effective September 22, 2006. **Amended:** Filed May 12, 2011; effective June 16, 2011.

80-8-5-.07 **Bond Required For Certified Association.** Under the provisions of Code of Ala. 1975, §2-8-245, the treasurer of the certified association shall be bonded in an amount of not less than one hundred thousand dollars (\$100,000). 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: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986.