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DIVISION OF AGRICULTURAL AND NATURAL RESOURCES

Regional Office
Cooperative Extension Headquarters
Davis, California 95616

April 19, 1988

TO: County Directors/Livestock & Dairy Advisors

RE: Beef Referendum - ASCS Office Action Information

Attached is a copy of instructions and information received from the State Executive Director of Agricultural Stabilization and Conservation Service (ASCS). Your local ASCS office should have a copy.

Please review these instructions with particular attention to pages 4, 5 and 6. The marked sections outline our responsibilities and what ASCS will be expecting from us.

Also, these instructions outline the criteria ASCS will use to determine if ballots are invalid - be familiar with these items in order to assist voters.

Please call if you have questions.

Sincerely,

Kenneth W. Ellis
Regional Director

KWE:rmam

Attachment

cc: Greg Findley
Jim Sullens



United States
Department of
Agriculture

Agricultural
Stabilization and
Conservation Service

California State ASCS Office
1303 J Street, Suite 300
Sacramento, CA 95814

April 12, 1988

Kenneth W. Ellis
110 Agricultural Ext. Bldg.
Davis, CA 95616

Attached is a copy of Notice LD-323 that outlines ASCS's responsibility for the 1988 Beef Referendum as we discussed by telephone.

If you have any questions or if we can be of further assistance, please do not hesitate to contact Jim Caldwell (916) 551-1801.



KENNETH E. FRICK
State Executive Director

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Service
P.O. Box 2415
Washington, DC 20013

Calif Notice LD-370

NOTICE LD-323

FOR: State and County Offices

1988 BEEF REFERENDUM

Approved by: Acting Deputy Administrator, State and County Operations



1 BACKGROUND

- A The Beef Promotion and Research Order was implemented July 18, 1986, as authorized by the Beef Promotion and Research Act of 1985. The Act requires that the Secretary conduct a referendum among eligible cattle producers and cattle and beef importers not later than 22 months after the issuance of an order to determine whether the Order should be continued.
- B The Administrator of AMS is responsible for conducting the referendum.
- C ES is responsible for conducting the balloting in the referendum.
- D ASCS is responsible for:
 - 1 Determining eligibility of challenged voters.
 - 2 Tabulating ballots.
 - 3 Reporting referendum results to AMS Administrator.

2 PURPOSE

The purpose of this notice is to outline the procedures and responsibilities of STC's and CCC's for assisting in the conduct of this referendum.

DISPOSAL

September 1, 1988

DISTRIBUTION

AA; AN; FAX; States'
relay to Counties

3 REFERENDUM

- A The referendum shall be held on May 10, 1988, in all States except for West Virginia, where it will be held on May 9, 1988. The registration and voting will take place on the same day except for absentee ballots. Absentee ballots are available upon request from April 1 through April 29, 1988, from the State Extension Coordinator.
- B Both State and County ASCS Offices shall, without incurring expense, assist ES in the publicity of the referendum, by means of newspapers, radio, TV, newsletters or any other available media. Notices shall contain the referendum date and place of voting.
- C ASCS employees shall not imply or recommend approval or disapproval of the Order.
- D Copies of "Beef Referendum Instructions for County Extension Agents" will be sent to all ASCS County Offices.

4 COUNTY OFFICE ACTION

COC or its representative shall:

- A Determine the eligibility of a producer or importer who has been challenged.
 - 1 Eligible voters are:
 - a Producers who owned or acquired ownership of dairy or beef cattle, during the period of October 1, 1986, through March 31, 1988.
 - b Importers who imported cattle, beef, or beef products during the period of October 1, 1986, through March 31, 1988.
 - 2 Producers, such as young children, are not eligible if it is determined that they are not competent to understand the intent of the ballot independent of their parents or some other adult.
 - 3 Husband and wife jointly are entitled to only 1 vote which may be cast by either person, unless each person can prove to be separate producers or importers during the applicable period.

- 4 Persons are not considered as producers or as eligible voters if:
 - a Their only share of the sales' proceeds are sales commissions, handling fees, or other service fees.
 - b They acquire ownership of cattle to facilitate the transfer of ownership from the seller to a third party and resell acquired cattle within 10 days.
- 5 Following are procedures on challenged voters:
 - a The voter registration list will be posted:
 - 1 At the place of voting on the date of referendum.
 - 2 In a conspicuous spot at the ASCS County Office on May 12, 1988.
 - b A voter's eligibility may be challenged by any person. To be considered, a challenge must be:
 - 1 In writing.
 - 2 Signed by the person making the challenge.
 - 3 Received no later than COB May 12, 1988, in the County Office where the voter's ballot would be counted.
 - c COC or designee shall:
 - 1 Determine challenged voter's eligibility. Insofar as possible, rely on any available information which may include producer's records, income tax returns, etc., and personal knowledge of the voter's operations by COC and County Office employees.
 - 2 Not divulge the challenger's name.
 - 3 As soon as possible, but not later than COB on May 17, 1988:

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- (a) Contact voters determined ineligible by telephone or in person.
- (b) Advise them of the ineligibility determination.
- (c) Inform them of appeal rights and their deadline for filing which is 3 business days following the notification.

6 Handle appeals in an expeditious manner.

- (a) Notify appellants by telephone or in person of hearing date and time.
- (b) Require appellants to bring in tax records, sales documents, etc., to prove eligibility if considered necessary.
- (c) Make determination and notify appellants in person or by telephone by COB, on May 23, 1988.
- (d) Record actions taken and determinations made in COC minutes.
- (e) Maintain 1 copy of the hearing records with other required referendum records.

d COC's determination is final.

B Canvass the ballots.

1 No later than COB on May 11, 1988, the County ES Agent or designee shall deliver the following to the applicable ASCS County Office:

- a The sealed ballot box.
- b The voter registration list, form LS-40-3.
- c The absentee voter request list, form LS-39-3.

Note
Note

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- note*
- d List of names of challenged voters received during the referendum with the written challenges.

note

2 The County ES Agent or designee and COC or designee together will compare ballots against form LS-40-3 and form LS-39-3.

3 Ballots shall be declared invalid if:

- ☆*
- a A person voting at the County ES Office has failed to sign form LS-40-3.
 - b An absentee voter's name is not on form LS-39-3.
 - c An absentee voter's name is NOT on the outside of the envelope, and the envelope cannot be identified. Do NOT count the ballot as invalid because the voter failed to sign the outside of the envelope.
 - d The registration form or ballot is incomplete or incorrectly completed. A missing ZIP Code shall NOT render the registration form or ballot as incomplete.
 - e The ballot is cast in a county ES office other than the county ES office serving the county of the voter's residence.

4 All invalid ballots must be kept in a separate box.

note

5 The County ES Agent may make available valid emergency ballots which are the result of not having sufficient ballots at the voting place. These ballots must be verified by the County ES Agent or a designee.

6 Spoiled ballots are:

- a Ballots that are mutilated or marked in such a way that it cannot be determined whether it is a "yes" or "no" vote.
- b Not to be considered as favoring or not favoring the Order.
- c Not considered as a cast ballot.

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7 Challenged ballots shall be removed from the ballot box and placed in a separate box until the challenge has been resolved.

8 All ballots shall be confidential. The contents of an individual's ballot shall not be divulged.

C Count the ballots.

1 The valid ballots shall be counted as soon as possible on May 24, 1988, and may be witnessed by the public.

2 At least 2 ASCS employees, if possible, should be present to count the ballots.

a "BEEF BALLOT" envelopes shall be removed from the registration form/envelopes or absentee ballot envelopes of all eligible voters.

b Ensure that the voter's name cannot be identified with the ballot.

3 The ballots shall be tabulated as follows:

a Number of eligible producers and importers casting valid ballots.

b Number of producers and importers favoring the Order.

c Number of producers and importers not favoring the Order.

d Number of challenged ballots.

e Number of challenged ballots deemed ineligible.

f Number of invalid ballots.

g Number of spoiled ballots.

D Reporting referendum results. The final results of the referendum:

1 Shall be transmitted electronically to the State Office according to Exhibit 1, as soon as possible, but no later than COB on May 25, 1988. If electronic transmission is not possible, take the necessary measures to ensure that the results are received in the State Office by the deadline.

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- 2 Shall be posted for 30 days in ASCS County Offices.
- 3 May be made available to the public immediately after:
 - a Ballots have been counted.
 - b Verification for accuracy has been completed.

E Maintain records.

- 1 CED shall place all records about the referendum in sealed containers marked with the identification of the referendum. The records include the following:
 - a Registration forms.
 - b List of registered producers.
 - c Eligible voter list.
 - d Voted ballots.
 - e Invalid ballots.
 - f Challenged ballots.
 - g Spoiled ballots.
 - h Appeal hearing records.
 - i County Summary
- 2 These records shall be:
 - a Placed under lock in a safe place in ASCS County Office.
 - b Under the custody of CED for a period of not less than 12 months after the referendum.
- 3 If no notice to the contrary is received by the end of 12 months, the records shall be destroyed by shredding or burning.

F Count work measurement and workload. Report time expended to assist ES with the referendum in work item 102 Services Performed For Others.

5 STATE OFFICE ACTION

State Offices shall:

- A Obtain from the State Extension Service and mail to all County Offices copies of "Beef Referendum Instructions for County Extension Agents."
- B Obtain from ES a copy of "Beef Referendum Instructions for State Extension Coordinators" for informational purposes.
- C Transmit by FAX to DASCO, through the Area Office, a certified summary of the referendum results received from the County Offices according to Exhibit 2 as soon as possible but no later than COB on May 26, 1988. The certification must be signed by SED or a designee.
- D NOT RELEASE STATE RESULTS until the Secretary has announced national results.
- E Maintain a copy of the summary for at least 12 months.

PREPARING 1988 REFERENDUM ON BEEF RESEARCH AND INFORMATION ORDER
Summary of Ballots Cast in Cattle Producers
and Importers Referendum

COLUMN 3 Number of eligible producers and importers casting valid ballots.

COLUMN 4 Number of producers and importers favoring the order.

COLUMN 5 Number of producers and importers not favoring the order.

COLUMN 6 Number of challenged ballots.

COLUMN 7 Number of challenged ballots determined ineligible.

COLUMN 8 Number of invalid ballots.

COLUMN 9 Number of spoiled ballots.

ITEM 10 Enter Totals.

ITEM 11 Enter signature and date.

UNNUMBERED
(04-05-88)

USDA-ASCS 1. COUNTY

2. STATE

[illegible]

11. SIGNATURE COUNTY EXECUTIVE DIRECTOR

DATE _____

**PREPARING 1988 REFERENDUM ON BEEF RESEARCH AND INFORMATION
State Summary of Ballots in Cattle Producers
and Importers Referendum**

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USDA-ASCS 1. STATE

DATE