**Section 700.APPENDIX F Procedures for Conducting Corn Marketing Program Referendums**

ARTICLE I

DEFINITIONS

a) "Act" means the Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 701 et seq.) [505 ILCS 40].

b) *"Corn" means and includes all kinds of varieties of corn (excluding popcorn and sweet corn) grown in this state and marketed and sold as corn by the producer.* (Quoted from Section 3 of the Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).

c) "Corn Marketing Program" means the program established under the authority of the Corn Marketing Act and approved by the corn producers (2 Ill. Adm. Code 700.APPENDIX B).

d) "Corn Marketing Board" means the board established by any corn marketing program to administer a corn marketing program.

e) *"Department" means the Department of Agriculture of the State of Illinois,* P.O. Box 19281, Springfield, Illinois 62794-9281. (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).

f) *"Director" means the Director of the Department of Agriculture of the State of Illinois* or a duly authorized representative. (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [505 ILCS 40/3]).

g) "Eligible Voter" means one who is defined both as a person and as a producer in this program during the previous 365 days prior to the referendum date.

h) *"Person" means any natural person, partnership, corporation, society, association, representative or other fiduciary* (Quoted from Section 3 of The Illinois Corn Marketing Act (Ill. Rev. Stat. 1991, ch. 5, par. 703) [5050 ILCS 40/3]).

i) "Producer" means any person engaged in this State in the business of producing and marketing corn and who is affected by the Corn Marketing Program by virtue of having the first right of ownership in any corn for which payment is received at the first point of sale.

ARTICLE II

REQUESTING SUBSEQUENT CORN MARKETING REFERENDUMS

Following receipt of a petition to amend the existing corn marketing program, the Director shall hold a public hearing for the purpose of informing corn producers of the proposed changes to a program and to solicit public comments on the proposed changes. The Director shall publish notice of the public hearing in the official State newspaper and issue a press release to newspapers of general circulation and to other news media at least 2 weeks prior to the date of the hearing. Following the public hearing, the findings of the hearing shall be sent to all parties of record appearing at the hearing.

If the proposed amendment is approved by the Corn Marketing Board following the public hearing, the Director shall hold a referendum within 90 days from receipt of the Board's approval in accordance with the provisions of Article III of this Appendix.

Prior to the consideration of any proposed amendment to an existing corn marketing program, the Director shall require the sponsors therefor to deposit funds for expenses of preparing, holding hearings, and conducting the referendum. Such funds shall be in the amount as set forth in Section 8 of the Act, and the funds shall be held and distributed in accordance with the provisions of Section 8 of the Act.

ARTICLE III

REFERENDUMS

Section I – Voting.

The Director shall hold referendums in accordance with the provisions of Sections 7, 9, and 21 of the Act.

All referendums shall be conducted by one of the following methods as determined by the Director:

a) by a ballot cast at the local Cooperative Extension Service office serving the area in which such eligible voter resides, unless an alternate location is designated by the Director because of unaccessible facilities or where no Cooperative Extension office exists in the area; or

b) by a ballot mailed to producers. A period of 21 days from the date of mailing of the ballot shall be allowed for the return of such ballots. Ballots shall be returned to the Director by mail or by personal delivery by the voting producer at such address as may be designated by the Director. Under this voting method, all ballot processing will be administered by a Teller Committee appointed by the Director and composed of members of the agricultural community.

When requested in writing, the Director shall provide a ballot to any producer whose name does not appear on the official mailing list of producers or who for any reason did not receive a ballot.

The Agricultural Stabilization and Conservation Service's most current list of producers shall be the official mailing list used for such referendums.

An amendment to a corn marketing program is approved when a majority of those voting in the referendum vote in favor of such program.

The Director shall control all ballots and producer affidavits, except when the ballots and affidavits are in the hands of the election judges/teller committee.

Section 2 – Referendum Publicity

Notification of the referendum date shall be published once in the official State newspaper and made available to trade publications and the public press at least 2 weeks prior to the referendum date.

Section 3 – Election Judges

If voting is done pursuant to Section 1(a), the Director shall appoint 2 persons to serve as election judges at each polling place. Election judges shall determine the eligibility of the person to vote in the referendum, maintain voting integrity, preserve the confidentiality of all referendum ballots, count ballots and determine the results of the referendum for that location, report total voting results to the Department, and return both marked and blank ballots, producer affidavits, and any other referendum information to the Department after the referendum, either personally or by certified mail.

ARTICLE IV

QUALIFICATION TO VOTE

Any person who is defined as a producer in the corn marketing program shall be entitled to one vote. Such eligible voter shall sign a statement or affidavit declaring that such person is an eligible voter in the program.

An eligible voter who meets the definition of a "producer" in more than one country or on more than one tract of land may only vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

A person or business organization which meets the "producer" definition may designate some individual to vote on its behalf. In such cases, the following guidelines apply:

In cases of associations, businesses, cooperatives, universities, colleges, foundations, or any other business entity, only an officer may cast one vote for this business organization.

Partnership or joint tenancy: If the ownership of the commodity is held in the partnership name or in joint ownership, only one partner/owner may cast one vote. It is the responsibility of the partnership/joint ownership to decide who will vote.

Fiduciary: Only the court-appointed legal representative of a trust, estate, conservatorship, guardianship or other fiduciary relationship may cast one vote for the business held in trust.

Landlord and tenant: Each may cast one vote if each meets the "producer" definition.

Husband and wife: If the corn is held in joint ownership by both husband and wife, only one spouse may cast one vote. If each spouse meets the "producer" definition as a separate entity, then each may cast one vote.

ARTICLE V

TELLER COMMITTEE TO CERTIFY RESULTS

Within 2 weeks after the referendum date, the Director shall appoint a teller committee to count ballots that have been received from the election judges, to canvass and to certify results of the referendum.

ARTICLE VI

ABSENTEE BALLOTS

Under Section 1(a) of Article III:

The Director shall provide to any eligible voter who resides outside of the State of Illinois or who cannot be physically present at the polls on the day of the referendum an absentee ballot upon request in writing to the Director. Absentee ballots are available beginning 30 days prior to the referendum date.

Any eligible voter requesting an absentee ballot shall file with the Director an affidavit swearing that such eligible voter is eligible to vote in the referendum. Such affidavit shall be available from the Director.

All absentee ballots and affidavits shall be returned to the Director at least 2 working days prior to the referendum date.

Postcards for requesting absentee ballots shall be available at each Cooperative Extension office or designated polling place and from the Division of Marketing of the Department. Each person requesting an absentee ballot must sign the card and state the address.

The Director shall receive, date stamp, determine the voter eligibility, and preserve the confidentiality of all absentee ballots.

(Source: Amended at 24 Ill. Reg. 1564, effective January 12, 2000)