

**NATIONAL PORK PRODUCERS  
(PORK ACT)  
DELEGATE BODY  
ELECTION PROCESS PROCEDURES  
2020 DELEGATES**

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# I. DELEGATE ELECTION PROCEDURES

## 1. GENERAL INFORMATION

The Pork Promotion, Research and Consumer Information Order calls for, either:

- a. **Formal Election** - to be conducted by the State on behalf off the National Pork Board;
- b. **Selection Process** - to be administered by the state associations.
- c. **Producer Petition** – individual producers may collect producer signatures (100 or 5% of state pork producers – whichever is less, as determined by the number of operations reported in the most recent Hogs and Pigs Report) promoting their candidacy.

This set of procedures addresses the responsibilities for a state association to conduct an **Election Process** for determining delegates to the National Pork Producers (Pork Act) Delegate Body. Additionally, information is provided regarding Producer Petitions.

Your state association should communicate the **Election Process** by filing the "**State Association Plan**" (Exhibit A) with the National Pork Board at least 30 days prior to the event and no later than **July 1.**

## 2. DELEGATE ALLOCATION

The National Pork Producers (Pork Act) Delegate Body unanimously approved a system at the 1992 annual meeting to annually adopt the number of delegates for each state and importers. This system is based on a table that allocates delegates according to the percent of market deductions. Please refer to **EXHIBIT I** for the number of delegates your state or importers will have at the annual meeting.

## 3. WOMEN AND MINORITIES

The U.S. Department of Agriculture is concerned about the small number of women and minorities on the various commodity boards and policy bodies such as the National Pork Producers (Pork Act) Delegate Body. The National Pork Board shares the Department's commitment to equal opportunity and will appreciate your organization's cooperation in encouraging greater participation by women and minorities in the process of identifying and electing producer delegates.

#### **4. FORMAL ELECTION PROCESS**

A Formal Election is conducted by the State on behalf of the National Pork Board through your state Association and held in one location within the state. The general guidelines and options are consistent with the Order and have been reviewed and approved by the National Pork Board and the Department of Agriculture. The state pork producer association acts as and becomes an “agent” for the National Pork Board when their process (Exhibit A) is approved by the National Pork Board.

A Formal Election will only be utilized in states with a recognized state pork producers association. The process must provide complete and equal access to all producers who have paid all checkoff assessments due since the most recent Elections (approximately 12 months).

The Formal Election allows the use of a nominating committee to name producers for state consideration. Eligible producer candidates must be 18 or older, a resident of the state and have paid all assessments due since the last Election. Proper notification must be published and voting information be kept confidential. In addition, nominations can be taken from the floor (see III. Election Procedures).

The election must take place before August 1. Persons other than producers, such as Extension Service personnel or allied industry can be requested to assist in this election by serving on the required Elections Committee. Producer candidates with the highest number of votes will be forwarded to the Secretary for appointment.

States are encouraged to send alternate delegate names to USDA on the LS-35 form. These names should follow the order of highest to lowest votes.

The state association is responsible for costs of the Formal Election process.

Once your nominees are submitted to the Secretary, it is very difficult to replace a delegate, unless their name was on the original LS35 as an alternate. Listing all alternates names on the LS35 helps your chances for a full slate of appointees. Only the Secretary of Agriculture can appoint delegates, including replacements.

The following Exhibits are to be completed by the state association following the conclusion of the election event.

**Exhibit H** provides an example of minutes of a Formal Election Process that may assist in understanding the election process. This example illustrates the guidelines approved by the National Pork Board and USDA. This is for your file.

**Exhibit K** is a certification document that must be completed by the state pork producer association and signed by two different official representatives of the state (President and Elections Committee Chair – **MUST** be 2 different people). **This exhibit is to be completed and submitted to National Pork Board along with Forms LS-35 and AD-755 within 14 days of the election event and NO LATER THAN AUGUST 15.**

Exhibit K certifies that:

- the election was conducted according to the approved plan,
- the public notice was published,
- the elections committee was in place,
- minutes of the event were taken, and
- participating individuals were certified as qualified to either be a candidate and/or vote in the election.

## 5. ORDER OF EVENTS

### ITEM

### FORMAL ELECTION

Responsibility for conducting	National Pork Board in cooperation with States who act as National Pork Board agents.
Deadline for election	<b><u>AUGUST 1</u></b> (deadline)
State Association Plan	Submit to National Pork Board 30 days prior to the (Exhibit A) election process but no later than <b>JULY 1</b> .
Location	Central location within the State
Elections Committee	Required - 3 member minimum <ul style="list-style-type: none"><li>• State President <u>CANNOT</u> be the Chair</li><li>• Try to use non voters on this committee: staff, spouses, extension, allied industry, etc.</li><li>• Approved by National Pork Board</li></ul>
Nomination Committee	Optional, but recommended <ul style="list-style-type: none"><li>• Selected by state or appointed by National Pork Board at state's request</li><li>• Approved by National Pork Board</li></ul>
Public Notice (Exhibit B)	Prior approval by National Pork Board, placed by state in at least <b>two</b> publications one week or more prior to election. <ul style="list-style-type: none"><li>• Publication of general state circulation</li><li>• Pork production or Agriculture trade publication</li></ul>
Number of Candidates for Appointment (Exhibit I)	Submit one elected candidate for the number of delegates allowed, plus alternates elected in priority order.
Candidate Nomination	Nominated by: <ul style="list-style-type: none"><li>• Committee</li><li>• Floor</li><li>• Petition</li></ul>

## 5. Order of Events, cont'd

### Candidate Certification

#### Elections Committee responsibility:

- Determine if candidates meet eligibility requirements
- Review candidates Self Certification Form (Exhibit C)
- Committee may require background information (Exhibit D)
- A producer may petition committee to be placed on the ballot as a delegate candidate by completing Delegate Candidate Certification Form (Exhibit C) and submitting a petition with the requisite number of signatures (Exhibit J).

### Voter Certification/Registration

#### Elections Committee responsibility:

- Determine producer eligibility to vote
- Monitor self certification (Exhibit E)
- Allow challenge of eligibility (Exhibit F)
- Register voters on-site
- No proxy/absentee voting allowed

### Voter Qualification Status Challenge

#### Elections Committee chair responsibility:

- Keep information confidential
- Receive challenges by producers who complete form (Exhibit F), sign and submit to Elections Committee chair
- Elections committee chair investigates challenge. National Pork Board may assist in this process.

### Balloting

#### Elections Committee responsibility:

- Provide ballot (Exhibit G)
- Tabulate ballots (Exhibit G-1)
- Ensure only eligible producers vote
- Ensure one unit/one vote

### Submitting Nominations

Submit to the National Pork Board Form AD-755, Form LS-35, and Election Certification (Exhibit K) within 14 days after the election.

## 6. TIME SCHEDULE

### Deadline:

July 1st                                      Deadline for States to file State Association Plan with Pork Board.

**(The plan, along with the meeting notice, should be filed at least 30 days prior to the Election Process but not later than JULY 1 and must be approved by the Human Resource & Compliance Manager at the National Pork Board).**

#### A. **FORMAL ELECTION PROCESS**

Before August 1                              Formal Elections scheduled and conducted by state no later than **AUGUST 1**

#### B. **INDUSTRY NOMINATIONS**

August    Delegate candidates will be nominated by the industry from states with no state association. Importers will also be nominated.

September                                      Delegate candidates submitted by National Pork Board to USDA.

January    Secretary of Agriculture appoints Pork Act delegates.

March    National Pork Producers (Pork Act) Delegate Body Meeting – Pork Forum



## II. STATE ASSOCIATION PLAN (FOR CONDUCTING A FORMAL ELECTION)

Each state must file a **STATE ASSOCIATION PLAN (Exhibit A)** to conduct a formal election for the purpose of electing the Pork Act Delegates. This form must be completed and submitted to the National Pork Board's Human Resources & Compliance Manager to obtain approval of the plan prior to the election process **no later than July 1 or 30 days prior to the Formal Election Process, whichever is earlier.**

As part of the approved General Guidelines for conducting a Formal Election, some options are available for state associations in planning the Formal Election. The following steps will provide assistance in completing the **STATE ASSOCIATION PLAN (PLAN)** form (**Exhibit A**).

### 1. **Date, Time and Place of Election**

The state association may recommend the date, time and place to hold the Formal Election. The Formal Election should be conducted no later than August 1. Enter this information on the **PLAN** form (Exhibit A).

### 2. **Election Committee (Required)**

The job description of the Elections Committee includes:

To oversee and conduct the Formal Election among the state's pork producers to include voting procedures, authentication and reporting of results.

Producers and/or persons other than producers, who are residents of the state, may serve on the Elections Committee. The state association, by submitting names and addresses on the PLAN, may recommend to the National Pork Board persons to serve on the Elections Committee. **A minimum of three members is required.** The association President **CANNOT** serve as the Elections Chair. Extension personnel, allied industry, staff, etc., may serve. The National Pork Board must approve the appointment of the Elections Committee members.

### 3. **Nominating Committee (Optional)**

Pork producers who are residents of the state may serve on the Nominating Committee. Use of a Nominating Committee by a state is optional. The job description of the Nominating Committee includes:

To nominate eligible pork producers as candidates to be Pork Act Delegates.

The state association has the option of selecting a Nominating Committee (for example, the state association's Executive Committee may serve as the Nominating Committee). A minimum of three members is suggested.

### 4. **Public Notice (See Exhibit B)**

The Public Notice will include information pertinent to the meeting: when and where the election will be conducted as well as how to obtain additional information. It should also urge all producers to bring copies of marketing receipts proving they sold hogs and paid the checkoff during the last 12 months.

The Public Notice should appear at least **one week in advance** of the election in at least two publications:

- A. A published Notice in a publication(s) of general circulation in the state.
- B. A published Notice in pork production and agriculture trade publication(s) within the state.

NOTE: The term "published" indicates the purchase of space in a publication or an agreement with the publication that the Notice, in full (that is, containing all the necessary/required information) will appear on the date indicated.

**A draft copy of the Public Notice must be sent to the National Pork Board for approval before placement in publications, and should be attached as a part of the PLAN (Exhibit A). An example is shown as Exhibit B.**

Copies of the published public notice(s) should be retained in the association files for one year.

## 5. **State Agreements**

The final item of the **PLAN** is an agreement by the State to meet all reporting requirements and accept responsibility for:

- Establishing self-certification for producer voting eligibility
- **Report election results and submit forms to National Pork Board within 14 days after the election but no later than AUGUST 15!**
- Retain ballots for one year
- Conduct the Election according to plan
- Prepare and maintain minutes of the meeting and process
- Other information as may be considered necessary

## 6. **Submit the Plan**

The completed **PLAN (Exhibit A)** should be approved by the State policy body (e.g., Board/Executive Committee/ President), and signed by an authorized representative.

The PLAN is to be sent to the National Pork Board to the attention of the Human Resources & Compliance Manager. Any problems and/or questions will be communicated to the association prior to National Pork Board approval of the **PLAN**.

### **III. ELECTION PROCEDURES**

#### **1. Nominating Candidates**

Eligibility for nomination as a Pork Act Delegate:

1. An individual producer or authorized representative of a producer
2. Checkoff assessments paid in full
3. The entity paying checkoff must be a resident of the state.
4. Eighteen years of age or older

Any candidate under consideration by the Nominating Committee may be required to provide any, or all, of the following information:

5. name, address, city,
6. a written biography,
7. a personal interview.
8. a market receipt showing checkoff deduction

In a case where eligibility is questioned, the Nominating Committee (or Election Committee) Chairman will contact the National Pork Board or use reasonable means to establish eligibility. Those producers who are found not to be eligible should not be publicly or privately embarrassed. The Nominating Committee may report their recommendations prior to, or during, the meeting. The Pork Board may be contacted for advice.

#### Committee Nominations

The Nominating Committee may request specific eligible pork producers to step forward as a Pork Act Delegate candidate.

#### Floor Nominations

The State Association must provide for eligible producers to be nominated by an eligible producer at the statewide meeting prior to the balloting.

#### Petition Nominations

Producer candidates who are eligible may be named as candidates by written petition signed by 100 eligible producers in that state or by five percent of the producers of the state, whichever is less.

(In practice, the petition process for producers to be considered as candidates would likely occur outside of the state election process; however it is incumbent upon the state association to properly direct interested individuals. See Exhibits J and K.

## 2. **Candidate Certification**

Producers desiring to be certified as a candidate for the Pork Act Delegate Body must sign a **Delegate Candidates Certification Form (Exhibit C)** stating they meet all three requirements as listed below.

- a. The candidate must be an individual who produces porcine animals in the U.S. for sale in commerce, or an authorized representative of a corporate producer, who is subject to assessment.
- b. The candidate must be a resident of the state that they represent.
- c. The candidate or firm he/she represents must have paid all assessments due since the most recent/previous state election/selection process was conducted (normally approximately 12 months. A sales receipt is the best proof.
- d. Be 18 years of age or older

More than one delegate candidate is allowed from a single checkoff-reporting entity, such as a husband and wife or two or more individuals from a single corporate entity.

The candidate certification procedure must allow for producers to challenge the nomination of candidates who may not be eligible. If another producer or the Elections Committee does not challenge a candidate's eligibility, then that individual will be considered an eligible candidate. The decision of the Election Committee is final.

If the Nominating or Elections Committee determines that a producer is not eligible to serve as a candidate, the person's name must be removed from the ballot. Also, the matter must be held in confidence so as not to embarrass the person.

## 3. **Voter Eligibility**

- A. **Criteria:** All producers who vote must certify on-site that they meet the four qualifications to vote in the Formal Election process.
  1. The producer must be a person who produces porcine animals in the U.S. for sale in commerce - or an authorized representative of a corporate producer, who is subject to assessment – during the period of time since the most recent/previous state election/selection process was conducted (normally approximately 12 months).

2. The producer must be a resident of the state in which they vote.
3. The producer must have paid all assessments due.
4. The producer must be 18 years of age or older.
5. No proxy voting allowed and no absentee voting allowed except where there has been prior approval from the National Pork Board. Operations run by a corporate entity, partnership, husband/wife, father/son, etc. are considered as one entity/one vote unless swine are sold independently by the individuals.
6. To self-certify, producers who wish to vote in the Formal Election must sign a **Voter Registration Form (Exhibit E)** stating they meet the three eligibility requirements listed.

B. Authorized Representative Guidelines: The following criteria will determine the eligibility of an individual to represent a pork production company and cast a vote on its behalf in the state Pork Act Delegate election:

- 1) the production company is headquartered in the state where the voting is taking place; **and** 2) the individual in question is the designated representative of that company.

However, if the pork producer individual has sold swine in his/her own name and paid the appropriate checkoff he/she may vote in their own name.

**Scenario A:** The corporate headquarters and all of the associated farms of Acme Company are in the state of Ohio and all of their representatives/producers work and reside there. Acme Co. regularly pays its checkoff. A Pork Act delegate election is about to take place. Who is eligible to participate in the election?

**Answer – Who Can Vote:** One individual who resides in the state of Ohio and is the designated representative of Acme Co. may cast one vote within Ohio and participate in the delegate election process. Other Acme Co. representatives/producers in Ohio are NOT eligible to vote UNLESS they have marketed pigs in their own name(s) and paid the appropriate checkoff.

**Answer – Who Can Be Elected:** There are several employees of the Acme Co. who are attending the Pork Act Delegate election event along

with other resident producers in the state of Ohio. Whereas only one designated representative of the Acme Co. may cast one vote in the election process, it is possible that one or more Acme Co. representatives/ producers may be nominated and/or elected as a Pork Act delegate(s) from Ohio. Those elected individuals – if duly appointed by the USDA Secretary of Agriculture – will have full voting privileges as a Pork Act Delegate representing the state of Ohio.

**Scenario B:** The corporate headquarters of the Acme Company is in Ohio. There are also farms and associated offices for the Company in the states of Indiana and Illinois. Representatives/producers for Acme Co. reside in all three of these states. Acme Co. regularly pays their checkoff. A Pork Act delegate election is about to take place. Who is eligible to participate in the election?

**Answer – Who Can Vote:** One representatives/producer who resides in the state of Ohio and is the designated representative of the Acme Co. may only cast one vote within the state of Ohio; no Acme Co. representatives/ producers may vote in the states of Indiana or Illinois (unless they have marketed pigs and paid checkoff in their individual names).

**Answer – Who Can Be Elected:** Whereas only the designated representative of the Acme Co. is eligible to cast a vote in the state of Ohio, it is acceptable that representatives/producers of the Acme Co. in Ohio, Indiana and/or Illinois be nominated as Pork Act Delegates to represent their respective states. However, any Acme Co. representatives/producers who may have marketed animals and paid checkoff in their own name(s) would be eligible to cast a vote on their own behalf.

**Scenario C:** A state association has officers and a membership that attends their various meetings. Some of their members may reside in a different state. Several of the members are representatives/producers of the same farms/companies, or may be husband/wife or parent/child, etc. working in the same operation. A state pork producer meeting is being conducted at which officers may be elected or votes cast for various other association business. Who is eligible to participate?

**Answer:** Voter eligibility in state association business is dependent upon the content of the state pork producer association charter. State associations have their own rules of voter eligibility. Some states allow members to reside in other states with full participation privileges. Pork checkoff assessments and/or eligibility requirements are not applicable.

#### 4. **Challenge of Voter Eligibility**

The voter certification procedure must allow producers to challenge the voting of producers who may not be eligible. If another producer or the Elections Committee does not challenge a producer's eligibility to vote, then that person will be considered eligible to vote. The decision of the Election Committee is final.

If a challenge is made of a producer's eligibility, the following procedure must be used. The form on **Exhibit F** may be utilized.

- a. If the challenge involves the question of "producer" status, then the Elections Committee (or a member thereof), may ask that person, whose status has been challenged, the necessary questions to verify producer status. A copy of a sales receipt proving a hog was sold and the checkoff deducted during the last year, is the best proof.
- b. If further information is needed, such as a sales receipt, the Committee may contact the market where producer sells pigs to get verification of checkoff deduction in last year.
- c. If the challenge involves the "residence" status, then the Elections Committee may ask the person in question to provide their driver's license, voter registration card or other documentation of residency.
- d. If the challenge involves payment of all assessments due, the Elections Committee should contact the National Pork Board, Lynette Webster, Director Accounting Operations. Telephone: 866/701-6388 or call 515/223-2600.
- e. If, for any reason, the verification cannot be made at the time of election, then the ballot must be kept separate as described under "Voting Procedure" until verification can be made.
- f. If the Elections Committee determines a producer is not eligible to vote, then the matter must be held in strict confidence in order not to embarrass the person. The person's ballot should be removed from the vote tally.

## 5. **Voting Procedure**

Each certified producer can cast only one vote on each ballot. Voting must be by secret ballot or other means acceptable to the producers participating in the election. A sample **Ballot (Exhibit G)** is attached.

Any challenge of a producer's eligibility to vote must be made before any votes are cast. If any challenge is made regarding an individual who is



prepared to vote, then that individual's ballot must be placed in a sealed blank envelope.

The sealed, blank envelope must be placed in another envelope with the voter's name. The ballot will be withheld until confirmation of eligibility is determined. If the voter is found to be eligible, then that individual's ballot would be added to the tally in a private manner.

## 6. **Balloting and Ballot Certification**

Any eligible producer may cast a ballot (Exhibit G) to elect producers for nomination to the National Pork Producers (Pork Act) Delegate Body at a statewide meeting conducted and administered by the National Pork Board with the cooperation of the state association. A ballot listing all eligible candidates, including those persons recommended by the Nominating Committee and those who come forward on site shall be provided to all eligible producers attending the election meeting.

The greatest number of votes shall elect the candidates at the meeting. Ballot tabulations should be compiled by the Elections Committee and signed by the Elections Committee Chair and maintained as part of the election records (Exhibit G-1). Results shall be submitted to the National Pork Board by the Elections Committee within 14 days after the Formal Election and not later than August 15 of the current year for appointment by the Secretary of Agriculture to the National Pork Producers (Pork Act) Delegate Body.

## 7. **Meeting Minutes**

The National Pork Board requires that minutes of the Formal Election Process be taken and kept for a period of one-year following the election. The minutes should be appropriately signed and dated by the secretary, Election Committee chair or other association official. See **Exhibit H**.

## 8. **Submitting Elected Candidates to the National Pork Board**

Election results should be submitted to the National Pork Board within 14 days following the Formal Election and not later than August 15 of the current year and must be accompanied with the following:

- Each candidate is required to complete Form AD-755. Make sure the form is filled out completely. State associations must also complete and submit Exhibit K and Form LS-35 (Nomination Form) and the completed candidate forms to the National Pork Board within 14 days after the Formal Election but no later than AUGUST 15 of the current year.

The National Pork Board will forward these documents to USDA as they are received in order to expedite background checks and the appointment of delegates.

State associations must submit one candidate for each delegate position allotted for the state, ranked in order of highest vote tally. Alternate producer names over and above the number of allotted delegate positions - - should be elected by the state for cases where the elected delegates cannot be appointed. This provides the state association with additional producer names that were derived through election procedures who could be used as replacement delegates prior to the Secretary's appointments as may be necessary.

Delegates are appointees of the U.S. Secretary of Agriculture. Questions concerning procedures for replacement of delegates should be directed to the National Pork Board. **Substitutions for delegates are not permitted at the annual meeting.** If a state association chooses not to submit delegate candidates, the National Pork Board or Secretary may, on their own, solicit candidates for appointment from the respective state.

A copy of the forms LS-35 and AD-755 (National Pork Producers Delegate Body Form) can be found & printed from the following USDA website:

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateE&nav1D=PorkProgramForms&rightNav1=PorkProgramForms&topNav=&leftNav=IndustryMarketi ngandPromotion&page=PorkCheckoffProgramForms&resultType=&acct=lspromores>

#### 9. **Guidelines for ALTERNATE Pork Act Delegate Appointment.**

- By **AUGUST 15**, a state should submit enough delegate names (listed highest to lowest) on the LS35 to fill all Pork Act delegate seats for which it is eligible.
- States are encouraged to send alternate delegate names to USDA on the LS35 form. These names should follow the order of highest to lowest votes. All names on the LS35 form (including alternates) will be put through the USDA screening process to make them eligible for appointment.
- Should an original appointed delegate(s) not be able to attend the delegate session, the "original" delegate must send a letter of resignation (Pork Order §1230.35) to the Secretary, in order to allow the Secretary time to consider appointing an alternate as a "successor."

- The state association should then send a request to the Secretary (via National Pork Board Administration) to appoint an alternate from the LS35 list to fill the vacant delegate slot.

Cutoff Dates: Requests for appointing alternates must be received by USDA as soon as possible before the Pork Act Delegate Session convening. All changes must be approved no later than 3 days prior to the Pork Act Delegate Session convening.

Shares Distribution:

- If a vacancy occurs in a state's Pork Act Delegates outside the control of the Secretary (resignation, illness, change of plans, request received too late, etc.) after the initial appointments by the Secretary, and
  - the Secretary is unable to fill that delegate seat with an alternate by the 3 day cutoff date, then
  - there will remain a vacancy in that state's delegate count and its shares votes for that vacant delegate slot will be lost.
- If a vacancy or vacancies occurs in a state's delegates due to the Secretary not appointing one or more of the state-elected names for any reason, and
  - the state has submitted one or more alternate names on the LS35 form.
  - a request is made in a timely manner for appointment of an alternate
  - However, not enough alternate names remain to fill that state's delegate vacancies after the non-appointments,
  - then the state will retain its full complement of shares and
  - all of that state's shares will be redistributed among the remaining delegate(s) from that state.
- If a vacancy occurs in a state's delegates because that state does not initially submit enough names to fill its delegate slots, there will remain a vacancy in that state's delegate count and its shares votes for that vacant delegate slot will be lost.

## 10. **Certification of Election Procedures**

An Election Certification document (**Exhibit K**) has been created and made a part of the election process information for state associations. This certification form is to be signed by the President and the Elections Committee chairperson. It is imperative that these be two different people. This certifies that: • the election was conducted according to the approved plan, • the public notice was published, • the elections committee was in place, • minutes of the event were taken, and • participating individuals were certified as qualified to either be a candidate and/or vote in the election. States are required to maintain copies of these articles in their

files for a period of one year. The public notice is required to be published in a statewide publication available to all pork producers.

The election process items are subject to review by the National Pork Board. **Exhibit K** (attached) is to be completed and submitted along with Forms LS-35 and AD-755 within 14 days of the election event and no later than **August 15**.

#### 11. **Record Keeping**

It is important that associations maintain good records of the Formal Election Process in the event of questions arising thereafter, or should your state association be selected for an election audit. The following items (and/or copies) should be maintained in your files for a period of one year.

9. State Association Plan (Exhibit A)
10. Public Notices as published
11. Nominee information (nomination papers, petition, biography)
12. Candidate Certification documents
13. Voter Certification documents
14. Ballots
15. Ballot results with Election Committee Certification
16. Meeting Minutes
17. Elected Candidate Form AD-755 (optional)
18. State Association Form LS-35
19. Election Certification (Exhibit K)
20. Any other information that may be relevant

**FORMS APPLICABLE TO  
THE FORMAL ELECTION PROCESS**

# **FORMAL ELECTION PROCESS INFORMATION**

STATE ASSOCIATION PLAN FOR CONDUCTING A FORMAL ELECTION of the  
National Pork Producers (Pork Act) Delegate Body

State Association \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ / \_\_\_\_\_

The information within the State Association Plan has been approved by:

\_\_\_\_\_  
(Policy Body, i.e. Executive Committee)

This information was filed by: \_\_\_\_\_  
(signature)

\_\_\_\_\_  
(name) (position) (date)

Email: \_\_\_\_\_

To submit forms go to:

<http://www.porkindustryforum.com/state-delegate-information/>

**Approved by:** \_\_\_\_\_  
National Pork Board

\_\_\_\_\_  
Date

The following statements indicate the state association's recommendations for conducting the Delegate Election Process. Please complete and return to the National Pork Board by **JULY 1** or 30 days prior to the Formal Election Process, whichever is earlier.

**1. Recommended date and time for the State Formal Election:**

\_\_\_\_\_ (month, day, year, time)

**2. Exact location recommended:**

Building \_\_\_\_\_ Room # \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip \_\_\_\_\_

**3. Will the Formal Election be conducted in conjunction with a regularly scheduled or a specially called activity?**

\_\_\_\_\_ Regularly scheduled activity

\_\_\_\_\_ Specially called meeting/activity

Name of meeting \_\_\_\_\_

**4. Elections Committee (Required - 3 member minimum):**

Please list those individuals who will be serving as the Elections Committee and indicate the chairman.

**NOTE: State President CANNOT serve as the Elections Chair.**

<b>NAME</b>	<b>ADDRESS</b>	<b>CITY/STATE/ZIP</b>	<b>TELEPHONE</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\* Chairman

5. **Nominating Committee** (Optional-3 member minimum recommended):

Will your state association utilize a Nominating Committee composed of producers from your state?     YES     NO

If YES, list the producers and indicate the chairman:

NAME	ADDRESS	CITY/STATE/ZIP

\* Chairman

6. The state association agrees to be responsible for proper Public Notice as described in this document and will enclose or send a draft copy to the National Pork Board **for approval before** placement in publications.

Agrees                       Disagrees

Please list the specific date of each publication (minimum of two) where The public notice for the Formal Election is recommended and will be placed on behalf of the National Pork Board and state association by the state association. The notice should be placed in **at least two publications:**

- Publication of general state circulation
  - Pork production or Agriculture trade publication
- The notice should also urge all producers to bring copies of marketing receipts proving they sold hogs and the checkoff was deducted. (See Sample Exhibit B)

Name of Publication	Published Date
General Circulation: _____	
Pork Production or Ag trade publication: _____	
Other: _____	

**NOTE: ATTACH A DRAFT OF THE OFFICIAL PUBLIC NOTICE for NPB Approval before being published.**



7. The state association will establish, on behalf of the National Pork Board, the system for self-certification. If a challenge is made regarding a producer's eligibility to be considered as a candidate or to vote, this information shall be kept confidential among the committee members responsible for conducting the election. Upon verification by the National Pork Board that the individual(s) is not eligible, his/her vote will not be reported as part of the results.

Agrees  Disagrees

8. The state association, on behalf of the National Pork Board, agrees to report election results and submit the forms provided within 14 days of the Formal Election Process.

Agrees  Disagrees

9. The state association, on behalf of the National Pork Board, agrees to retain the ballots a minimum of one year.

Agrees  Disagrees

10. The state association's Board/Executive Committee, in cooperation with the National Pork Board, agrees to accept responsibility for conducting a Formal Election according to those guidelines listed and procedures outlined in this plan and prepare and maintain minutes of the meeting process.

Agrees  Disagrees

11. Further Explanation:

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**Exhibit B**

**EXAMPLE OF PUBLIC NOTICE**

**Public Notice by <State> Pork Producers Association  
and the National Pork Board**

The election of pork producer delegate candidates for the 2020 National Pork Producers (Pork Act) Delegate Body will take place at <Time, Day, Month, Year> in conjunction with a Board of Directors meeting of <State> Pork Producers Association in <Address> in <City>, <State>. All <State> pork producers are invited to attend.

Any producer, age 18 or older, who is a resident of the state and has paid all assessments due may be considered as a delegate candidate and/or participate in the election. All eligible producers are encouraged to bring with them a sales receipt proving that hogs were sold in their name and the checkoff deducted. For more information, contact <State> Pork Producers Association, <Address>, <City>, <State>, telephone <>.

**(THIS FORM IS FOR IN-STATE USE ONLY)**

**DELEGATE CANDIDATE CERTIFICATION FORM**

National Pork Producers (Pork Act) Delegate Body

To establish my eligibility as a candidate for the National Pork Producers (Pork Act) Delegate Body, I hereby certify that: 1) I am a producer, or an authorized representative of a corporate producer, who produces porcine animals in the U.S. for sale in commerce and is subject to assessment; 2) that I, or the person I represent, have sold swine and paid checkoff in the time period since the last delegate election process in this state; 3) that I am a resident of the respective state; and 4) that I am paid up on all assessments due; and 5) I am 18 years of age or older.

Signature \_\_\_\_\_

Name Printed or Typed \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

**A Biographical Form should be attached if requested.**

(THIS SAMPLE BIOGRAPHICAL FORM IS OPTIONAL FOR STATE ASSOCIATION USE ONLY. THE STATE ASSOCIATION MAY CHOOSE TO UTILIZE USDA FORM AD-755.)

**CANDIDATE BIOGRAPHY**

**1. PERSONAL PROFILE**

NAME \_\_\_\_\_ SPOUSE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_ / \_\_\_\_ BIRTH \_\_\_\_ / \_\_\_\_ / \_\_\_\_ AGE \_\_\_\_\_

Children's Names and Ages:

\_\_\_\_\_

\_\_\_\_\_

University of College attended and major area of study, if applicable.

\_\_\_\_\_

\_\_\_\_\_

**II. FARMING OPERATION**

Name (if applicable) \_\_\_\_\_

Total Acreage \_\_\_\_\_ Crops Acreage \_\_\_\_\_

Hog Operation (Check appropriate lines)

\_\_\_\_\_ Farrow to Finish                      Other Livestock \_\_\_\_\_

\_\_\_\_\_ Finishing Only

\_\_\_\_\_ Feeder Pig                      \_\_\_\_\_ Seedstock Producer

No. of Sows \_\_\_\_\_ Head Marketed \_\_\_\_\_ Breed of Hogs \_\_\_\_\_

Describe any unique production or marketing plan or philosophy you may have.

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**III. INDUSTRY LEADERSHIP** (List any office and/or committee service)

County Pork Producers: \_\_\_\_\_

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State Pork Producers: \_\_\_\_\_

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Other Industry Organizations: \_\_\_\_\_

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**IV. ADDITIONAL CONTRIBUTIONS:** What additional contributions to the industry do you feel your greater involvement as a delegate will bring?

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**V. ADDITIONAL ACTIVITIES:** (Describe two activities you are involved with other than the pork industry, such as government, community, church, agriculture, etc.)

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# **VOTER REGISTRATION FORM**

Under the Pork Promotion, Research and Consumer Information Order National Pork Producers (Pork Act) Delegate Body Election Process

To establish my eligibility as an eligible voter for the National Pork Producers (Pork Act) Delegate Body, I hereby certify that all of the following apply:

- I am a producer, or an authorized representative of a corporate producer, who produces porcine animals in the U.S. for sale in commerce and is subject to assessment;
- I have sold swine and paid checkoff in the time period since the last delegate election process in this state;
- I am a resident of the respective state;
- I have paid all assessments due;
- I am 18 years of age or older.

<b>NAME (print)</b>	<b>CITY/STATE</b>	<b>SIGNATURE</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**CHALLENGE OF CERTIFIED PRODUCER STATUS**

The undersigned challenges the “Certified Producer” status of the following individual:

\_\_\_\_\_  
Name of Person Challenged

Basis of Challenge

Not a resident of <state>

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Not 18 years of age or older

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Not a Producer

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has not paid all assessments due.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the representations made in this challenge based on the facts of the matter known to me are true.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

# BALLOT

## Election of Pork Producers to the National Pork Producers (Pork Act) Delegate Body

State Association \_\_\_\_\_

INSTRUCTIONS: Vote for up to \_\_\_\_ nominees by placing an "X" in the box to the left of the names of the candidates you select.

<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____



# BALLOT TABULATION RESULTS

## Election of Pork Producers to the National Pork Producers (Pork Act) Delegate Body

State Association \_\_\_\_\_

<u>Candidate Name</u>	<u># Votes</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Balloting tabulation results have been compiled by the Elections Committee.  
The results are indicated above

\_\_\_\_\_  
Elections Committee Chairperson Date

**SUMMARY / MINUTES  
OF SAMPLE STATE ASSOCIATION FORMAL ELECTION**

The \*<State> Pork Producer's Association chose to hold a Formal Election in conjunction with a meeting of the state Board of Directors at the <Place and Date>. The Board meeting started at <Time and was adjourned at Time>. All producers were invited to attend the election as well as the Board meeting. As producers registered at the door, the Elections Committee asked them to self-certify that they were eligible to participate in the elections.

When the Board meeting adjourned, the state association began the Formal Election process. The <# of board members and an additional # of producers> were present. All present signed in and self-certified they were qualified producers to participate in the election.

It was reported that a public notice was published on <Date in both the *State Ag Journal* and the *Capital City Star*.> The State President introduced the members of the Elections Committee and outlined their duties. Members of the Elections Committee included <name> the Chairman and a State Swine Extension Specialist, and <name> and <name>. The State President introduced <name>, the Chairman of the Nominating Committee who introduced his producer committee, <name>, <name>, and <name>. The Nominating Committee Chairman then presented to all those present, the process used in reviewing candidates for nomination. He announced the eight candidates nominated to fill the five delegate positions allocated to the state.

The State President then asked for further nominations. Three producers, <name>, <name>, and <name> were nominated from the floor. Each of the candidates was asked to sign a certification to verify eligibility as a delegate. Then the Elections Committee established the ballot by writing in candidate names on the form provided. The Nominating Committee's recommendations were on a pre-printed ballot and those nominated were added at the end of the list.

The Elections Committee instructed those voting to vote for five candidates. The five candidates receiving the highest number of votes were elected. The sixth candidate was considered the alternate in case one of the top five was not appointed.

After the vote, the candidates were asked to complete and sign Form AD-755 to be sent to the National Pork Board within 14 days. Form LS-35 also accompanied these forms.

**NOTE:** Insert appropriate names of officials or elected individuals.

## STATE REPRESENTATION

### National Pork Producers Delegate Body

Established by Pork Promotion, Research and Consumer Information Act of 1985 and the 1992 National Pork Producers Delegate Body.

**ESTIMATE ONLY - Projected delegate numbers per state (in October 2019) for 2020**

STATE	# DELEGATES	STATE	# DELEGATES
Alabama	2	Montana	2
Alaska	2	Nebraska	5
Arizona	2	Nevada	2
Arkansas	2	New Hampshire	2
California	2	New Jersey	2
Colorado	2	New Mexico	2
Connecticut	2	New York	2
Delaware	2	North Carolina	10
Florida	2	North Dakota	2
Georgia	2	Ohio	4
Hawaii	2	Oklahoma	3
Idaho	2	Oregon	2
Illinois	6	Pennsylvania	3
Indiana	6	Rhode Island	2
Iowa	30	South Carolina	2
Kansas	4	South Dakota	3
Kentucky	2	Tennessee	2
Louisiana	2	Texas	2
Maine	2	Utah	2
Maryland	2	Vermont	2
Massachusetts	2	Virginia	2
Michigan	3	Washington	2
Minnesota	13	West Virginia	2
Mississippi	2	Wisconsin	2
Missouri	4	Wyoming	2
		Importers	5
		<b>TOTAL</b>	<b>173</b>

**PETITION**

**FOR APPOINTMENT AS PORK ACT DELEGATE FOR THE STATE OF \_\_\_\_\_  
FOR THE PORK ACT DELEGATE BODY**

I, \_\_\_\_\_, Petitioner and a resident of the state of \_\_\_\_\_, do hereby certify that I am a U.S. pork producer, or authorized representative of a corporate producer, who is in good standing in this state and has paid all pork checkoff assessments due, and that I, or the person I represent, have sold swine and paid the checkoff since the last delegate election in this state.

By attaching my signature to this petition, I, the undersigned, certify that I am a U.S. pork producer, or authorized representative of a corporate producer, who is in good standing and has paid all pork checkoff assessment due and am 18 years of age or older. Further, my signature certifies the worthiness of the Petitioner to aspire to appointment by the Secretary of Agriculture as a Pork Act Delegate to the Delegate Body.

Name/Signature	Address	City/State/Zip	Telephone Number
1)			
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			
11)			
12)			
13)			
14)			
15)			

Due to National Pork Board August 1. Requires 100 producer signatures or 5% of total state producers, whichever is less. Inquire of the National Pork Board for appropriate number needed.

**ELECTION CERTIFICATION**

The state pork association of \_\_\_\_\_ hereby certifies that the election of Pork Act Delegates was carried out according to the approved plan. The election was conducted on (date): \_\_\_\_\_

Beginning at (time): \_\_\_\_\_

Location: \_\_\_\_\_

- Published public notices\* were placed as follows:

<u>Publication Name</u>	<u>Date</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

- Individuals participating in the election and casting votes were certified\* as bonafide pork producers residing in this state and determined to be eligible.

Yes       No

- The Elections Committee was appointed:  Yes       No  
If No – why not? \_\_\_\_\_

- Minutes\* of the election event were taken:  Yes       No  
If No – why not? \_\_\_\_\_

Page 2  
Attachment K, cont'd  
Election Certification

The undersigned, 1) President of the Board, and 2) Chairman of the Elections Committee for the pork producers state association in the state of \_\_\_\_\_, do hereby certify that all of the above procedures were diligently followed in the completion of the election of Pork Act Delegates for the year.

\_\_\_\_\_  
Name President

\_\_\_\_\_  
Name Chairman, Elections Committee

**ACTION STEPS:**

- Submit this within 14 days of the election event or no later than August 15.
- This document should be included with forms LS-35 and candidate forms AD-755.
- Each of the documents certified as having been completed are subject to review by the National Pork Board, and should be maintained in State Pork Producer Association files for a period of at least one year.
- To submit forms go to:  
<http://www.porkindustryforum.com/state-delegate-information/>
- Questions:
  - Please contact: Denise Yaske  
Email: [dyaske@pork.org](mailto:dyaske@pork.org) Office: 515-223-2763