

***National Pork Producers
(Pork Act) Delegate Body
Election Process Procedures***

2023 DELEGATES

Updated: January 2022



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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** – conducted by the state on behalf of 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 USDA 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. DIVERSITY

The U.S. Department of Agriculture sees the pursuit of diversity in board membership as an opportunity for embracing new ideas and growth that will enable boards such as the National Pork Producers (Pork Act) Delegate Body to better serve their respective industries. Central to this effort is the goal of growing new leadership to serve on the National Pork Producers (Pork Act) Delegate Body that reflects a diversity of perspectives and opinions. The industry population that pays the marketing and promotion assessment is diverse, and the National Pork Producers (Pork Act) Delegate Body should reflect that diversity in the size of operations, experience of members, methods of production and distribution, marketing strategies, and other distinguishing factors that will bring different perspectives and ideas to the table.

The National Pork Board shares the Department’s commitment to equal opportunity and appreciates cooperation in encouraging greater participation by a diverse group of producers in the National Pork Producers (Pork Act) Delegate Body 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. 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 years or older, a resident of the state and have paid all assessments due since the last Election. At minimum and at least one week prior to the meeting, proper notification must be published in a newspaper(s) of general circulation in the state, and in pork production and agriculture trade publications, which may include both print and online. Public notice must provide complete and equal access to every producer who has paid all assessment due. Voting information must be kept confidential. In addition, nominations can be taken from the floor (see III. Election Procedures).

The election must take place before August 30. Persons other than producers, such as Extension Service personnel or allied industry, can 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 of Agriculture for appointment.

States are encouraged to send alternate delegate names to USDA on the LP-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 LP-35 as an alternate. Listing all alternates names on the LP-35 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 two (2) different people). **This exhibit is to be completed and submitted to the National Pork Board along with Forms LP-35 and AD-755 within 14 days of the election event and NO LATER THAN AUGUST 30.**

Exhibit K certifies that:

- Election was conducted according to the approved plan;
- Public notice was published;
- 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	August 30
State Association Plan	Submit to National Pork Board 30 days prior to the (Exhibit A) election process no later than JULY 1 .
Location	Central location within the state
Elections Committee	Required – three (3) member minimum <ul style="list-style-type: none"> • State president <u>CANNOT</u> be the chair • Try to use nonvoters on this committee: staff, spouses, extension, allied industry, etc. • Approved by National Pork Board
Nomination Committee	Optional, but recommended <ul style="list-style-type: none"> • Selected by state or appointed by National Pork Board at state’s request • wApproved by National Pork Board
Public Notice (Exhibit B)	Prior approval from the National Pork Board of the Public Notice, placed by the state in at least two (2) publications (print or online), at least one week prior to election. <ul style="list-style-type: none"> • Publication of general state circulation and/or • Pork production or agriculture trade publication
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"> • Committee • Floor • Petition
Candidate Certification	Elections Committee responsibility: <ul style="list-style-type: none"> • Determine if candidates meet eligibility requirements • Review candidates’ Self Certification Form (Exhibit C) • Committee may require background information (Exhibit D) • A producer may petition elections 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).

5. ORDER OF EVENTS (continued)

ITEM	FORMAL ELECTION
Voter Certification/Registration	Elections Committee responsibility: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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 within 14 days after the election: Form AD-755, Form LP-35, and Election Certification (Exhibit K)

6. TIME SCHEDULE

DEADLINE:

July 1

Deadline for states to file State Association Plan with National 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 Producer and State Engagement Center.

A. FORMAL ELECTION PROCESS

Before August 30

Formal Elections scheduled and conducted by the state no later than **AUGUST 30**

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 to USDA by National Pork Board

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 Producer / State Engagement Service Center 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 aid 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 (3) members is required. The association president **is not allowed to** 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 (3) 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. The Public Notice 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 (print or online):

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

NOTE: The term “published” indicates an agreement with the publication that the notice will be published in full (that is, containing all the necessary/required information) and 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:

- Establish 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 30**
- 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 Producer / State Engagement Service Center. 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:

- Name, address, city
- Written biography
- Personal interview
- 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 for 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 National 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 four 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 spouses 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 since the most recent/previous state election/selection process was conducted (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, or absentee voting allowed except where there has been prior approval from the National Pork Board. Operations run by a corporate entity, partnership, spouses, parent/child, 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 Check-off, he/she may vote in their own name.

Scenario A: The corporate headquarters and all the associated farms of Acme Company are in the state of Ohio and all 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 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 spouses 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 casted 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 12 months, is the best proof.
- B. If further information is needed, such as a sales receipt, the Committee may contact the market where a 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 Scott Smith, assistant controller for National Pork Board, at ssmith@pork.org or 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 to not 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 Board (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 for appointment by the Secretary of Agriculture to the National Pork Producers (Pork Act) Delegate Body shall be submitted to the National Pork Board by the Elections Committee within 14 days after the Formal Election and not later than August 30 of the current year.

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 another 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 30 of the current year and must be accompanied with the following:

- Each candidate is required to complete Form AD-755 (Complete social security number and signed/ dated).
- 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 30** of the current year.

The National Pork Board will make these documents available to USDA as they are received 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. The submission of alternate delegate name(s) should be over and above the number of allotted delegate positions and 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 in the case a delegate nominee is unable to serve.

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 LP-35 and AD-755 National Pork Board Delegate Body Form can be found and printed from:

- ams.usda.gov/rules-regulations/research-promotion/pork
- porkindustryforum.com/state-delegate-information

9. Guidelines for ALTERNATE Pork Act Delegate Appointment.

- By **AUGUST 30**, a state should submit enough delegate names (listed highest to lowest votes) on the LP-35 to fill all Pork Act delegate seats for which it is eligible.
- States are encouraged to send alternate delegate names to USDA on the LPS-35 form. These names should follow the order of highest to lowest votes. All names on the LP-35 form (including alternates) will be put through the USDA screening process to determine eligibility.
- 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, either directly or through proper channels, which may include the state association and/or the National Pork Board, 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 LP-35 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 three (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 three-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 LP-35 form, then a request is made in a timely manner for appointment of an alternate.

- However, if 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 the 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 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 for a period of 12 months. The public notice is required to be published (print or online) 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 LP-35 and AD-755 within 14 days of the election event and no later than **August 30.**

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.

- State Association Plan (Exhibit A)
- Public Notices as published
- Nominee information (nomination papers, petition, biography)
- Candidate Certification documents
- Voter Certification documents
- Ballots
- Ballot results with Election Committee Certification
- Meeting minutes
- Elected Candidate Form AD-755 (optional)
- State Association Form LP-35
- Election Certification (Exhibit K)
- Any other information that may be relevant

Exhibits

FORMS APPLICABLE TO THE FORMAL ELECTION PROCESS



Exhibit A

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 with a *.

NOTE: State President CANNOT serve as the Elections Chair.

NAME	ADDRESS	CITY/STATE/ZIP	TELEPHONE

* Chairman

5. Nominating Committee (Optional- three (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	TELEPHONE
------	---------	----------------	-----------

* 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 published 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 (print or online)**:

- Publication of general state circulation and/or
- 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:

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 2023 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 >.

Exhibit C

(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 Board (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.

Exhibit D

(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 or College attended and major area of study, if applicable.

2. 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.

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

County Pork Producers: _____

State Pork Producers: _____

Other Industry Organizations: _____

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

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

Exhibit E

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 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 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

NAME (print)

CITY/STATE

SIGNATURE

Exhibit F

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"/>	_____
<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

Exhibit H

SUMMARY/MINUTES OF SAMPLE STATE ASSOCIATION FORMAL ELECTION

The *<State> Pork Producers 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 LP-35 also accompanied these forms.

NOTE: Insert appropriate names of officials or elected individuals.

NATIONAL PORK BOARD (PORK ACT) DELEGATE ALLOCATION PROJECTED 2023

STATE	PROJ. 2022 ASSESSMENTS (000)	SHARES	PERCENT OF PROJ. 2022 ASSESSMENTS	PROJECTED 2023 DELEGATES	SHARES PER DELEGATE
ALABAMA	2.0	2	0.0024%	2	1.0
ALASKA	1.5	2	0.0018%	2	0.5
ARIZONA	188.6	189	0.2219%	2	94.5
ARKANSAS	79.0	79	0.0930%	2	39.5
CALIFORNIA	54.8	55	0.0645%	2	27.5
COLORADO	320.3	321	0.3768%	2	160.5
CONNECTICUT	0.5	1	0.0006%	2	0.5
DELAWARE	3.7	4	0.0044%	2	2.0
FLORIDA	7.3	7	0.0086%	2	3.5
GEORGIA	24.6	25	0.0290%	2	12.5
HAWAII	0.6	1	0.0007%	2	0.5
IDAHO	8.7	9	0.0102%	2	4.5
ILLINOIS	4,656.4	4,656	5.4781%	6	776.0
INDIANA	4,938.6	4,939	5.8101%	6	823.2
IOWA	31,314.7	31,315	36.8409%	30	1,043.8
KANSAS	2,408.8	2,409	2.8339%	4	602.3
KENTUCKY	457.0	457	0.5377%	2	228.5
LOUISIANA	1.5	2	0.0017%	2	1.0
MAINE	0.6	1	0.0007%	2	0.5
MARYLAND	26.6	27	0.0313%	2	13.5
MASSACHUSETTS	1.5	2	0.0018%	2	1.0
MICHIGAN	1,394.7	1,395	1.6409%	3	465.0
MINNESOTA	9,811.4	9,811	11.5429%	11	891.9
MISSISSIPPI	13.9	14	0.0163%	2	7.0
MISSOURI	2,733.2	2,733	3.2155%	4	683.3
MONTANA	179.7	180	0.2115%	2	90.0
NEBRASKA	3,366.1	3,366	3.9601%	4	841.5
NEVADA	0.1	1	0.0001%	2	0.5
NEW HAMPSHIRE	0.5	1	0.0006%	2	0.5
NEW JERSEY	2.7	3	0.0031%	2	1.5
NEW MEXICO	0.0	1	0.0000%	2	0.5
NEW YORK	56.3	56	0.0662%	2	28.0
NORTH CAROLINA	8,028.3	8,028	9.4451%	10	802.8
NORTH DAKOTA	66.3	66	0.0780%	2	33.0
OHIO	2,971.8	2,972	3.4963%	4	743.0
OKLAHOMA	1,432.1	1,432	1.6848%	3	477.3
OREGON	0.8	1	0.0010%	2	0.5
PENNSYLVANIA	1,744.2	1,744	2.0520%	3	581.3
RHODE ISLAND	0.1	1	0.0001%	2	0.5
SOUTH CAROLINA	236.1	236	0.2777%	2	118.0
SOUTH DAKOTA	2,124.7	2,125	2.4996%	4	531.3
TENNESSEE	305.6	306	0.3595%	2	153.0
TEXAS	600.3	600	0.7062%	2	300.0
UTAH	1,070.1	1,070	1.2590%	3	356.7
VERMONT	0.1	1	0.0002%	2	0.5
VIRGINIA	379.3	379	0.4462%	2	189.5
WASHINGTON	5.9	6	0.0070%	2	3.0
WEST VIRGINIA	3.6	4	0.0043%	2	2.0
WISCONSIN	216.8	217	0.2551%	2	108.5
WYOMING	16.2	16	0.0191%	2	8.0
IMPORTERS	3,741.4	3,741	4.4016%	5	748.2
TOTAL	85,000.0	85,009	100.0000%	172	

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

Exhibit K

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 verified 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? _____

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 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 30.
- This document should be included with forms LP-35 and candidate forms AD-755.
- Each of the documents certified as having been completed are subject to review by the National Pork Board. These documents should be maintained in State Pork Producer Association files for a period of at least 12 months.
- Visit porkindustryforum.com/state-delegate information to submit forms.
- Questions: Please contact porkactdelegates@pork.org