

CHAPTER 20  
REFERENDUM

[Prior to 7/27/88 see Agriculture Department 30—Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**21—20.1(159) Purpose.** In order to establish uniform procedures and provide for consistent eligibility guidelines in commodity referendums, it is the policy of the Iowa department of agriculture and land stewardship to enumerate the following rules:

**21—20.2(159) Definitions.**

“*Department*” means the Iowa department of agriculture and land stewardship.

“*Election judge*” means a person or persons selected by the secretary to administer referendum procedures at county voting places.

“*Marketing year*” means the previous 365 days from the referendum date unless otherwise established by specific statutory authority.

“*Producer*,” as prescribed in the specific statutory authority for each commodity referendum, means the following:

1. “*Producer*,” in a referendum conducted under Iowa Code chapter 181, means every person who raises cattle or veal calves for slaughter or who feeds cattle or veal calves for slaughter, or both.

2. “*Producer*,” in a referendum conducted under Iowa Code chapter 185, means any individual, firm, corporation, partnership or association engaged in this state in the business of producing and marketing in their name at least 250 bushels of soybeans in the previous marketing year.

3. “*Producer*,” in a referendum conducted under Iowa Code chapter 185C, means any individual, firm, corporation, partnership or association engaged in this state in the business of producing and marketing in their name at least 250 bushels of corn in the previous marketing year.

4. “*Producer*,” in a referendum conducted under Iowa Code chapter 196A, means any person who owns, or contracts for the care of, 500 or more layer-type chickens, the eggs of which are sold in this state through commercial channels, including, but not limited to, eggs for hatching, which have been produced by the producer’s own flock.

“*Secretary*” means the secretary of agriculture.

“*Statement*” means a statement, certification, affidavit or other document furnished by the department which specifies the qualifications required for producer eligibility.

**21—20.3(159) Voter eligibility.**

**20.3(1)** *Business organizations.* Only one vote may be cast on behalf of any business organization.

a. *Association, college, cooperative, corporation, foundation, university:* Only an officer may cast one vote for this business organization.

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

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

**20.3(2)** *Landlord and tenant.* Each may cast one vote if each meets the definition of “producer.” For corn and soybeans, a landlord may vote only if corn or soybeans were grown on a “crop share” basis; a landlord may not vote if land was rented on a “cash rent” basis.

**20.3(3)** *Joint owners.* If the commodity is held in legal title by joint owners, it is the responsibility of the joint owners to decide who will vote. Only one owner may cast one vote when the commodity is held in joint ownership. If each meets the “producer” definition as separate entity, then each may cast one vote.

**20.3(4)** *Proxy voting.* No producer may vote by proxy (on behalf of another producer). Farm managers may not vote for their clients.

**20.3(5) Multiple operations.** An individual or business organization who meets the definition of a “producer” in more than one county or on more than one tract of land, may vote once in their own name. If more than one vote is cast, only one vote, cast in the county of residence, will be counted.

**20.3(6) Producer within the previous marketing year.** An individual or business organization must have been a “producer” as defined in 20.2(159), in the previous marketing year.

**21—20.4(159) Referendum methods and procedures.** A referendum may be conducted by either of two methods: (1) Mail ballot or (2) at county voting places. These two methods of conducting referendums are mutually exclusive. The secretary shall approve that balloting procedure which shall best effectuate the policies and purposes of the referendum to be voted upon.

**20.4(1) Mail ballot procedures.**

a. The secretary may designate such person(s) as are necessary to administer the mail ballot procedure.

b. The official referendum date shall be established by the secretary, and shall be the last date on which completed balloting materials may be postmarked for receipt by the department.

c. The department shall announce referendum procedures and producer qualification information by means of publication of legal notice in at least five Iowa newspapers of general circulation at least 30 days prior to the referendum date.

d. At least 15 days prior to the referendum date, the department shall mail balloting materials to producers, using the best list reasonably available to the secretary.

e. All ballots shall be the responsibility of the secretary, who shall establish a time and place for counting of ballots.

f. To maintain vote anonymity, the department shall provide for return of the ballot in a sealed envelope, unless otherwise indicated in the notice. Producer eligibility may be certified prior to the referendum date; however, votes shall not be counted until the referendum date has passed.

g. If the referendum passes, all expenses incurred by the department in conducting the referendum shall be paid from the fund created by passage.

If the referendum fails, the producer association which petitions for an initial referendum (or for a subsequent referendum if one fails to pass) shall be liable for all costs and expenses incurred by the department in conducting the referendum.

h. All ballots, tabulation forms and producer statements shall be retained by the department for a minimum of six months following the referendum date.

**20.4(2) County voting place procedures.**

a. The secretary shall designate an official voting place(s) in each county. An eligible producer may vote in any Iowa county, when county voting places are in use, with the exception of producers voting in a referendum under Iowa Code chapters 185 and 185C. Said producers may vote only in a county in the crop reporting district in which they reside. The counties within each crop reporting district are as follows:

CROP REPORTING DISTRICT NO. 1

Buena Vista	Emmett	Palo Alto
Cherokee	Lyon	Plymouth
Clay	O’Brien	Pocahontas
Dickinson	Osceola	Sioux

CROP REPORTING DISTRICT NO. 2

Butler	Hancock	Winnebago
Cerro Gordo	Humboldt	Worth
Floyd	Kossuth	Wright
Franklin	Mitchell	

CROP REPORTING DISTRICT NO. 3

Allamakee	Chickasaw	Fayette
Black Hawk	Clayton	Howard
Bremer	Delaware	Winneshiek
Buchanan	Dubuque	

CROP REPORTING DISTRICT NO. 4

Audubon	Greene	Monona
Calhoun	Guthrie	Sac
Carroll	Harrison	Shelby
Crawford	Ida	Woodbury
CROP REPORTING DISTRICT NO. 5		
Boone	Hardin	Poweshiek
Dallas	Jasper	Story
Grundy	Marshall	Tama
Hamilton	Polk	Webster
CROP REPORTING DISTRICT NO. 6		
Benton	Jackson	Linn
Cedar	Johnson	Muscatine
Clinton	Jones	Scott
Iowa		
CROP REPORTING DISTRICT NO. 7		
Adair	Fremont	Page
Adams	Mills	Pottawattamie
Cass	Montgomery	Taylor
CROP REPORTING DISTRICT NO. 8		
Appanoose	Madison	Union
Clarke	Marion	Warren
Decatur	Monroe	Wayne
Lucas	Ringgold	
CROP REPORTING DISTRICT NO. 9		
Davis	Keokuk	Van Buren
Des Moines	Lee	Wapello
Henry	Louisa	Washington
Jefferson	Mahaska	

*b.* The secretary shall establish the hours for voting and a time period, up to a maximum of three days, for voting in the referendum. If voting takes place on more than one date, the official referendum date shall be the last day on which voting is allowable.

*c.* The department shall announce referendum procedures, producer qualification information and location of voting places by means of publication of legal notice in at least five Iowa newspapers of general circulation at least 30 days prior to the referendum date.

*d.* After signing a producer statement furnished by the department, each producer shall receive a ballot. Each marked ballot shall be placed in a sealed ballot box during the voting period.

*e.* The election judge shall have the following responsibilities in conducting the referendum:

(1) The election judge shall secure an appropriate ballot box which shall be kept sealed during the voting period.

(2) The election judge shall distribute voting materials and instructions, assist in the balloting process, observe the deposit of ballots in the sealed box, and be responsible for maintaining the integrity and security of the ballots.

(3) The election judge shall, after voting has been completed and the voting place closed, count the ballots and telephone, fax or E-mail the tentative tabulation to the office of the secretary.

(4) The election judge shall return the ballots, along with the original “producer statements” and the “Certification of Judges and Official Vote Tabulation”, to the department within 24 hours following the closing of the voting place. All ballots not used shall be destroyed by the election judge.

*f.* The secretary shall review the tabulation of votes and producer statements received from county election judges. If the number of signed producer statements is greater than the number of ballots cast, the number of ballots shall stand as the official vote total for the county. If the number of ballots cast exceeds the number of signed producer statements, then the following reduction procedure shall be used:

<u>Excess Ballots</u>	<u>Reduce Votes On Prevailing Side</u>	<u>Reduce Votes On Losing Side</u>
1	1	0
2	1	1
3	2	1
4	2	2
5	3	2
6	3	3
7	4	3
8	4	4
9	5	4
10	5	5

If the vote is tied, each side will be reduced by ½ vote for each excess ballot

g. If the referendum passes, all expenses incurred by the department in conducting the referendum shall be paid from the fund created by passage.

If the referendum fails, the producer association which petitions for an initial referendum (or for a subsequent referendum if one fails to pass) shall be liable for all costs and expenses incurred by the department in conducting the referendum.

h. All ballots, tabulation forms and producer statements shall be retained by the department for a minimum of six months following the referendum date.

**20.4(3) Absentee ballot procedures.** When the referendum method is by designated county voting place, any qualified producer may receive an absentee ballot from the department upon request. The ballot and signed producer statement must be returned to the secretary postmarked no later than midnight of the official referendum date. The secretary shall maintain a list of those producers to whom absentee ballots have been provided and shall provide a list of same to all voting sites in the county of residence of the producer.

If the producer could not be at home in time to utilize an absentee ballot mailed from the secretary, and if the regular balloting materials have been received by the county extension office, the county extension director may sign a ballot and provide this to the producer, upon the producers signing a producers certification statement. The completed ballot will be placed in a separate sealed envelope. This ballot envelope and the signed producers certification statement will be placed in an envelope and returned to the office of the secretary for counting.

#### **21—20.5(159) Contesting referendum results.**

**20.5(1) In mail ballot referendums.** Written objection to the certification of any producer may be filed with the secretary within 30 days following the date of the counting of the votes. Challenges must include such affidavits or documentation as to substantiate alleged objections.

**20.5(2) In county voting places.** If at the time of voting, procedural or eligibility questions arise, the election judge shall have the producer sign a separate producer statement and complete balloting materials. The ballot shall be marked and placed in a sealed envelope. Both the sealed ballot envelope and producer statement shall be placed in a separate envelope and set aside and not counted. The election judge shall list all facts of the situation or documentation presented by the person making the objection on the envelope or on a separate sheet to be included in the envelope. All materials shall be returned to the secretary who shall determine whether such vote shall be counted.

**21—20.6(159) Official certification.** Within 60 days following the referendum date, the secretary shall certify referendum vote totals and officially declare the outcome.

These rules are intended to implement Iowa Code chapters 159, 181, 179, 185, and 185C.

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