

CHAPTER 3
ELECTION OF MEMBERS

301—3.1(196A) Nominations.

3.1(1) Not later than five months prior to election, council members will determine classifications for small, medium, and large production. Iowa egg council assessment records for four consecutive and recent quarters will be used to determine number of layer-type chickens for each producer. Producers and numbers of layer-type chickens will be listed from small to large numbers. The council will review the list and equitably determine classifications of small, medium, and large producers. Classifications will be approved by the council.

3.1(2) Not later than 60 days prior to the end of each council member's term of office, the council shall cause to be published a notice to the electorate about vacancies on the council and the nominations of the nominating committee of the Iowa egg council. Such notice shall be on a form and shall contain information required to be contained in Exhibit 1, set out at the end of these rules and made a part hereof by reference. In addition, the council shall mail to each eligible voter appearing on council records a copy of said written notice at the address of such voter as contained in the records of the council.

3.1(3) Each notice shall contain a form for petition for nomination of producer candidates which shall conform to Exhibit 2, set out at the end of these rules and made a part hereof by reference.

3.1(4) The period for nomination by petition shall commence 60 days prior to the election date and end 30 days prior to the election date, not counting the day of election itself.

3.1(5) Nominating petitions shall be filed with the council at its address as indicated on the notice of nominations no later than 4 p.m. on the thirtieth day preceding the election, not counting the day of election itself.

3.1(6) All eligible nominees nominated by valid petition signed by 20 producers shall be included on the ballot and shall be eligible for election to the council.

3.1(7) All nominating petitions shall be reviewed by the council for propriety, and the ballot shall be prepared to include all procedures properly nominated.

This rule is intended to implement 1995 Iowa Acts, House File 179, section 9.

301—3.2(196A) Election procedure.

3.2(1) Not less than 12 nor more than 18 days prior to the election day, not counting the election day itself, the council shall cause to be mailed to each eligible voter appearing on the council records, a notice of election and one ballot on the forms marked Exhibits 3 and 4 respectively, set out at the end of these rules and made a part hereof by reference.

3.2(2) In addition to the mailed notice provided for above, the council shall cause to be published in a newspaper of general circulation in the state of Iowa, a notice of election and form of ballot as the same appear in Exhibit 5, set out at the end of these rules and made a part hereof by reference. This published notice shall appear not less than 10 nor more than 20 days prior to the date of election, not counting the election day itself.

3.2(3) The council shall furnish a ballot to any person who requests one, even though the eligibility of such person to vote has not been determined. The outside of each envelope provided to such persons shall be marked to show that eligibility to vote has not been determined, and such information as will enable the council to determine that person's eligibility to vote shall be included with the ballot.

3.2(4) The council shall have the authority to determine the eligibility of all persons voting in the election.

3.2(5) Each producer shall be permitted to vote only for one producer-nominee to fill each vacancy on the council.

3.2(6) All nominees for office shall be listed alphabetically, within each category, on the ballot.

3.2(7) Ballots may be returned to the place specified in the notice of election in envelopes provided by the council for that purpose or may be deposited in ballot boxes provided for that purpose in such locations as may be specified by the council.

3.2(8) All ballots shall, upon receipt, be placed in a ballot box provided for that purpose and shall remain unopened until the date prescribed for counting of said ballots. All ballot boxes shall be closed at 5 p.m. on the day of election. Only those ballots actually received by 5 p.m. on the day of election, either in person or in the mail, shall be counted.

3.2(9) All ballots shall be counted by the election committee within seven days after the election date and certified to the council.

3.2(10) The election committee shall consist of board members not up for reelection.

3.2(11) In case of a tie, the tie will be broken by the election committee by drawing lots.

This rule is intended to implement Iowa Code section 196A.12 and 1995 Iowa Acts, House File 179, section 9.

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]