

**ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
MARKETING
ADMINISTRATIVE CODE**

**CHAPTER 80-8-5
WHEAT, CORN, GRAIN SORGHUM, AND OATS PROMOTIONAL REFERENDUM**

TABLE OF CONTENTS

80-8-5-.01	Purpose
80-8-5-.02	Referendum To Be Held. Pursuant to Code of Ala
80-8-5-.03	Conduct Of Referendum; Payment Of Expenses
80-8-5-.04	Notice Requirements
80-8-5-.05	Polling Places And Time Of Operation
80-8-5-.06	Persons Entitled To Vote; Voting Requirement
80-8-5-.07	Polling Procedures; Certifying Of Results

80-8-5-.01 Purpose.

The purpose of this Chapter is to establish the rules and procedures to govern the conduct of a referendum under the terms of Code of Alabama. This referendum will allow grain producers to vote an assessment against themselves which will be used for promotion of the grain industry in Alabama.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-230.

History: Filed August 22, 1986. **Repealed and New Rule:** Filed February 27, 2018; effective April 14, 2018.

80-8-5-.02 Referendum To Be Held. Pursuant to Code of Ala.

1975, §2-8-235 the Association certified by the State Board of Agriculture and Industries shall hold a referendum amongst producers of grain. At that time Alabama grain producers will vote and determine if they favor paying for a period of 5 years from the date of the referendum, an assessment in an amount not to exceed the limit set forth in the Code of Ala. 1975, §2-8-239.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986. **Amended:** August 27, 1991.

Amended: Filed August 15, 1996; effective September 19, 1996.

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Amended: Filed May 12, 2011; effective June 16, 2011. **Amended:**

Filed November 8, 2016; effective December 23, 2016. Repealed and
New Rule: Filed February 27, 2018; effective April 14, 2018.

80-8-5-.03 Conduct Of Referendum; Payment Of Expenses.

(1) The Association certified by the State Board of Agriculture and Industries shall have the responsibility to arrange, manage and conduct any referendums.

(2) All expenses and costs necessary to conduct any referendums shall be borne by the Association certified by the State Board of Agriculture and Industries.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-236.

History: Filed August 22, 1986. **Repealed and New Rule:** Filed February 27, 2018; effective April 14, 2018.

Ed. Note: Rule .07 was renumbered .03 per certification filed February 27, 2018; effective April 14, 2018.

80-8-5-.04 Notice Requirements.

Not less than 30 days before any referendum is held, the Association certified by the State Board of Agriculture and Industries shall give notice of such referendum by publishing same in an established farm publication and by mailing a written notice to each county extension coordinator in the area covered by the referendum. The notice shall include, at minimum, the date of the referendum, the hours that the polls will be open, the addresses of polling places, the rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected, and the general purpose for which the assessment is collected.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-236.

History: Filed August 22, 1986. **Repealed and New Rule:** Filed February 27, 2018; effective April 14, 2018.

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80-8-5-.05 Polling Places And Time Of Operation.

(1) Voting facilities shall be provided in counties in which grains are produced. Additional facilities may be provided should the Association certified by the State Board of Agriculture and Industries find same advisable.

(2) Polls shall be open from 8:00 a.m. to 4:00 p.m. on the date of the referendum.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §§2-8-236; 2-8-249.

History: Filed August 22, 1986. **Amended:** Filed August 27, 1991.

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80-8-5-.06 Persons Entitled To Vote; Voting Requirement.

(1) All producers of wheat, corn, grain sorghum, and oats who shall be subject to an assessment shall be eligible to vote in the referendum. If there is any question of eligibility, the Association certified by the State Board of Agriculture and Industries is authorized to request any additional information permitted by law.

(2) Each producer shall have one vote.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 23, 1986. **Amended:** Filed August 27, 1991.

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Amended: Filed May 12, 2011; effective June 16, 2011. **Amended:** Filed November 8, 2016; effective December 23, 2016. **Repealed and**

New Rule: Filed February 27, 2018; effective April 14, 2018.

80-8-5-.07 Polling Procedures; Certifying Of Results.

(1) There shall be two persons at each polling place who shall serve as poll holders. Such poll holders shall be in charge of and supervise the voting.

(2) Each polling place shall have a voting register in the form of an affidavit. Prior to casting his or her vote, each person who is entitled to vote in the referendum shall sign his or her name to the register. Also, each voter shall write in the register his or her address and the total number of acres they had in production of grain in the last year.

(3) Each producer shall be provided a ballot. The producer will mark whether he approves or disapproves the promotional program.

(4) Votes shall be cast by secret ballot. Each marked ballot shall be deposited in a ballot box or other designated container where it will be kept until such time as it is counted.

(5) As soon as the polls close and the last vote is cast, the poll holders shall open the ballot boxes or other containers, count each ballot and tabulate the results of the count. They will then immediately report the results to the Association certified by the State Board of Agriculture and Industries. Following the referendum and within 10 days thereafter, the Association certified by the State Board of Agriculture and Industries shall publicly declare and announce the results.

Author: N. Gunter Guy, Jr

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 22, 1986. **Amended:** Filed August 27, 1991.

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