

**1570.0800 GENERAL POLLING PROCEDURES.**

Subpart 1. **Qualified voters.** Participating producers who may vote in any election must meet all the conditions in subpart 2 and at least one of the conditions in subpart 3. All qualified voters or designated voters must sign the producer certification at the time they vote.

Subp. 2. **Conditions for all qualified voters.** The conditions in items A to D apply to all qualified voters:

A. Persons, firms, universities, colleges, foundations, landlords, tenants, or fiduciaries may cast one vote only if they are eligible to file an Internal Revenue Service Form 1040 Schedule F and if they have shared in the profits and risk of loss from producing the particular agricultural commodity during the current or preceding marketing year.

B. A voter, except a designated voter, even if the voter represents a corporation, association, cooperative, or partnership, must meet Minnesota's general election voting age requirements.

C. Absentee mail voting by qualified voters is permitted. To receive an absentee ballot, a qualified voter must submit a ballot request card to the commissioner. The completed ballot and signed producer certification must be returned to the commissioner by United States mail and postmarked no later than midnight 20 days prior to the official election date. The commissioner must maintain a list of voters from whom absentee ballots have been received and shall provide a copy of the list to all voting sites prior to the start of the election. Mail balloting is permitted only in accordance with subpart 5.

D. No individual, landlord, tenant, partnership, association, cooperative, corporation, fiduciary, firm, university, college, or foundation may cast more than one vote per election even if operations are carried on in more than one organized area of the council.

Subp. 3. **Conditions for specific qualified voters.** The specific provisions in items A to E apply to the qualified voters named:

A. Each individual production unit may cast only one vote. Either spouse may cast this vote if both operate the production unit but both may not vote.

B. Both a landlord and a tenant may vote if each meets the criteria in subpart 2, item A.

C. A partnership, whether in two or more names or in the name of a firm, may cast only one vote. The parties to the partnership must determine which one of them will cast the vote for the partnership.

D. An association, cooperative, or corporation may cast only one vote. Any officer of an association, cooperative, or corporation may cast its vote.

E. A fiduciary may cast only one vote. Only the legal guardian of a fiduciary may cast its vote, even if a husband and wife are jointly carrying on the farming operation subject to a fiduciary arrangement.

Subp. 4. **Balloting at polling places.** The procedures in items A and B must be followed whenever an election will be held at established polling places.

A. Election judges will be selected by the commissioner in consultation with the council. Judges must not indicate their opinions about the election on the day of the election. Each polling place must have at least one judge. The judges are to do the following:

- (1) meet at the polling place at least one-half hour before voting begins;
- (2) assure that at least one judge remains at the polling place at all times to oversee the polling process;
- (3) take an oath of election judges and sign the form provided by the commissioner before the polling begins;
- (4) monitor the placement of ballots into the ballot box and be responsible for the overall security of the polling process;
- (5) have each qualified or designated voter write the qualified voter's name, organization, title, and county of business, when appropriate, on a producer certification to be provided by the commissioner and have each qualified or designated voter sign the producer certification. The written authorization of the designated voter must be attached to the producer certification;
- (6) initial the back of the ballot and give it to each qualified or designated voter provided the qualified or designated voter has signed the producer certification;
- (7) provide each qualified or designated voter with the voter instruction sheet provided by the commissioner;
- (8) collect a signed producer certification at the time a qualified or designated voter places a ballot in the ballot box;
- (9) contact the commissioner as soon as practicable with the total number of completed ballots and assure that the proper chain of custody of the ballots is taken;
- (10) complete the certification of election judges form, provided by the commissioner, after the polls have closed; and
- (11) return all the voting materials listed in item B to the commissioner.

B. The election judges shall return the following voting materials to the commissioner by first class mail: completed ballots, signed producer certifications, judges' oath forms, certification of election form, and any expense vouchers. The election judges

handbook must be retained by the chief judge for 30 days after the election and then destroyed. Any unused ballots or producer certifications must also be destroyed.

Subp. 5. **Mail balloting.** For any election conducted by mail, the procedures in items A to E must be followed:

A. A council must make available ballot request cards and advertise the forthcoming board elections or referenda at least 90 days prior to the election. A list of eligible voters must be submitted by the council to the commissioner at least 45 days before the starting date of the election. Ballot request cards and eligible voter lists submitted to the commissioner less than 45 days before the starting date of an election must not be included in the list of eligible voters for that election, but those names must be added to the list for future elections.

B. The commissioner shall mail to all producers that sent in a ballot request card or to all participating producers on the council's list a ballot, a producer certification, a voter instruction sheet, and a return envelope.

C. The length of time for the mail balloting shall be determined by the commissioner for each election, but must not be less than 14 days and must not exceed 30 days.

D. If a participating producer of the agricultural commodity for which an election is being conducted by mail has not received the voting materials listed in item B by the time half of the time period in item C has elapsed, the participating producer or the council may telephone, e-mail, or write the commissioner to request that the voting materials be mailed directly to the participating producer.

E. In order to be counted, mail ballots must be returned to the commissioner and must be postmarked on or before the closing date of the election set by the commissioner under item C.

Subp. 6. **Dairy industry referendums.** The procedures in items A and B must be followed in dairy industry referendums:

A. Dairy cooperative associations may choose to bloc vote their producers in accordance with Minnesota Statutes, section 17.54, subdivision 12. The commissioner shall provide the dairy cooperative association with appropriate voting materials.

B. Private dairy processors must file with the commissioner a list of their participating producers marketing the bulk of their production with the private dairy processor. The commissioner shall use this list and the procedures in subpart 5 in mail balloting producers with private dairy processors during a referendum on any dairy promotional order.

Subp. 7. **Certification of election.** The commissioner shall follow the procedures in items A to D in certifying an election:

A. Before certifying an election conducted in accordance with subpart 4, the commissioner shall assure that:

- (1) all materials required in subpart 4, item B, are returned to the commissioner;
- (2) all completed ballots are initialed on the back by an election judge, and there is no more than one vote per question on the completed ballot;
- (3) the oath of election judges form is signed;
- (4) all producer certifications are signed; and
- (5) the judges' certification of election form is signed.

B. Before certifying an election conducted in accordance with subpart 5, the commissioner shall assure that:

- (1) returned ballots and producer certifications have been postmarked by the closing date set in subpart 5, item C;
- (2) there is no more than one vote per question on the ballot; and
- (3) the producer certifications are signed.

C. If any one of the criteria in item A, subitem (2), or B is not met, the commissioner shall declare the individual ballots invalid and shall not count them toward the outcome of the election.

D. Ballots received may be counted mechanically or an impartial committee of at least three people appointed by the commissioner shall count the ballots received from the elections conducted under subpart 4 or 5.

**Statutory Authority:** *MS s 17.54; 17.58; 17.63*

**History:** *17 SR 1279; 21 SR 1059; 27 SR 377; 29 SR 655; 34 SR 1327*

**Published Electronically:** *April 6, 2010*