

Approved By Commission on 11-2-95
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CALIFORNIA APPLE COMMISSION
PROCEDURES FOR
NOMINATIONS AND ELECTIONS

Pursuant to California Food and Agricultural Code §75501, the California Apple Commission established the following Election Rules and Regulations.

1. **Qualifications for Election**
 - A. **Certification.** Any person nominated shall certify to the satisfaction of the Commission that he or she is engaged, within this state, in the business of producing or handling fresh apples for market.
 - B. **Good Standing.** Any person nominated shall be in compliance with all requirements of Commission law including, but not limited to the timely filing of assessment reports and payment of assessments.
 - C. **Producers.** Any person nominated as a producer member shall be a producer or an employee representing a producer who has a financial interest in producing, or causing to be produced, apples for market. “Producer” does not include a person who produces no more than 40,000 pounds of apples per year or who produces apples for home use or where

the trees are used for ornamental purposes only. If a nominee is a producer in more than one district, he or she shall designate, prior to the election, in which district he or she shall run for election. Qualifications for producer members shall be maintained during their entire term of office.

- D. Handlers. Any persons nominated as a handler member shall be a handler, or an employee representing that person, who has a financial interest in marketing or packing apples for market. If a nominee is a handler in more than one district, he or she shall designate, prior to the election, in which district he or she shall run for election. Qualifications of handler members shall be maintained during their entire term of office.

- E. Limitations. Not more than one member and one alternate member on the Commission shall be persons employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, association, or business organization. A member and alternate employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, association, or business organization must serve in the same district.

- F. Documentation. Nominees for election shall, upon the request of the Commission, submit all necessary documents in order to establish qualifications for election.

- G. Public Member. The public member shall be appointed to the Commission by the Secretary of the California Department of Food and Agriculture (the “Department”) from nominees recommended by the Commission. The public member shall not have a financial interest in the apple industry. The public member shall have all the powers, rights and privileges of any other member or alternate member on the Commission.
- H. Terms of Office. The term of office of each member, except ex officio members, is four years, and the term of office of each alternate is one year. Members and alternates shall commence their terms of office July 1 or as soon thereafter as possible following their election and qualification. Members and alternates shall serve until a qualified successor is elected or appointed, unless the term is earlier terminated by a reduction in the number of producer members pursuant to Food and Agricultural Code Section 75531.

However, with respect to the first members of the Commission, one-third shall serve for one year, one third shall serve for two years, and one-third shall serve for three years, with the determination of the term of each member within each category to be made by lot.

2. Nomination Procedures

- A. Prior to February 1 of each marketing year, the Commission shall notify each producer of record of the member and alternate member positions by district which shall be available for election that year. “Marketing year” means the period beginning July 1 of each year and extending through June 30 of the following year.
- B. The Commission shall conduct a district meeting to nominate candidates.
- C. The Commission shall determine if the nominee is qualified for election and in good standing with the Commission.
- D. The nominee shall be eligible for election to the Commission if he of she is nominated by a member of the industry in good standing. If the position is

uncontested after nominations are closed, then the nomination process will serve as the vote and the nominee will take office beginning July 1 of the new fiscal year.

- E. If the nomination is contested, the eligible nominees shall be listed on a district ballot which shall be mailed to all producers within the district not later than May 5 of each year.

3. **Voter Eligibility**

- A. Only eligible producers may vote for nominees, and each eligible producer may cast one vote in each district in which he or she produces apples.
- B. The volume of apples marketed by eligible producers who vote shall not be considered when tabulating the votes to elect members and alternate members to the Commission.
- C. Only the individual owner or his or her representative may vote on behalf of a sole proprietorship or family operation.
- D. Any designated general partner may vote on behalf of a partnership.
- E. Any designated director, officer or employee of a corporation may vote on behalf of the corporation.
- F. No parcel of property, or multiple parcels of property owned and/or leased by the same legal entity may be the basis for more than one vote in any district.

4. **Balloting**

- A. A. Ballots for election must be postmarked by midnight and mailed to the Department by May 31 of each election year. The ballot form will be created by the Commission staff and a return envelope addressed to the Department

will be included for each eligible voter. The ballots will be counted and verified by the Department.

- B. Write in candidates will be permitted on the ballot. In the event that a write in candidate wins an election, the person will not be seated until all eligibility requirements and qualifications under these procedures have been verified to the satisfaction of the Commission.
- C. The Commission will notify all producers and handlers of the election results as soon as possible after the Department has tabulated the vote and notified the Commission.
- D. Only valid ballots will be counted and each legal entity shall be entitled to only one (1) vote in any district.
- E. In the event of a tie for a member or alternate position, there shall be a drawing of lots to determine who shall be the member or alternate, as applicable.
- F. With respect to the election of producer and handler members, the nominee in each district receiving the highest number of votes will be elected for a four (4) year term. The producer nominee in each district receiving the next highest number of votes will be the alternate for that district.
- G. Producer and handler members and alternates shall commence their term of office on July 1 or as soon thereafter as possible following their election and qualification.

5. **Filling Vacant Seats on the Commission**

- A. In the absence of any member, the alternate for the member's district shall serve in place of the member and shall have all of the rights, privileges and powers of the member when serving on the Commission. In the event of the death, removal, resignation, or disqualification of a member, the alternate for the member's district shall act as a member of the Commission until a qualified successor is elected.

- B. Any vacancy on the Commission occurring by the failure of any person serving on the Commission as a member or alternate member to continue in his or her position due to a change in his or her status, thereby making the person ineligible to serve, or due to death, removal, resignation, or disqualification, shall be filled for the unexpired portion of the term by a majority vote of all of the remaining members of the Commission. The person elected shall meet all of the qualifications set forth in these procedures for the member or alternate whose office he or she is to occupy. A partial term served for the purpose of filling a vacancy shall not count as part of the two-term term limit.

- C. Candidates shall have the option to be present during any vote to fill vacant seats on the Commission. Such voting shall not be conducted by secret ballot and proxy voting is not permitted.

**CALIFORNIA APPLE COMMISSION
CERTIFICATE OR QUALIFICATION FOR
ELECTION AND DISCLOSURE OF ECONOMIC INTERESTS**

I, _____, hereby certify that I am producer _____ of apples as defined in California Food and Agricultural Code Section §75523, or a handler _____ of apples as defined in California Food and Agricultural Code Section §75516. I am running for election as a producer/handler (circle one). I have the following economic interests in the California apple industry (check all those that apply):

- _____ Producer through a sole proprietorship.
- _____ Handler through a sole proprietorship.
- _____ Producer through a partnership.
- _____ Handler through a partnership.
- _____ Officer, director, shareholder, or trustee of a corporate producer.
- _____ Officer, director, shareholder, or trustee of a corporate handler.
- _____ Employee representing a producer.
- _____ Employee representing a handler.
- _____ Other (describe all other financial interests in the California apple industry not disclosed above):

I understand my obligation to update the above disclosure of economic interests within 30 days of any change in those economic interests. I declare under penalty of perjury that the foregoing is a complete, true and correct explanation of each of my economic interests in the California apple industry.

Dated: _____

Signature

Print Name

Business Name

Business Address

Return to: Alexander Ott
California Apple Commission
770 E. Shaw Ave., Suite 220
Fresno, California 93710