

For: State and County Offices

**Soybean Promotion, Research, and Information Program (Soybean Checkoff Program)
Request for Referendum – May 4, 2009, Through May 29, 2009**

Approved by: Acting Administrator



1 Overview

A Background

The Soybean Promotion and Research Order (Order), more commonly known as the Soybean Checkoff Program, was implemented July 9, 1991, as authorized by the Soybean Promotion, Research, and Consumer Information Act (Act), to maintain and expand existing markets and develop new markets for soybeans and soybean products. The Act required that the Secretary would:

- conduct a referendum among eligible soybean producers to determine whether the Order should be continued
- conduct a producer poll within 18 months of the Secretary’s announcement of the results of the initial referendum
- give soybean producers the opportunity to request an additional referendum on the Order once every 5 years after conducting the initial referendum.

Note: If enough producers request a referendum, then a referendum will be held within 1 year after the results are announced.

Eligible producers may request a referendum, using Form LS-51-1, “Soybean Promotion and Research Order Request for Referendum”, at their local FSA County Office during the 4-week period beginning May 4, 2009, and ending May 29, 2009. If at least 10 percent (**not** in excess of one-fifth of which may be producers in any one State) of the 589,182 eligible producers participate in the Request for Referendum, a referendum will be held within 1 year from that determination. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted. The results of the Request for Referendum will be published in FR.

The AMS Administrator is responsible for conducting the referendum. FSA is responsible for assisting AMS with the referendum.

Disposal Date	Distribution
September 1, 2009	State Offices; State Offices relay to County Offices

Notice AO-1440

1 Overview (Continued)

B Purpose

This notice provides instructions to State and County Offices on how to carry out FSA's responsibilities in conducting the Soybean Request for Referendum.

Important: It is extremely important that State and County Offices follow this notice timely and accurately.

C Contact

State Offices shall direct questions about this notice to Rick Pinkston, Field Operations Staff, by either of the following:

- e-mail to rick.pinkston@wdc.usda.gov
- telephone at 202-720-1857.

D State and County Office Action

State and County Offices shall assist AMS in conducting the Request for Referendum according to paragraph 2 and Exhibits 1 through 7. AMS provided the instructions.

Note: The United Soybean Board (Board) will reimburse FSA for expenses incurred.

Step	Action
1	<p>County Offices shall publicize the Request for Referendum by including Request for Referendum information in regular newspaper articles, county newsletters, or radio programs. County Offices must use the press release or excerpts from the release when publicizing the Request for Referendum (Exhibit 2).</p> <p>Notes: County Offices shall not prepare a special mailing of postcards or newsletters to publicize the Request for Referendum. Information distributed through the normal media outlets mentioned in this step will be sufficient announcement of the Request for Referendum.</p> <p>Costs incurred for special mailings will not be reimbursed by the Board. However, include excerpts from the news release titled, "USDA Sets Date for Soybean Request for Referendum" (Exhibit 2), in routine County Office newsletters and free press. The AMS news release is posted at www.ams.usda.gov/LSMarketingPrograms, under "Additional Information".</p>
2	<p>County Offices shall:</p> <ul style="list-style-type: none">• maintain a register of associated and reimbursable costs and report these costs to the State Office by June 26, 2009, using Exhibit 3, Part A• report the results of the Request for Referendum to the State Office by June 26, 2009, using Exhibit 4, Part A.

Notice AO-1440

1 Overview (Continued)

D State and County Office Action (Continued)

Step	Action
3	<p data-bbox="394 365 639 394">State Offices shall:</p> <ul data-bbox="394 438 1443 768" style="list-style-type: none"><li data-bbox="394 438 1143 468">• summarize County Office costs using Exhibit 3, Part B<li data-bbox="440 512 1419 579">Note: Associated costs incurred by the State Office shall be included in the State report.<li data-bbox="394 623 1162 653">• summarize County Office results using Exhibit 4, Part B<li data-bbox="394 697 1443 764">• transmit the summarized costs and summarized results to Rick Pinkston, Field Operations Staff, at rick.pinkston@wdc.usda.gov.

Exhibit 3 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the “Form Number” field, ENTER “**Soybean Expenses**”.

Exhibit 4 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the “Form Number” field, ENTER “**Soybean Results**”.

2 Action

A Maintaining FSA’s Impartiality

It is extremely important that State and County Offices follow this notice accurately and according to the dates and timeframe provided. AMS requested FSA’s assistance to conduct this Request for Referendum.

Caution: State and County Office employees and COC members shall use caution to ensure that FSA is **not** exhibiting bias or partiality. State and County Offices shall **not** become involved in the following:

- issues about the USDA regulations in 7 CFR Part 1220
- encouraging or discouraging persons from participating in the Request for Referendum
- determining eligibility, other than in an official capacity
- prejudice for or against the Soybean Checkoff Program.

Notice AO-1440

2 Action (Continued)

B Downloading LS-51-1

County Offices should obtain LS-51-1 (Exhibit 7) through the Internet and reproduce locally as necessary. LS-51-1 is available on the AMS web site at **<http://www.ams.usda.gov/LSMarketingPrograms>**. CLICK “**Soybean Program**” and follow the link to the Request for Referendum page. CLICK “**Form LS-51-1**”.

Note: LS-51-1 will **only** be available on the AMS web site **May 4, 2009**, through **May 29, 2009**.

AMS Instructions for Conducting the Request for Referendum

1 Conducting the Request for Referendum on the Order

A Responsibilities

The AMS Administrator is responsible for conducting the Request for Referendum.

FSA will assist in conducting the Request for Referendum by:

- publicizing the Request for Referendum
- accepting requests for a referendum from soybean producers
- confirming eligibility of persons who file a request for a referendum
- reporting Request for Referendum results.

B Purpose

The purpose of these instructions is to:

- describe the significance of the Request for Referendum
- establish procedures about:
 - State and County Office actions
 - eligibility
 - showing evidence an assessment was paid
 - canvassing and counting LS-51-1's and reporting results
 - record retention and disposal.

2 Request for Referendum Period

A Significance of the Request for Referendum

Only eligible persons who want a referendum need to request a referendum. If at least 10 percent of the 589,182 eligible producers request a referendum, with **no** more than one-fifth being producers in any one State, USDA will conduct a referendum within 1 year from that determination. Participation is voluntary.

If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted.

B Time and Place of Request for Referendum

The Request for Referendum will be held:

- from **May 4, 2009**, through **May 29, 2009**
- in County Offices.

AMS Instructions for Conducting the Request for Referendum (Continued)**3 Eligibility****A Eligibility Requirements**

The representative period for establishing eligibility for the Request for Referendum shall be the period from January 1, 2007, through December 31, 2008. Persons who were engaged in the production of soybeans and who provide documentation, such as a sales receipt or remittance form, **showing that they paid an assessment** on soybeans from January 1, 2007, through December 31, 2008, are eligible to request a referendum.

The Soybean Act and Order defines “**person**” as any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. The Soybean Act and Order defines “**producer**” as any person engaged in the growing of soybeans in the United States who owns or who shares the ownership and risk of loss of such soybeans.

The representative period is January 1, 2007, through December 31, 2008.

Notes: A group of individuals, such as any of the following, who are able to provide documentation that they were engaged in the production of soybeans between January 1, 2007, and December 31, 2008, shall be entitled to cast **only** 1 request for a referendum:

- members of a family
- joint tenants
- tenants in common
- partnerships, general or limited
- owners of community property
- corporations.

Any individual member of a group, who is an eligible person separate from the group, may request a referendum separately.

Example: Husband and wife own operation A. Wife owns operation B. Two requests may be cast, 1 for operation A and 1 for operation B, if both operations provide separate supporting documentation for each operation.

AMS Instructions for Conducting the Request for Referendum (Continued)**3 Eligibility (Continued)****B Participating in Request for Referendum or FSA-211**

Participating in the Request for Referendum by proxy, or FSA-211 (to act for another), is **not** authorized, **except** that an authorized representative of any eligible producer entity (other than an individual person), such as a corporation or partnership, may request a referendum on behalf of that entity. FSA-211 is **not** applicable since it specifically deals with FSA programs.

- An officer or authorized representative of a qualified corporation, association, or limited partnership may request a referendum for that corporation, association, or limited partnership.
- A guardian, administrator, executor, or trustee of any qualified estate or trust may request a referendum for that estate or trust.
- Proxy registration is **not** authorized. An individual **cannot** request a referendum on behalf of another individual, such as spouse, share crop lease, etc.

Important: Under **no** circumstance should any person wanting to request a referendum be refused.

4 Request for Referendum Boxes and Obtaining LS-51-1's**A Request for Referendum Boxes**

County Offices shall provide a holding box or container of sufficient size so arranged that **no** LS-51-1 can be read or removed without breaking seals on the container.

B Obtaining LS-51-1's

Eligible persons may obtain LS-51-1's in-person, by mail, FAX, or telephone. The County Office shall mail LS-51-1 directly to the person, at the address provided by the person, if requested by mail, FAX, or telephone. Persons may also obtain LS-51-1 through the Internet at <http://www.ams.usda.gov/LSMarketingPrograms>. CLICK "Soybean Program" and follow the link to the Request for Referendum page. CLICK "**Form LS-51-1**".

In-person, mail, or FAX requests **must** be for only one LS-51-1.

Note: A list of names is **not** an individual request.

AMS Instructions for Conducting the Request for Referendum (Continued)**5 Completing LS-51-1's****A Overview**

County Offices **must** provide all persons the opportunity to request a referendum during regular work hours from **May 4, 2009**, through **May 29, 2009**.

A completed and signed LS-51-1 and supporting documentation **must** be returned to the County Office where the person's farm records are administratively located.

For the person **not** participating in FSA programs, the opportunity to participate in the Request for Referendum will be provided at the County Office serving the county where the person's operation is located. If an operation is located in several counties, the voting office shall be determined based on the major portion of the operation's location.

For the producer **not** participating in FSA programs, the opportunity to participate will be provided at the County Office where the person owns or rents land.

Note: Each person is entitled to participate 1 time.

B Eligible Persons Action

Eligible persons **must**:

- complete LS-51-1 in its entirety
- provide **supporting documentation**, such as a sales receipt or remittance form, showing that the **person paid an assessment** on soybeans between January 1, 2007, through December 31, 2008
- sign LS-51-1 certifying that they paid an assessment on soybeans between January 1, 2007, through December 31, 2008.

C In-Person at the County Office

A person who obtains LS-51-1 in-person at the appropriate County Office may complete and return LS-51-1 at that time. The person **must**:

- complete and sign LS-51-1 in its entirety **and** attach (staple) the supporting documentation
- place LS-51-1 and attached supporting documentation in the holding box or container.

Note: If a person requesting a referendum wants the original supporting documentation returned, make a copy to attach to LS-51-1 and return the original supporting documentation to that person.

AMS Instructions for Conducting the Request for Referendum (Continued)**5 Completing LS-51-1's (Continued)****D By Mail or FAX**

Persons who return LS-51-1 by mail or FAX **must** complete and sign LS-51-1 in its entirety, and return it to the appropriate County Office along with supporting documentation.

When LS-51-1 is returned by mail or FAX, the County Office shall:

- **date stamp** LS-51-1
- attach any supporting documentation (copies are acceptable)
- place LS-51-1 and supporting documentation in the holding box or container.

6 Canvassing Requests**A Overview**

The names of persons participating in the Request for Referendum shall be **confidential** and may **not** be divulged **except** as the Secretary may direct.

Canvassing LS-51-1's shall take place on **June 8, 2009**. At least 2 COC members shall assist with the canvassing. If the County Office serves more than 1 county, then a COC member from each county served by the office shall assist in the canvassing.

Exception: STC or SED, if authorized by STC, may designate the following:

- CED and a State or County Office employee to canvass requests if it is determined that the number of LS-51-1's is so limited that having COC members present would be impractical
- CED and/or a State or County Office employee to canvass requests in any emergency situation precluding at least 2 COC members from being present to canvass the requests.

LS-51-1's for the Request for Referendum shall be canvassed according to the following subparagraphs.

Note: It is the responsibility of the person to provide information needed by the County Office to determine eligibility. It is **not** the responsibility of the County Office to obtain this information.

AMS Instructions for Conducting the Request for Referendum (Continued)

6 Canvassing Requests (Continued)

B Valid LS-51-1's

FSA will consider LS-51-1 as being valid if LS-51-1 has been completed in its entirety and supporting documentation has been provided.

C Ineligible Participants

If FSA **cannot** determine that a person is eligible based on the submitted supporting documentation, or if the person fails to submit supporting documentation, the person shall be determined to be **ineligible**.

D Invalid LS-51-1's

An invalid LS-51-1 may include, but is **not** limited to, the following:

- LS-51-1 is **not** signed, completed in its entirety, or all required information has **not** been provided
- LS-51-1 and supporting documentation returned **in-person** or **by FAX** was **not** received by COB **May 29, 2009**
- LS-51-1 and supporting documentation returned **by mail** was **not** postmarked by **May 29, 2009**
- LS-51-1 and supporting documentation returned **by mail** was **not** received in the County Office on or before **June 5, 2009**
- LS-51-1, or the supporting documentation, is mutilated or marked in such a way that any required information on LS-51-1 or supporting documentation is illegible
- LS-51-1 and supporting documentation was **not** returned to the appropriate County Office.

AMS Instructions for Conducting the Request for Referendum (Continued)

6 Canvassing Requests (Continued)

E Notification of Ineligibility

If FSA **cannot** determine that a person is eligible based on the submitted documentation, or if the person fails to submit the required documentation, the person shall be determined to be **ineligible**. FSA shall notify ineligible persons in writing as soon as practicable, but no later than **June 10, 2009**. Use the language shown in the following notification letter of ineligibility.

Dear [*challenged participant's name*]:

This is to inform you that your eligibility to participate in the request for a referendum on the Soybean Promotion, Research, and Consumer Information Order has been questioned.

In order for us to determine if your request for referendum is valid, you must provide us with supporting documentation showing that you were engaged in the production of soybeans between January 1, 2007, through December 31, 2008, and paid an assessment.

If, within five workdays after the postmark date of this letter, we do not receive in the County Office additional documentation supporting your eligibility to participate in the Request for Referendum, your ballot will not be eligible to be counted.

F Appeals

A person declared to be ineligible by FSA can appeal the decision and provide additional documentation to the County Office within 5 workdays after the postmark date of the notification letter of ineligibility according to subparagraph E. FSA will make a final decision on the person's eligibility and notify the person of the decision no later than **June 22, 2009**. Use the language shown in the following letter to notify the person of the decision. Ensure that the second paragraph reflects the decision made by FSA.

Dear [*challenged participant's name*]:

This is to inform you that FSA has reviewed the documents that you provided in connection with the appeal regarding your eligibility to participate in the request for a referendum on the Soybean Promotion, Research, and Consumer Information Order.

Based on your documentation, we have determined that you (meet/do not meet) the eligibility requirements. We are, therefore, (including/not including) your request for referendum among those that will be counted in the Request for Referendum.

AMS Instructions for Conducting the Request for Referendum (Continued)**7 Additional Information****A Counting LS-51-1's**

If there are **no** ineligibility determinations to resolve, LS-51-1's shall be counted on the same day as LS-51-1's are canvassed, **June 8, 2009**.

For County Offices that **do have** ineligibility determinations to resolve, LS-51-1's shall be counted **after** the ineligible determinations have been resolved, but **no** later than **June 22, 2009**.

LS-51-1's shall be counted as follows:

- total number of producers who filed LS-51-1's
- number of eligible producers requesting a referendum
- number of ineligible producers requesting a referendum
- number of valid requests for a referendum
- number of invalid requests for a referendum.

B County Office Report

County Offices shall certify and transmit the results and expenses to the State Office as soon as LS-51-1's are counted, but **no** later than **June 26, 2009**, using Exhibits 3 and 4.

The results in each county may be made available to the public upon notification by the FSA Administrator that the final results have been released by the Secretary. A copy of the report shall be posted for 30 calendar days **following** the date of notification by the FSA Administrator in the County Office in a conspicuous place accessible to the public.

C State Office Report

Each State Office shall certify and e-mail the following to FSA, DAFO, **rick.pinkston@wdc.usda.gov**, as soon as possible, but **no** later than **July 2, 2009**:

- the results and expenses incurred by County Offices
- a report summarizing the data contained in each of the reports from County Offices using Part B of Exhibits 3 and 4. Include State Office expenses in Exhibit 3, Part B.

Note: One copy of the State summary shall be filed for a period of 1 year and available for public inspection **after** the results have been released.

AMS Instructions for Conducting the Request for Referendum (Continued)

7 Additional Information (Continued)

D Results of the Request for Referendum

The results of the Request for Referendum will be issued by USDA in an official press release and published in FR.

E Disposition of Records

Each CED will place in a sealed container marked, "Soybean Request for Referendum", **all** LS-51-1's, accompanying documentation, any other related material, and county summaries. CED's shall ensure that the records are placed in a secure location within the County Office until further notice.

News Release

County Offices shall include excerpts from the following in routine County Office newsletters and free press.

USDA Sets Date for Soybean Request for Referendum

WASHINGTON, March 4, 2009 – The U.S. Department of Agriculture today announced that it will offer soybean producers the opportunity to request a referendum on the Soybean Promotion and Research Order (Order), as authorized under the Soybean Promotion, Research, and Consumer Information Act (Act).

The act requires the Secretary of Agriculture to conduct a Request for Referendum every 5 years after the initial referendum, which was conducted in 1994. The last Request for Referendum was conducted in 2004. Soybean producers who are interested in having a referendum to determine whether to continue the soybean checkoff program are invited to participate.

The Request for Referendum will be conducted at USDA's county Farm Service Agency offices. To be eligible to participate, producers must certify and provide documentation that shows that they produced soybeans and paid an assessment on the soybeans during the period of Jan. 1, 2007, through Dec. 31, 2008.

Beginning May 4, 2009, and continuing through May 29, 2009, producers may obtain a form by mail, fax, or in person from the Farm Service Agency county offices. Forms may also be obtained via the internet at <http://www.ams.usda.gov/lsmarketingprograms> during the same time period. Individual producers and other producer entities may request a referendum at the county FSA office where their administrative farm records are maintained. For the producer not participating in FSA programs, the opportunity to request a referendum will be provided at the county FSA office where the producer owns or rents land. Completed forms and supporting documentation must be returned to the appropriate county FSA office by fax or in person no later than close of business May 29, 2009; or if returned by mail, must be postmarked by midnight May 29, 2009, and received in the county FSA office by close of business on June 5, 2009.

USDA will conduct a referendum if at least 10 percent of the nation's 589,182 soybean producers support a referendum. Not more than one-fifth of the producers who support having a referendum can be from any one state.

The soybean checkoff program is administered by a 68-member producer board and is designed to expand uses of soybeans and soybean products in domestic and foreign markets. The national program is financed by a mandatory assessment of one-half of 1 percent of the net market price of soybeans.

Notice of the Request for Referendum will be published in the March 4, 2009, Federal Register. For more information, contact the Marketing Programs Branch; Livestock and Seed Program, AMS, USDA; STOP 0251 - Room 2628-S; 1400 Independence Avenue, SW; Washington, D.C. 20250-0251; tel. (202) 720-1115; or via the Internet at www.ams.usda.gov/lsmarketingprograms.

List of State and County Expenses for Soybean Request for Referendum

This form is available electronically.

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**LIST OF STATE AND COUNTY EXPENSES FOR SOYBEAN PROMOTION
AND RESEARCH PROGRAM REQUEST FOR REFERENDUM**

1. STATE NAME		2. COUNTY NAME	
PART A - TO BE COMPLETED BY COUNTY OFFICE			
3. List Grade and Title of personnel working on request for referendum, including COC		A. Hours Worked	B. Costs
			\$
			\$
			\$
		4. Total:	Total: \$
5. Reproduction Costs			\$
6. Mailing Costs			\$
7. GRAND TOTAL:			\$
8. County Office Certification:			
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.			
A. NAME OF PREPARER		B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
NOTE: County Office shall email or FAX results to State Office.			
PART B - TO BE COMPLETED BY STATE OFFICE			
9. List Grade and Title of personnel working on request for referendum, including COF, STO and STC		A. State and COF Hours Worked	B. COF, STO and STC Costs
			\$
			\$
			\$
			\$
			\$
			\$
			\$
		10. Total:	Total: \$
11. Reproduction Costs			\$
12. Mailing Costs			\$
13. Grand Total:			\$
14. State Office Certification:			
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.			
A. NAME OF PREPARER		B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
NOTE: State Office shall email expenses to National Office, Rick Pinkston, at rick.pinkston@wdc.usda.gov.			

Transmittal of Results Sheet for Soybean Request for Referendum

This form is available electronically.

U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

**TRANSMITTAL OF RESULTS SHEET FOR SOYBEAN PROMOTION
AND RESEARCH PROGRAM REQUEST FOR REFERENDUM**

1. STATE NAME	2. COUNTY NAME
PART A - TO BE COMPLETED BY COUNTY OFFICE	
3. Total number of producers who filed a form LS-51-1 "Soybean Promotion and Research Order Request for Referendum".	
4. Number of eligible producers requesting a referendum.	
5. Number of ineligible producers requesting a referendum.	
6. Number of valid requests for a referendum.	
7. Number of invalid requests for a referendum.	
8. County Office Certification: I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.	
A. NAME OF PREPARER	B. TITLE OF PREPARER
C. DATE PREPARED (MM-DD-YYYY)	
NOTE: County Office shall email or FAX results to State Office.	
PART B - TO BE COMPLETED BY STATE OFFICE (Summary of County Office results)	
9. Total number of producers who filed a form LS-51-1 "Soybean Promotion and Research Order Request for Referendum".	
10. Number of eligible producers requesting a referendum.	
11. Number of ineligible producers requesting a referendum.	
12. Number of valid requests for a referendum.	
13. Number of invalid requests for a referendum.	
14. State Office Certification: I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.	
A. NAME OF PREPARER	B. TITLE OF PREPARER
C. DATE PREPARED (MM-DD-YYYY)	
NOTE: State Office shall email results to National Office, Rick Pinkston, at rick.pinkston@wdc.usda.gov.	

Request for Referendum Calendar

Dates	Event
January 1, 2007, through December 31, 2008	Representative Period
May 4, 2009, through May 29, 2009	Request for Referendum Period (4 weeks)
May 29, 2009	FAX and in-person LS-51-1's must be received by COB.
May 29, 2009	Mail-in LS-51-1's must be postmarked no later than midnight.
June 5, 2009	Mail-in LS-51-1's must be received in the County Office by COB.
June 8, 2009	FSA begins canvassing and counting LS-51-1's. FSA should begin notifying ineligible producers in writing.
June 10, 2009	Last day for FSA to notify ineligible producers in writing.
June 22, 2009	Last day for ineligible producer to provide additional information about eligibility.
June 22, 2009	Last day for FSA to determine eligibility.
June 22, 2009	All LS-51-1's must be counted.
June 26, 2009	Final date for County Offices to send results to State Offices.
July 2, 2009	Final date for State Offices to send results to DAFO.

Questions and Answers About the Soybean Request for Referendum

- Q1.** How was the Soybean Checkoff Program established?
- A1.** The Soybean Promotion and Research Order (Order) is authorized by the Soybean Promotion, Research, and Consumer Information Act (Act) [7 U.S.C. 6301-6311]. The Act was passed as part of the 1990 Farm Bill and authorized the establishment of a national soybean promotion, research, and consumer information program. The program became effective on July 9, 1991, when the Order was published. Assessments began September 1, 1991.
- Q2.** Who administers the program?
- A2.** The program is administered by the United Soybean Board (Board), which has 68 members representing 29 States and 2 combined units. Members of the Board are appointed by the Secretary of Agriculture. The Board develops budgets and contracts to carry out a coordinated program of promotion, research, consumer information, and industry information. The Board's office is located in Chesterfield, Missouri.
- Q3.** What is the Department of Agriculture's (USDA) role in the program?
- A3.** USDA has two basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparing and publishing in the *Federal Register* rules and regulations, referendum rules, and other required documents. The second role is to oversee the program's activities conducted by the Board to ensure that they comply with the law.
- Q4.** What is a Request for Referendum?
- A4.** A Request for Referendum is an opportunity for producers to say they would like to be offered a referendum on the program. If the results of the Request for Referendum indicate there are not enough producers wanting a referendum, a referendum will not be conducted. Participation is voluntary, and only individuals who desire a referendum on the Soybean Checkoff Program should participate.
- Q5.** When and where will the Request for Referendum be conducted?
- A5.** The Request for Referendum will be conducted May 4, 2009, through May 29, 2009, at County Farm Service Agency (FSA) Offices. Individual producers and authorized entity representatives may participate at the County FSA office where their entity's administrative farm records are maintained. Producers that do not participate in FSA programs can participate at the FSA office located in the county where the producer owns or rents land. To find your county FSA office, contact the state FSA office or visit <http://www.fsa.usda.gov/pas/default.asp>.

Questions and Answers About the Soybean Request for Referendum (Continued)

- Q6.** Who will participate in the Request for Referendum?
- A6.** Only those persons who are eligible to participate and favor a referendum on the Soybean Checkoff Program should participate. Those persons who do not desire a referendum on the Soybean Checkoff Program would not participate in the Request for Referendum. Participating in the Request for Referendum is voluntary.
- Q7.** Who is “eligible” to participate?
- A7.** Producers must certify that they or the entity they are authorized to represent paid an assessment at some time between January 1, 2007, and December 31, 2008. Each producer entity is entitled to only one request. Any group of individuals, such as families, joint tenants, a partnership, or a corporation as a producer entity may only make one request for a referendum. However, any individual who is an eligible producer separate from the group may request a referendum separately.
- Q8.** What will I need to fill out?
- A8.** To request a referendum, a producer will complete Form LS-51-1, Soybean Promotion and Research Order Request for Referendum and provide supporting documentation showing that soybean assessments were paid during the representative period. Form LS-51-1 may be obtained by mail, fax, or in-person from FSA county offices or via the Internet at <http://www.ams.usda.gov/lsmarketingprograms> during the Request for Referendum period. Completed forms and supporting documentation must be returned to the appropriate county FSA office by fax or in-person no later than close of business May 29, 2009; or if returned by mail, must be postmarked by midnight May 29, 2009, and received in the county FSA office by close of business on June 5, 2009.
- Q9.** What will determine whether or not USDA will conduct a Referendum?
- A9.** If at least 10 percent of eligible producers request a referendum, with no more than one-fifth being producers in any one State, USDA will conduct a referendum within 1 year from that determination. If results of the Request for Referendum indicate that a referendum is not supported, a referendum would not be conducted.
- Q10.** When will the results be announced and how?
- A10.** USDA will likely announce the results in July or August of 2009. USDA will publish a press release and issue a notice in the *Federal Register* announcing the results of the Request for Referendum. The results will also be posted on the Internet at <http://www.ams.usda.gov/lsmarketingprograms>.

Questions and Answers About the Soybean Request for Referendum (Continued)

- Q11.** Can eligible soybean farmers request a soybean checkoff referendum beyond May 29?
- A11.** No. In order to be counted as a valid request, eligible producers must ensure that request form (LS-51-1) and accompanying documentation is delivered in-person or by fax, to the appropriate County FSA office no later than May 29, 2009. If returned by mail, request form (LS-51-1) and accompanying documentation must be postmarked no later than May 29, 2009, and received at the appropriate county FSA office by close of business on June 5, 2009.
- Q12.** Why is there a soybean checkoff Request for Referendum period every 5 years?
- A12.** The Act requires the Secretary of Agriculture to conduct a Request for Referendum every 5 years after the initial referendum, which was conducted in 1994. The last Request for Referendum was conducted in 2004. Soybean producers who are interested in having a referendum to determine whether to continue the soybean checkoff program are invited to participate.
- Q13.** If Qualified State Soybean Boards or soybean farmers want to contact someone at USDA about the soybean checkoff Request for Referendum, who should they contact and how can they contact them?
- A13.** For more information, contact the Marketing Programs Branch; Livestock and Seed Program, AMS, USDA; STOP 0251 - Room 2628-S; 1400 Independence Avenue, SW; Washington, D.C. 20250-0251; tel. (202) 720-1115; or via the Internet at www.ams.usda.gov/lsmarketingprograms.

Example of LS-51-1, Soybean Promotion, Research, and Information Order Request for Referendum

FORM APPROVED – OMB NO. 0581-0093	
UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE	
<p>SOYBEAN PROMOTION AND RESEARCH ORDER REQUEST FOR REFERENDUM</p>	
<p><i>According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0093. The time required to complete this information collection is estimated to average 6 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.</i></p> <p><i>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</i></p>	
<p>CERTIFICATION STATEMENT</p> <p><i>I HEREBY CERTIFY that I am a soybean producer or producer entity that I am authorized to represent and have paid an assessment sometime during January 1, 2007, through December 31, 2008. I am requesting a referendum only once in the same capacity registered. I FURTHER CERTIFY that the supporting documentation that I am providing along with this form is true, complete, and correct to the best of my knowledge and belief. Failure to provide supporting documentation showing that a soybean assessment was paid and complete and sign this form will invalidate the request.</i></p>	
<hr/> <p>NAME OF INDIVIDUAL PRODUCER OR OTHER PRODUCER ENTITY <i>(Print)</i></p>	
<hr/> <p>ADDRESS <i>(Street, P.O. Box, or Route No., City, State, ZIP Code)</i></p>	
<hr/> <p>TELEPHONE NUMBER <i>(Including Area Code)</i></p>	<hr/> <p>COUNTY</p>
<p>IMPORTANT: Sign and date this form if you wish to request a referendum on the Soybean Promotion and Research Order.</p>	
<hr/> <p>SIGNATURE OF PRODUCER OR PREPRESENTATIVE OF PRODUCER ENTITY</p>	<hr/> <p>DATE</p>
<hr/> <p>TITLE <i>(If applicable)</i></p>	
<hr/> <p>LS-51-1 (04-09)</p>	