

For: State and County Offices

**Sorghum Promotion, Research, and Information Program (Sorghum Checkoff Program) Referendum – February 1 Through February 28, 2011**

Approved by: Administrator



**1 Overview**

**A Background**

The Sorghum Promotion, Research, and Information Order (Order), commonly known as the Sorghum Checkoff Program, was implemented July 1, 2008, as authorized by the Sorghum Commodity Promotion, Research, and Information Act (Act), to maintain and expand existing markets and develop new markets for sorghum and sorghum products. The Act requires that the Secretary conduct a referendum among eligible sorghum producers and importers to determine whether the Order should be continued.

Eligible producers may cast a ballot at their local FSA County Office during a 4-week period beginning February 1, and ending February 28, 2011. The results of the Referendum will be published in a Notice in FR.

The AMS Administrator is responsible for conducting the Sorghum Checkoff Program Referendum (Referendum). FSA is responsible for assisting AMS with the Referendum.

**B Purpose**

This notice provides instructions to State and County Offices on how to carryout FSA’s responsibilities in conducting the Referendum.

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

<b>Disposal Date</b>	<b>Distribution</b>
May 1, 2011	State Offices; State Offices relay to County Offices

## Notice AO-1490

### 1 Overview (Continued)

#### 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](mailto: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 Referendum according to paragraph 2 and Exhibits 1 through 6. AMS provided the instructions.

**Note:** The United Sorghum Checkoff Program Board (Board) will, through AMS, reimburse FSA for expenses incurred.

Step	Action
1	<p>County Offices shall publicize the Referendum by including Referendum information in regular newspaper articles, county newsletters, or radio programs. County Offices <b>must</b> use the press release or excerpts from the release when publicizing the Referendum (Exhibit 2).</p> <p><b>Notes:</b> County Offices shall <b>not</b> prepare a special mailing of postcards or newsletters to publicize the Referendum. Information distributed through the normal media outlets mentioned in this step will be sufficient announcement of the Referendum.</p> <p>Costs incurred for special mailings will <b>not</b> be reimbursed by the Board. However, include excerpts from the news release titled, “<b>USDA Sets Date for Sorghum Referendum</b>” (Exhibit 2), in routine County Office newsletters and free press. The AMS news release is posted at <a href="http://www.ams.usda.gov/LSMarketingPrograms">www.ams.usda.gov/LSMarketingPrograms</a>.</p>
2	<p>County Offices shall:</p> <ul style="list-style-type: none"><li>• maintain a register of associated and reimbursable costs and transmit these costs to the State Office by <b>March 24, 2011</b>, using Exhibit 3</li><li>• transmit the results of the Referendum to the State Office by <b>March 24, 2011</b>, using Exhibit 3 that is available at <a href="http://165.221.16.90/dam/ffasforms/currentforms.asp">http://165.221.16.90/dam/ffasforms/currentforms.asp</a>; in the “Form Number” field, ENTER “<b>Sorghum Results</b>”.</li></ul>
3	<p>State Offices shall:</p> <ul style="list-style-type: none"><li>• summarize the County Office costs using Exhibit 3</li></ul> <p><b>Note:</b> Associated costs incurred by State Offices shall be included in the State report.</p> <ul style="list-style-type: none"><li>• summarize the County Office results using Exhibit 3</li><li>• transmit the summarized costs and summarized results to Rick Pinkston, Field Operations Staff, by no later than <b>March 28, 2011</b> to <a href="mailto:rick.pinkston@wdc.usda.gov">rick.pinkston@wdc.usda.gov</a>.</li></ul>

## Notice AO-1490

### 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 the 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 1221
- encouraging or discouraging persons from participating in the Referendum
- determining eligibility, other than in an official capacity
- prejudice for or against the Sorghum Checkoff Program.

#### B Downloading LS-379

County Offices should obtain LS-379 (Exhibit 6) through the Internet and reproduce locally as necessary. LS-379 is available on the AMS web site at <http://www.ams.usda.gov/AMSV1.0/sorghumpage>.

**Note:** LS-379 will **only** be available on the AMS web site beginning **February 1** through **February 28, 2011**.

## AMS Instructions for Conducting the Referendum

### 1 Conducting the Referendum on the Order

#### A Responsibilities

The AMS Administrator is responsible for conducting the Referendum.

FSA will assist in conducting the Referendum by:

- publicizing the Referendum
- accepting ballots for the Referendum from sorghum producers
- confirming eligibility of persons voting in the Referendum
- reporting Referendum results.

#### B Purpose

These instructions:

- describe the significance of the Referendum
- establish procedures about:
  - State and County Office actions
  - eligibility
  - showing evidence an assessment was paid
  - canvassing and counting LS-379's and reporting results
  - retaining and disposing records.

### 2 Referendum Period

#### A Significance of the Referendum

The Act authorizes a program of promotion, research, and information to be developed through the promulgation of the Order. The Act requires that the Secretary of Agriculture (Secretary) conduct a referendum among persons subject to assessments who, during a representative period established by the Secretary, have engaged in the production or importation of sorghum. For the Sorghum Checkoff Program to continue, it must be approved, with an affirmative vote, by at least a majority of those persons voting who were engaged in the production or importation of sorghum during the representative period.

#### B Time and Place of Referendum

The Referendum will be held:

- from **February 1** through **February 28, 2011**
- in County Offices.

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

The representative period for establishing eligibility for the Referendum shall be the period from July 1, 2008, through December 31, 2010. Persons who were engaged in the production of sorghum and who provide documentation, such as a sales receipt or remittance form, **showing that they were engaged in the production or importation of sorghum** during the period from July 1, 2008, through December 31, 2010, are eligible to vote in the Referendum.

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

The representative period is **July 1, 2008, through December 31, 2010**.

**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 sorghum between July 1, 2008, and December 31, 2010, shall be entitled to cast **only** 1 vote in the 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 cast a vote in the Referendum separately.

**Example:** Husband and wife own operation A. Wife owns operation B. Two votes 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 Referendum (Continued)****3 Eligibility (Continued)****B Participating in the Referendum or FSA-211**

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

**Important:** Under **no** circumstance should any person wanting to vote in the Referendum be refused.

**4 Referendum Ballot Boxes and Obtaining LS-379's****A Referendum Ballot Boxes**

County Offices shall provide a holding box or container of sufficient size so arranged that no LS-379 can be read or removed without breaking seals on the box.

**B Obtaining LS-379's**

Eligible persons may obtain LS-379 in-person, by mail, FAX, or telephone. The County Office shall mail directly to the person, at the address provided by the person, if requested by mail, FAX, or telephone. Persons may also obtain LS-379 through the Internet at **<http://www.ams.usda.gov/LSMarketingPrograms>**. CLICK “**Sorghum Program**” and follow the link to the Referendum page. CLICK “**Form LS-379**”.

In-person, mail, or FAX requests **must** be for only one LS-379.

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

**AMS Instructions for Conducting the Referendum (Continued)****5 Completing LS-379's****A Overview**

County Offices **must** provide all persons the opportunity to vote in the Referendum during regular work hours from **February 1** through **February 28, 2011**.

A completed and signed LS-379 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 vote in the 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 vote 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 Person Actions**

Eligible persons **must**:

- complete LS-379 in its entirety
- provide **supporting documentation**, such as a sales receipt or remittance form, showing that the **person was engaged in the production or importation of sorghum** between July 1, 2008, through December 31, 2010
- sign LS-379 certifying that they paid an assessment on sorghum between July 1, 2008, through December 31, 2010.

**C In-Person at the County Office**

A person who obtains LS-379 in-person at the appropriate County Office may complete and return LS-379 at that time. The person **must**:

- complete and sign LS-379 in its entirety **and** attach (staple) the supporting documentation
- place LS-379 and attached supporting documentation in the ballot box.

**Note:** If a person voting in the Referendum wants the original supporting documentation returned, make a copy to attach to LS-379 and return the original supporting documentation to that person.

**AMS Instructions for Conducting the Referendum (Continued)****5 Completing LS-379 (Continued)****D By Mail or FAX**

Persons who return LS-379 by mail or FAX **must** complete and sign LS-379, in its entirety, and return it to the appropriate County Office along with supporting documentation.

When LS-379 is returned by mail or FAX, the County Office shall:

- **date stamp** LS-379
- attach any supporting documentation (copies are acceptable)
- place LS-379 and supporting documentation in the ballot box.

**Note:** FSA-237 does **not** need to be on file for LS-379's returned by FAX.

**6 Canvassing Ballots****A Overview**

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

Canvassing LS-379's shall take place on **March 8, 2011**. At least two 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-379'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 two COC members from being present to canvass the requests.

**LS-379's for the 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 eligibility information.

## AMS Instructions for Conducting the Referendum (Continued)

## 6 Canvassing Ballots (Continued)

## B Valid LS-379's

FSA will consider LS-379 as being valid if LS-379 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-379's

An invalid LS-379 may include, but is **not** limited to, the following:

- LS-379 is **not** signed, completed in its entirety, or all required information has **not** been provided
- LS-379 and supporting documentation returned **in person** or **by FAX** was **not** received by COB **February 28, 2011**
- LS-379 and supporting documentation returned **by mail** was **not** postmarked by **February 28, 2011**
- LS-379 and supporting documentation returned **by mail** was **not** received in the County Office on or before **March 7, 2011**
- LS-379, or the supporting documentation, is mutilated or marked in such a way that any required information on LS-379 or supporting documentation is illegible
- LS-379 and supporting documentation was **not** returned to the appropriate County Office.

## AMS Instructions for Conducting the Referendum (Continued)

## 6 Canvassing Ballots (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 **March 10, 2011**. 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 Referendum on the Sorghum Promotion, Research, and Information Order has been questioned.

In order for us to determine if your ballot for the Referendum is valid, you must provide us with supporting documentation showing that you were engaged in the production of sorghum between July 1, 2008, and December 31, 2010, and paid an assessment.

If, within five business days after the postmark date of this letter, we do not receive in the County Office additional documentation supporting your eligibility to participate in the 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 **March 22, 2011**. 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 Referendum on the Sorghum Promotion, Research, and 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 ballot for the Referendum among those that will be counted for the Referendum.

**AMS Instructions for Conducting the Referendum (Continued)****7 Additional Information****A Counting Ballots**

If there are **no** ineligibility determinations to resolve, LS-379's shall be counted on the same day as LS-379's are canvassed, that is **March 8, 2011**.

For County Offices that **do have** ineligibility determinations to resolve, LS-379's shall be counted **after** the ineligible determinations have been resolved, but **no** later than **March 22, 2011**.

LS-379's shall be counted as follows:

- number of valid ballots cast
- number of persons favoring the Order
- number of persons not favoring the Order
- number of invalid ballots.

**B County Office Reports**

County Offices shall certify and transmit the results and expenses to the State Office as soon LS-379's are counted, but no later than **March 24, 2011**. See Exhibit 3.

**Note:** Negative reports are **required**.

The results in each county may be made available to the public after 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 Reports**

Each State Office shall certify and transmit the following to FSA, DAFO, as soon as possible, but **no** later than **March 28, 2011**:

- results and expenses incurred by County Offices
- report summarizing the data contained in each of the reports from County Offices
- completed Exhibit 3 by e-mail to **rick.pinkston@wdc.usda.gov**
- negative reports; **required**.

**Note:** One copy of the State summary shall be filed until further notice and available for public inspection **after** the results have been released.

**AMS Instructions for Conducting the Referendum (Continued)****7 Additional Information (Continued)****D Results of the Referendum**

The results of the 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, "**Sorghum Referendum**" all LS-379's, accompanying documentation, any other related material, and county summaries. The records will be placed in a secure location under CED's custody and the box marked "**Retain Until Further Notice**".

## News Release

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



# PROGRAM ANNOUNCEMENT

## AGRICULTURAL MARKETING SERVICE

United States Department of Agriculture ♦ 1400 Independence Ave., SW ♦ Room 2632-S  
Washington, DC 20250 ♦ (202) 720-8998 ♦ World Wide Web: <http://www.ams.usda.gov>

**AMS No. 264-10**

Sam Jones-Ellard (202) 720-8998  
[Samuel.Jones@ams.usda.gov](mailto:Samuel.Jones@ams.usda.gov)

### USDA Announces Dates of Sorghum Checkoff Referendum

WASHINGTON, Jan. 4 2011 – The U.S. Department of Agriculture has finalized procedures for the upcoming referendum on the continuation of the Sorghum Checkoff Program and is announcing the dates it will conduct the referendum.

For the program to continue, the Sorghum Promotion, Research, and Information Order requires that a referendum be conducted no later than 3 years after the start of assessments, which began on July 1, 2008. The order requires a simple majority vote in the referendum for the program to continue.

USDA will conduct the referendum Feb. 1-28, 2011, at local Farm Service Agency (FSA) offices for producers and the Agricultural Marketing Service office, referenced below, for importers. Ballots may be obtained in person, by mail or facsimile at county FSA offices, or via the Internet at [www.ams.usda.gov/sorghumpage](http://www.ams.usda.gov/sorghumpage).

Any eligible person engaged in the production or importation of sorghum from July 1, 2008, to Dec. 31, 2010, is eligible to participate. Individuals are required to provide documentation such as a sales receipt or remittance form that shows they engaged in the production or importation of sorghum.

The Sorghum Checkoff Program, and its 13-member board, is authorized by the Commodity Promotion, Research, and Information Act of 1996. The mandatory program is funded at the rate of 0.6 percent of the net market value on grain sorghum and 0.35 percent of the net market value of sorghum forage.

Sorghum Checkoff is a national, coordinated, self-help marketing program designed to strengthen the position of sorghum in the marketplace, maintain and expand existing domestic and foreign markets and uses for sorghum, and develop new markets and uses for sorghum.

The final procedures were published in the Nov. 18, 2010, *Federal Register*. The notice announcing the dates of the referendum were published in the Jan. 4, 2011, *Federal Register*.

For more information, contact Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW, Washington, DC 20250-0251; by calling (202) 720-1115; or faxing (202) 720-1125.

#

Follow us on Twitter to receive the latest press releases, stories, and important updates about the Agricultural Marketing Service at: [http://twitter.com/USDA\\_AMS\\_NEWS](http://twitter.com/USDA_AMS_NEWS).

USDA is an equal opportunity provider, employer and lender. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Ave., S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

**State and County Office FSA Transmittal Sheet of Results and Expenses for Sorghum Referendum**

The transmittal is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the "Form Number" field, ENTER "Sorghum Results".

This form is available electronically.

U.S. DEPARTMENT OF AGRICULTURE  
Farm Service Agency

**STATE AND COUNTY OFFICE FSA TRANSMITTAL SHEET  
OF RESULTS AND EXPENSES FOR SORGHUM REFERENDUM**

1. State Name	2. County Name	
3. Eligible in-office producer ballots.	<b>Number of Ballots</b>	
	YES	NO
4. Ineligible in-office producer ballots.		
5. Eligible mail ballots.	<b>Number of Ballots</b>	
	YES	NO
6. Ineligible mail, faxed, etc. ballots.		
7. Total eligible in-office and mail Sorghum producer ballots (Sum of Item 3 and Item 5)	<b>Number of Ballots</b>	
	YES	NO
<b>List State and County Expenses (For Use by State and County Offices).</b>		
8. List Grade and Title of personnel working on referendum, including COC	<b>A. Hours Worked</b>	<b>B. Costs</b>
		\$
		\$
		\$
		\$
		\$
<b>9. Total Hours Worked:</b>		
10. Reproduction Costs.		\$
11. Mailing Costs.		\$
12. Envelope Costs.		\$
13. Postage Costs.		\$
<b>14. Total Costs:</b>		\$
<b>15. Certification:</b>		
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)
<b>NOTE:</b> County Offices shall email results to their State Office. State Offices shall email results to National Office; rick.pinkston@wdc.usda.gov.		

**Sorghum Referendum Calendar**

<b>Dates</b>	<b>Event</b>
July 1, 2008, through December 31, 2010	Representative Period
February 1 through February 28, 2011	Request for Referendum Period (4 weeks)
February 28, 2011	FAX and in-person LS-379's <b>must</b> be received at FSA County Offices (for producers) and AMS (for importers) by COB.
February 28, 2011	Mail-in LS-379's <b>must</b> be postmarked no later than midnight.
March 7, 2011	Mail-in LS-379's <b>must</b> be received in the County Offices (for producers) and AMS (for importers) by COB.
March 8, 2011	FSA and AMS begin canvassing and counting ballots. FSA and AMS should begin notifying ineligible producers and importers in writing.
March 10, 2011	Last day for FSA to notify ineligible producers in writing. Last day for AMS to notify ineligible importers in writing.
March 22, 2011	Last day for ineligible producer or importer to provide additional information about eligibility.
March 22, 2011	Last day for FSA or AMS to determine eligibility.
March 22, 2011	All requests <b>must</b> be counted.
March 24, 2011	Final date for County Offices to send results to State Offices.
March 28, 2011	Final date for State Offices to send results to DAFO.

## Questions and Answers About the Sorghum Referendum

**Q1.** How was the Sorghum Checkoff Program established?

**A1.** The Sorghum Promotion, Research, and Information Order (Order) is authorized by the Commodity Promotion, Research, and Information Act of 1996 (Act) [7 U.S.C. 7411-7425]. The program became effective on May 7, 2008, when the Order was published. Assessments began July 1, 2008.

**Q2.** Who administers the program?

**A2.** The program is administered by the United Sorghum Checkoff Program Board (Board), which has 13 members representing 3 States and 4 at-large positions. 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 Lubbock, Texas.

**Q3.** What is USDA's role in the program?

**A3.** USDA has 2 basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparing and publishing in FR 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 Referendum?

**A4.** A Referendum is an opportunity for producers and importers to say whether they would like the program to continue. If the results of the Referendum indicate that a majority of producers and importers voting in the Referendum do not favor continuation of the program, the program will be terminated. If the results of the Referendum indicate that a majority of producers and importers voting in the Referendum favor continuation of the program, the program will be continued.

**Q5.** When and where will the Referendum be conducted?

**A5.** The Referendum will be conducted **February 1, 2011, through February 28, 2011**, at FSA County Offices for producers. Individual producers and authorized entity representatives may participate at the FSA County Office where their entity's administrative farm records are maintained. Producers who do not participate in FSA programs can participate at the FSA County Office located in the county where the producer owns or rents land. To find your FSA County Office, contact the FSA State Office or visit <http://www.fsa.usda.gov/pas/default.asp>. The Referendum will be conducted February 1, 2011, through February 28, 2011, at the AMS Livestock and Seed Program Office in Washington, DC for importers.

**Q6.** Who will participate in the Referendum?

**A6.** Only those persons who are eligible to participate should vote. Participating in the Referendum is voluntary.

**Questions and Answers About the Sorghum Referendum (Continued)**

- Q7.** Who is “eligible” to participate?
- A7.** Producers and importers must certify that they or the entity they are authorized to represent were engaged in the production or importation of sorghum at some time between July 1, 2008, and December 31, 2010. Each producer or importer entity is entitled to only 1 request. Any group of individuals, such as families, joint tenants, a partnership, or a corporation as a producer or importer entity may only make 1 request for a referendum. However, any individual who is an eligible producer or importer separate from the group may request a referendum separately.
- Q8.** What will I need to fill out?
- A8.** To vote in the Referendum, a producer or importer will complete Form LS-379, Sorghum Promotion, Research, and Information Order Referendum Ballot, and provide supporting documentation showing that they were engaged in the production or importation of sorghum during the representative period. Form LS-379 may be obtained by mail, FAX, or in person from FSA County Offices or via the Internet at <http://www.ams.usda.gov/AMSV1.0/sorghumpage> during the Referendum period. Completed forms and supporting documentation must be returned to the appropriate FSA County Office (for producers) or the AMS office (for importers) by FAX or in person no later than COB February 28, 2011; or if returned by mail, must be post-marked by midnight February 28, 2011, and received in the FSA County Office (for producers) or the AMS office (for importers) by COB March 7, 2011.
- Q9.** What will determine whether or not the Sorghum Checkoff continues?
- A9.** If at least 50 percent of eligible producers and importers voting in the Referendum vote in favor of continuing the program, the Sorghum Checkoff will continue.
- Q10.** When will the results be announced and how?
- A10.** USDA will likely announce the results of the Sorghum Referendum in late March or April 2011. USDA will publish a press release and issue a notice in FR announcing the results of the Referendum. The results will also be posted on the Internet at <http://www.ams.usda.gov/AMSV1.0/sorghumpage>.
- Q11.** If sorghum farmers want to contact someone at USDA about the Sorghum Checkoff Referendum, who should they contact and how can they contact them?
- A11.** For more information, contact the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, STOP 0251 - Room 2628-S, 1400 Independence Avenue, SW, Washington, DC 20250-0251; telephone at 202-720-1115; or via the Internet at <http://www.ams.usda.gov/AMSV1.0/sorghumpage>.

Example of LS-379, Sorghum Promotion, Research, and Information Order Referendum Ballot

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE <b>REFERENDUM ON THE                  SORGHUM                  PROMOTION AND RESEARCH                  ORDER BALLOT</b>	<p style="text-align: right; font-size: small;">FORM APPROVED – OMB 0581-0093</p> <p style="font-size: x-small;">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.</p> <p style="font-size: x-small;">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.</p>				
<p><b>NOTE: INSTRUCTIONS TO VOTERS (Please read carefully)</b></p>					
<p>1. Producers - If voting as an individual, you must vote in the county Farm Service Agency (FSA) Office in the county in which you reside, or the county FSA Office serving the county in which you reside.</p> <p>2. Producers - If voting on behalf of an entity (partnership, corporation, estate, etc.) you must vote in the county FSA office in which it is located, or the county FSA office serving the county in which it is located.</p> <p>3. Importers - . send ballots to Craig Shackelford, Marketing Programs Branch, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW., Washington, DC 20250-0251; Telephone: (202) 720-1115; Fax: (202) 720-1125; <a href="mailto:craig.shackelford@ams.usda.gov">craig.shackelford@ams.usda.gov</a>.</p> <p>4. Mark the "Ballot" below and sign the Certification Statement.</p> <p>5. Staple supporting documentation (sales receipt, remittance form, or Customs 7501 form) fold in half and deposit into the "Ballot Box"</p>					
<p>Do you support continuation of the Sorghum Promotion and Research Order?</p> <table border="1" style="float: right; border-collapse: collapse;"> <tr> <td style="padding: 2px;">YES</td> <td style="padding: 2px;">NO</td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </table>		YES	NO		
YES	NO				
<p><b>Certification and Signature</b>  <i>I HEREBY CERTIFY that I am a person (any individual, group of individuals, partnership, corporation, association, cooperative or any other legal entity) or authorized representative and have engaged in the production or importation of sorghum during the representative period and that the supporting documentation I am providing is true and correct.</i></p>					
<p>_____</p> <p>Print Name</p>					
<p>_____</p> <p>Signature</p>					
<p>_____</p> <p>Date</p>					
<p>LS-379 (7/1/2008)</p>					