

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-8-5-.05

Rule Title: Procedures For Polling and Handling Results Of The Poll.

New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John McMillan

Date: 3/14/11

(DATE FILED) (STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
DIVISION OF MARKETING

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-8-5-.05 Procedures For Polling And Handling Results of the Poll.

Intended Action: To Amend

Substance of Proposed Action: To renew the period during which feed grain is harvested or planted in regards to voting eligibility.

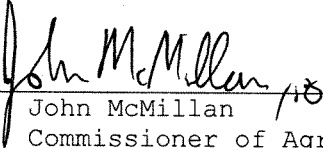
Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date May 10, 2011 in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 10, 2011

Contact Person at Agency: Robert J. Russell, Assistant Attorney General and Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

3/14/11

Date



John McMillan
Commissioner of Agriculture
and Industries

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80-8-5-.05
Of The Poll.

Procedures For Polling And Handling Results

(1) Each polling place shall have not less than two individuals who shall serve as poll holders to be in charge of and supervise the voting. Such polling places shall have a voter's register and those who are eligible to vote shall sign his or her name upon such register and enter thereon his or her address together with the number of acres of feed grains harvested in ~~2005~~ 2010 or planted in ~~2006~~ 2011.

(2) Producers of feed grains shall be furnished with a printed ballot for voting by secret ballot and after the vote is cast, such ballot shall be folded, deposited and kept in a ballot box or other similar container suitable to serve as a ballot box.

(3) As soon as the last voter has voted and the polls close, the poll holders shall immediately open the ballot boxes, count and tabulate the results of the voting and certify the results thereof to the Chairman of the County Committee. Any interested individual who cares to be present when the ballots are counted or tabulated may be present and observe such vote counting and tabulation of results.

(4) Upon the conclusion of paragraph No. (3) above, a poll holder shall deliver the ballots in a sealed container to the Chairman of the Referendum Committee with the certification of the results. The county chairman and at least two other members of the County Referendum Committee shall then tabulate and certify the results received from each polling place in the county to the State Referendum Committee of the Certified Association. The county chairman will also deliver or forward all county ballots in the sealed containers, after tabulation of voting results, to the Director of the Certified Association. The State Certified Association shall upon receipt of certified results from each county, tabulate, publicly declare and announce the results of the statewide referendum within a period of ten (10) days following receipt of the results from each county in Alabama.

(5) A certified copy of the results of the statewide referendum shall be forwarded to the Commissioner of Agriculture and Industries.

Authors: Robert J. Russell, Reginald Sorrells
Statutory Authority: Code of Ala. 1975, §2-8-249.
History: Filed August 22, 1986. **Amended:** Filed August 27, 1991. **Amended:** Filed August 15, 1996; effective September 19, 1996. **Amended:** Filed August 15, 2001; effective September 19, 2001. **Amended:** Filed August 18, 2006; effective September 22, 2006.
Amended: