

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

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 clarify the voting eligibility process and to clarify the process of handling the results.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 8, 2016 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

Final Date for Comment and Completion of Notice: November 08, 2016.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

Date

9-13-16

John McMillan

Commissioner of Agriculture
and Industries

80-8-5-.05 Procedures For Polling And Handling Results Of The Poll.

(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 ~~2010~~ the year before the referendum or planted in ~~2011~~ the year of the referendum.

(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~~ Director of the certified association. 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~~ place 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 poll holder 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:** Filed May 12, 2011; effective June
16, 2011. **Amended:**