

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

WASHINGTON STATE APPLE ADVERTISING COMMISSION
(name of governing body)

WASHINGTON STATE APPLE ADVERTISING COMMISSION
(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 11

(1) Be it resolved by the WASHINGTON STATE APPLE ADVERTISING COMMISSION, acting at Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801 that it does adopt the annexed rules relating to:

Requires each voting apple grower to complete and return an Apple Grower Eligibility Certificate with each ballot in a referendum mail ballot; prescribes the form of the certificate; and authorizes the Commission and the Director of the Department of Agriculture to rely on the Certificate in counting and validating ballots; and defining the terms "apple grower" and "commercial producing apple orchard" for referendum mail ballots.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 82-13-083 mp filed with the code reviser on June 21, 1982. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [ ] at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- [ ] (a) This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute.
[ ] (b) This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the \_\_\_\_\_

\_\_\_\_\_ (agency) has authority to implement the provisions of \_\_\_\_\_ (name of act or RCW citation)

[X] (c) This rule is promulgated under the general rule-making authority of the

WASHINGTON STATE APPLE ADVERTISING COMMISSION (agency)

as authorized in RCW 15.24.070 (1)

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 10, 19 82

By [Signature] Chairman

STATE OF WASHINGTON FILED AUG 13 1982 CODE REVISER'S OFFICE WSR 82-17-036

TEXT OF RULE

NEW SECTION

WAC 24-12-011 REFERENDUM MAIL BALLOT VOTING ELIGIBILITY.

(1) In the conduct of a Referendum Mail Ballot pursuant to the provisions of RCW 15.24.090 the Commission shall require that each returned ballot be accompanied by a completed Apple Grower Eligibility Certificate in substantially the following form:

WASHINGTON STATE APPLE ADVERTISING COMMISSION  
APPLE GROWER ELIGIBILITY CERTIFICATE

(Note: All appropriate spaces on this certificate must be completed to properly qualify your vote).

I HEREBY CERTIFY THAT:

1. My name and address are as follows (please print):  
Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_
2. I am qualified to vote for one of the following reasons (please check the appropriate space):
  - a. \_\_\_\_\_ I am an individual owner-operator or an individual lessee-operator of commercially producing apple orchard/orchards.
  - b. \_\_\_\_\_ I am a member of and have been designated to cast the single ballot for \_\_\_\_\_ (please fill in name), a partnership, joint venture or corporation owning/leasing and operating commercially producing apple orchard/orchards.
3. The orchard/orchards for which I am casting a vote represents \_\_\_\_\_ acres of commercially producing apple trees situate in the county/counties of \_\_\_\_\_ within the State of Washington. (Please combine the total commercially producing acreage for which you are voting in the space above).

\_\_\_\_\_  
Signature of Voter

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Date

NOTE: A completed Apple Grower Eligibility Certificate must accompany each ballot.

(2) The Commission and the Director of the Department of Agriculture may, in counting and validating ballots, rely on and accept the representations of eligibility to vote and the representations of acreage as set forth in said Certificate.

(3) Apple growers entitled to vote in a referendum mail ballot pursuant to the provisions of RCW 15.24.090 are defined

to be each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bonafied leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. Individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage.

(4) A commercial producing apple orchard means an apple orchard currently producing or growing apples in sufficient quantity so that said apples are or will be marketed through prevailing commercial channels and are or will be subject to assessment pursuant to the provisions of RCW 15.24.