

(d) *Appeal*. A person declared to be ineligible by FSA or AMS can appeal such decision and provide additional documentation to the FSA county office or AMS within 5 business days after the postmark date of the letter of notification of ineligibility. FSA or AMS will then make a final decision on the person's eligibility and notify the person of the decision.

(e) *Invalid ballots*. An invalid ballot includes, but is not limited to the following:

(1) Form LS-379 is not signed or all required information has not been provided;

(2) Form LS-379 and supporting documentation returned in-person or by facsimile was not received by close of business on the last business day of the voting period;

(3) Form LS-379 and supporting documentation returned by mail was not postmarked by midnight of the final day of the voting period;

(4) Form LS-379 and supporting documentation returned by mail was not received in the county FSA or AMS office by the 5th business day following the final day of the voting period;

(5) Form LS-379 or supporting documentation is mutilated or marked in such a way that any required information on the Form is illegible; or

(6) Form LS-379 and supporting documentation not returned to the appropriate county FSA or AMS office.

**§ 1221.228 Counting ballots.**

(a) Form LS-379 shall be counted by county FSA offices or the AMS office on the same day as the ballots are canvassed if there are no ineligibility determinations to resolve. For those county FSA offices that do have ineligibility determinations, the requests shall be counted no later than the 14th business day following the final day of the voting period.

(b) Ballots shall be counted as follows:

(1) Number of valid ballots cast;

(2) Number of persons favoring the Order;

(3) Number of persons not favoring the Order;

(4) Number of invalid ballots.

**§ 1221.229 FSA county office report.**

The county FSA office report shall be certified as accurate and complete by the CED or designee, acting on behalf of the Administrator, AMS, as soon as may be reasonably possible, but in no event shall submit no later than the 18th business day following the final day of the specified period. Each county FSA office shall transmit the results in its county to the FSA State office. The results in each county may be made available to the public upon notification by the Administrator, FSA, 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 Administrator, FSA, in the county FSA office in a conspicuous place accessible to the public. One copy shall be kept on file in the county FSA office for a period of at least 12 months after notification by FSA that the final results have been released by the Secretary.

**§ 1221.230 FSA State office report.**

Each FSA State office shall transmit to the Administrator, FSA, as soon as possible, but in no event later than the 20th business day following the final day of the voting period, a report summarizing the data contained in each of the reports from the county FSA offices. One copy of the State summary shall be filed for a period of not less than 12 months after the results have been released and available for public inspection after the results have been released.

**§ 1221.231 Results of the referendum.**

(a) The Administrator, FSA, shall submit to the Administrator, AMS, reports from all State FSA offices. The Administrator, AMS shall tabulate the results of the ballots. USDA will issue an official press release announcing the results of referendum and publish the same results in the FEDERAL REGISTER. In addition, USDA will post the official results on its Web site. State reports and related papers shall be available for public inspection upon request during normal business hours at the Marketing Programs Branch; Livestock and Seed Program, AMS, USDA, Room

## § 1221.232

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(b) If the Secretary deems necessary, a State report or county report shall be reexamined and checked by such persons who may be designated by the Secretary.

### § 1221.232 Disposition of records.

Each FSA CED will place in sealed containers marked with the identification of the "Sorghum Checkoff Program Referendum," all of the Forms LS-379 along with the accompanying documentation and county summaries. Such records will be placed in a secure location under the custody of FSA CED for a period of not less than 12 months after the date of notification by the Administrator, FSA, that the final results have been announced by the Secretary. If the county FSA office receives no notice to the contrary from the Administrator, FSA, by the end of the 12 month period as described above, the CED or designee shall destroy the records.

### § 1221.233 Instructions and forms.

The Administrator, AMS, is authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart.

### § 1221.234 Confidentiality

The names of persons voting in the referendum and ballots shall be confidential and the contents of the ballots shall not be divulged except as the Secretary may direct. The public may witness the opening of the ballot box and the counting of the votes but may not interfere with the process.

## Subparts C-E [Reserved]

## PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

### Subpart A—Pork Promotion, Research, and Consumer Information Order

#### DEFINITIONS

- Sec.
- 1230.1 Act.
- 1230.2 Department.
- 1230.3 Secretary.
- 1230.4 Board.

## 7 CFR Ch. XI (1–1–12 Edition)

- 1230.5 Consumer information.
- 1230.6 Council.
- 1230.7 Customs Service.
- 1230.8 Delegate Body.
- 1230.9 Fiscal period.
- 1230.10 Imported.
- 1230.11 Imported pork and pork products.
- 1230.12 Importer.
- 1230.13 Market.
- 1230.14 Market value.
- 1230.15 Part and subpart.
- 1230.16 Person.
- 1230.17 Plans and projects.
- 1230.18 Porcine animal.
- 1230.19 Pork.
- 1230.20 Pork product.
- 1230.21 Producer.
- 1230.22 Promotion.
- 1230.23 Research.
- 1230.24 State.
- 1230.25 State association.
- 1230.26 State where produced.

#### NATIONAL PORK PRODUCERS DELEGATE BODY

- 1230.30 Establishment and membership.
- 1230.31 Nomination and appointment of producer members.
- 1230.32 Conduct of election.
- 1230.33 Appointment of importer members.
- 1230.34 Term of office.
- 1230.35 Vacancies.
- 1230.36 Procedure.
- 1230.37 Officers.
- 1230.38 Compensation and reimbursement.
- 1230.39 Powers and duties of the Delegate Body.

#### NATIONAL PORK BOARD

- 1230.50 Establishment and membership.
- 1230.51 Term of office.
- 1230.52 Nominations.
- 1230.53 Nominee's agreement to serve.
- 1230.54 Appointment.
- 1230.55 Vacancies.
- 1230.56 Procedure.
- 1230.57 Compensation and reimbursement.
- 1230.58 Powers and duties of the Board.

#### PROMOTION, RESEARCH, AND CONSUMER INFORMATION

- 1230.60 Promotion, research, and consumer information.

#### EXPENSES AND ASSESSMENTS

- 1230.70 Expenses.
- 1230.71 Assessments.
- 1230.72 Distribution of assessments.
- 1230.73 Uses of distributed assessments.
- 1230.74 Prohibited use of distributed assessments.
- 1230.75 Adjustment of accounts.
- 1230.76 Charges.
- 1230.77 [Reserved]

#### REPORTS, BOOKS, AND RECORDS

- 1230.80 Reports.