



North Dakota Legislative Council

Prepared for the Agriculture and Natural Resources Committee

LC# 23.9188.01000

February 2022

AGRICULTURE COMMODITY GROUP MEMBERSHIP DETERMINATION - ELECTION PROCESS

This memorandum provides information regarding the process by which agriculture commodity groups determine board membership, including staff requirements and associated costs. Of the seven statutory agriculture commodity groups in the state discussed in this memorandum, five determine board membership exclusively through an election process, and two determine membership through the use of a hybrid process in which at least part of the membership is determined through an election process.

MEMBERS SELECTED USING AN ELECTION PROCESS

Barley Council

Membership Determinations, Procedures, and Election Timelines

North Dakota Century Code Chapter 4.1-02 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Barley Council. The council consists of five members, one member elected from each of the five barley districts in the state. Members are elected to serve 4-year terms, which are staggered so no more than two terms expire in any given year. A member's term begins on April 1 following the member's election.

By March 1 of the year in which the member's term will expire, a North Dakota State University (NDSU) Extension Service agent shall hold a meeting of barley producers in each of the counties in the district in which the member's term is expiring for the purpose of electing a county representative from each county in the district. Notice of the meeting must be published in the official newspaper of the county for 2 consecutive weeks, no fewer than 5 nor more than 10 days before the meeting.

After the election, the extension agent provides the Director of the NDSU Extension Service and the council the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the council member whose term is expiring for the purpose of electing a new council member from among the elected county representatives. Notice of the meeting must be sent to each county representative by registered mail at least 5 days before the meeting. Upon completion of the election, the Director provides the Governor and the council the name and address of the newly elected council member.

Staff Requirements and Associated Costs

County representative elections are held and conducted by NDSU Extension Service extension agents. District representative elections are called by the Director of the NDSU Extension Service and held by an extension agent in a host county within the district. The council is responsible for the costs of holding county and district elections. The main costs associated with election procedures are advertising in the official county newspaper in each district and reimbursement of mileage for county representatives attending the district elections. Election-related costs vary among districts.

Corn Utilization Council

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-04 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Corn Utilization Council. The council consists of seven members, one member elected from each of the seven corn districts in the state. Members are elected to serve 4-year terms, which are staggered so no more than two terms expire in any given year. A member's term begins on April 1 following the member's election.

By March 1 of the year in which the member's term will expire, an NDSU Extension Service agent shall hold a meeting of corn producers in each of the counties in the district in which the member's term is expiring for the purpose of electing a county representative from each county in the district. Notice of the meeting must be published in the official newspaper of the county for 2 consecutive weeks, no fewer than 5 nor more than 10 days before the meeting.

After the election, the extension agent provides the Director of the NDSU Extension Service, and the council, of the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the council member whose term is expiring for the purpose of electing a new council member from among the elected county representatives. Notice of the meeting must be sent to each county representative by registered mail at least 5 days before the meeting. Upon completion of the election, the Director provides the Governor and the council the name and address of the newly elected council member.

Staff Requirements and Associated Costs

County representative elections are held and conducted by NDSU Extension Service extension agents. District representative elections are called by the Director of the NDSU Extension Service and held in a host county within the district. The county representative elections are time intensive for extension agents but require minimal staff time from the council. The costs of holding county and district elections are the responsibility of the council. The council pays for the publication of meeting notices for elections, which ranges from \$50 to \$150 per publication. In 2020, the publication cost was \$2,200 for elections in two districts that encompassed a total of 24 counties.

Dry Bean Council

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-06 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Dry Bean Council. The council consists of six members, one participating producer member elected from each of the six dry bean districts in the state. Members are elected to serve 3-year terms, which are staggered so no more than two terms expire in any given year. A member's term begins on May 1 following the member's election.

In February of each year, the Agriculture Commissioner shall identify the districts represented by council members whose terms will expire at the end of April. The Agriculture Commissioner shall forward a letter to each producer residing in the district of the council member whose term is expiring inviting the producer to nominate themselves or another producer for election to the council. The letter must include a statement of eligibility to be completed by the producer and a nomination petition that must be signed by four additional producers for the nomination to be valid. After the Agriculture Commissioner and the council receive the completed statements of eligibility and nomination petitions, which must be received by the date specified by the commissioner in the letter but no later than April 10, the commissioner prepares the election ballots and mails the ballots to all producers in the district. The ballots must specify the last date the ballots may be postmarked or filed with the council; include the date, time, and location where the ballots will be opened and tabulated by the council; and provide notice participating producers may attend the opening and tabulation of the ballots. The completed and returned ballots may be tabulated by the council no sooner than 5 days before the date the completed ballots were required to be postmarked or filed with the council. The council then provides to the Governor the name and address of the newly elected district council member.

If the council does not receive any nomination petitions from eligible producers in a district by April 10, or the date specified by the commissioner, the council may appoint an eligible producer from the district to serve on the council until the seat is filled by a write-in candidate.

Staff Requirements and Associated Costs

District elections are conducted by the Agriculture Commissioner through the mailing of letters, statements of eligibility, nomination petitions, and official ballots to participating producers in the district. The ballots are received and election results are tabulated by the members of the council. The costs of holding district elections are the responsibility of the council. The costs associated with the election process vary depending on the number of producers residing in a district. The costs for one district election in 2020 totaled \$2,702, exclusive of costs related to the time expended by the Agriculture Commissioner and the commissioner's staff. Costs included \$1,014 for materials and staff time to mail the nomination letter, nomination petition, and statement of eligibility to 600 producers in the district; \$1,014 to mail the official ballot to the producers; and \$675 in total compensation for the five members of the council to tabulate and report the election results.

Dry Pea and Lentil Council

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-07 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Dry Pea and Lentil Council. The council consists of five members, one participating producer member elected from each of the five dry pea and lentil districts in the state. Members are elected to serve 3-year terms, which are staggered so no more than two terms expire in any given year. A member's term begins on April 1 following the member's election.

By March 1 of the year in which the member's term will expire, an NDSU Extension Service agent shall hold a meeting of dry pea and lentil producers in each of the counties in the district in which the member's term is expiring for the purpose of electing a county representative from each county in the district. Notice of the meeting must be published in the official newspaper of the county for 2 consecutive weeks, no fewer than 5 nor more than 10 days before the meeting.

After the election, the extension agent provides the Director of the NDSU Extension Service and the council the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the council member whose term is expiring for the purpose of electing a new council member from among the elected county representatives. Notice of the meeting must be sent to each county representative by registered mail at least 5 days before the meeting. Upon completion of the election, the Director provides the Governor and the council the name and address of the newly elected council member.

Staff Requirements and Associated Costs

County and district representative elections are held and conducted by NDSU Extension Service extension agents. District representative elections are called by the Director of the NDSU Extension Service and held by an extension agent in a host county within the district. Involvement of the council is limited to attending the meetings and providing information on the duties of council members upon request. The costs of holding county and district elections are the responsibility of the council. Costs associated with the election process include advertising in the official county newspaper in each district, mailing notification letters to county representatives in the district regarding the meeting to elect a district representative from among the elected county representatives, and meal expenses for county representatives attending the district elections. Costs vary among the districts due to the number of counties and producers in each district. However, the average cost to advertise and mail notices for county and district elections ranges from \$800 to \$1,000 per district in an election year.

Soybean Council

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-11 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Soybean Council. The council consists of 12 members, one producer member elected from each of the 12 soybean districts in the state. Members are elected to serve 3-year terms, which are staggered so no more than four terms expire in any given year. A member's term begins on July 1 following the member's election.

Before January 1, the council shall identify the districts represented by council members whose terms will expire at the end of June of the subsequent year and notify the county extension agent an election to select a new county representative must be held before March 1. The council shall publish the notice of upcoming county elections in the official newspaper of the counties for 1 week during the month of December. The notice must include a description of the election process, a request for nominations for potential candidates, and a deadline for the receipt of nominations. The NDSU Extension Service extension agents receive the nominations, compile the valid nominations, contact each nominee for consent to be placed on the ballot, and forward the name of each consenting nominee to the council. The council prepares and mails to each producer residing in the county the official county representative election ballots, a stamped self-addressed return envelope, instructions for completing the ballot, and a statement indicating the last date to postmark or file the ballot with the extension agent. The council then publishes notice of the impending election in the official newspaper of the county for 1 week with information regarding the election, including the deadline to submit ballots.

After the deadline to submit ballots passes, the extension agent tabulates the ballots and provides the Director of the NDSU Extension Service and the council the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the council member whose term is expiring for the purpose of electing a new council member from among the elected county representatives. Notice of the meeting must be sent to each county representative by registered mail at least 5 days before the meeting. The district meeting may be held by any means as determined at the discretion of the Director, including conference call. If the district meeting is held in person, the meeting must be held in the district. Upon completion of the election, the director provides to the council the name and address of the newly elected council member.

Staff Requirements and Associated Costs

County and district representative elections are held and conducted through collaboration between NDSU Extension Service extension agents and the council. District representative elections are called by the Director of the NDSU Extension Service and, if held in person, are held by an extension agent at a location in a host county within the district. The council mails forms and ballots to producers residing in counties within the districts conducting elections and publishes notices for the elections in the official newspaper of each county. Representatives of the

council also attend district-wide election meetings and provide information regarding the roles and responsibilities of elected members. The costs of holding county and district elections are the responsibility of the council. The council reimburses the NDSU Extension Service for any direct expenses incurred by extension agents relating to the election process. The council provides reimbursement of mileage, lodging, and food for county representatives attending the district elections.

MEMBERS SELECTED USING A HYBRID PROCESS

Wheat Commission

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-13 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Wheat Commission. The commission consists of a hybrid of elected and appointed members. The commission consists of seven members and includes one elected individual from each of the six wheat districts in the state who is a wheat producer, qualified elector, and a resident of the district represented. The seventh member is appointed by the Governor to represent the state at large and must be a wheat producer, qualified elector, and resident of the state. Members are elected or appointed to 4-year terms, which are staggered so no more than two terms expire in any given year. A member's term begins on July 1 following the member's election or appointment.

By May 1 of the year in which an elected member's term will expire, an NDSU Extension Service agent shall hold a meeting of wheat producers in each of the counties in the district in which the member's term is expiring for the purpose of electing a county representative from each county in the district. Notice of the meeting must be published in the official newspaper of the county for 2 consecutive weeks, no fewer than 5 nor more than 10 days before the meeting. Any participating wheat producer residing in the county may vote in the election.

After the election, the extension agent provides the Director of the NDSU Extension Service and the commission the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the commission member whose term is expiring for the purpose of electing a new commission member from among the elected county representatives. Notice of the meeting must be sent to each county representative by registered mail at least 5 days before the meeting. Upon completion of the election, the Director provides the Governor and the council the name and address of the newly elected commission member.

By May 1 of the year in which an appointed member's term will expire, the Agriculture Commissioner shall convene a nominating committee of agricultural stakeholders to submit to the Governor the names of three individuals qualified to serve on the commission. The nominating committee may not convene sooner than 60 days before the term of the existing member expires. The Governor must appoint one of the three nominees to serve as the member at large before the term of the existing member at large expires.

Staff Requirements and Associated Costs

County representative elections are held, conducted, and certified by NDSU Extension Service extension agents. District representative elections are called by the Director of the NDSU Extension Service and held by an extension agent in a host county within the district. Commission staff monitor information published by the NDSU Extension Service regarding dates, times, and locations of upcoming elections and relay that information and election materials to extension agents. Commission staff generally are available at election meetings to provide information on the duties, responsibilities, and expectations of commission members. Commission staff also provide information to new and re-elected county representatives.

The costs of holding county and district elections are the responsibility of the commission. The main costs associated with election procedures are advertising in the official county newspaper in each district and reimbursement of staff travel for county and district elections. Costs vary among the districts due to varying numbers of counties in each district. The estimated cost to hold elections in two districts is \$3,795, which includes \$1,800 for newspaper notices; \$1,120 for reimbursement of staff travel expenses; \$600 for reimbursement of county representative travel expenses; \$175 for reimbursement of lunch expenses at district elections; and \$100 for the postage on district meeting notices mailed to county representatives.

Oilseed Council

Membership Determinations, Procedures, and Election Timelines

Chapter 4.1-09 provides for the determination of membership and outlines election procedures and timelines for the North Dakota Oilseed Council. The council consists of a hybrid of elected and appointed members and includes 14 members as follows:

- One participating sunflower producer member elected from each of the seven sunflower districts in the state;
- One participating canola producer member elected from each of the three canola districts in the state;
- One participating safflower producer member appointed by the Governor;
- One participating flax producer member appointed by the Governor;
- Either:
 - One participating producer member of an oilseed other than sunflower, canola, safflower, or flax, appointed by the Governor; or
 - One participating producer member of any oilseed, appointed by the Governor, if the Governor is unable to appoint a participating producer who produces an oilseed that is not sunflower, canola, safflower, or flax; and
- One individual appointed by the director of the agricultural experiment station.

Members are elected or appointed to 3-year terms, which are staggered to limit the number of terms expiring in any given year. A member's term begins on April 1 following the member's election appointment.

By March 1 of the year in which a sunflower or canola member's term will expire, an NDSU Extension Service agent shall hold a meeting of sunflower or canola producers in each of the counties in the district in which the member's term is expiring for the purpose of electing a county representative from each county in the district. Notice of the meeting must be published in the official newspaper of the county for 2 consecutive weeks, no fewer than 5 nor more than 10 days before the meeting.

After the election, the extension agent provides the Director of the NDSU Extension Service and the council the name and address of each newly elected county representative. The Director then calls a meeting of all county representatives in the district represented by the council member whose term is expiring for the purpose of electing a new council member from among the elected county representatives. Notice of the meeting must be mailed to each county representative at least 5 days before the meeting. Upon completion of the election, the Director provides the Governor and the council the name and address of the newly elected council member.

Staff Requirements and Associated Costs

County and district representative elections are held and conducted by NDSU Extension Service extension agents. District representative elections are called by the Director of the NDSU Extension Service and held in a host county within the district. The costs of holding county and district elections are the responsibility of the council. The council pays for the cost of publishing the notices in the official county newspaper in each district for elections. Annual costs associated with the election process vary among the districts. However, the average yearly cost of noticing elections is \$4,500.

ELECTION ASSISTANCE

North Dakota State University Extension Service

The NDSU Extension Service extension agents assist in the election process for six of the seven agriculture commodity groups. The agriculture commodity groups that receive assistance from extension agents in conducting elections are the:

- North Dakota Barley Council;
- North Dakota Corn Utilization Council;
- North Dakota Dry Pea and Lentil Council;
- North Dakota Oilseed Council (in elections for the 10 members who are either participating canola or sunflower producers);
- North Dakota Wheat Commission (in elections for the six members who represent wheat districts in the state); and
- North Dakota Soybean Council.

Information provided by the NDSU Extension Service indicates the state's 56 county-based extension agents will assist in approximately 145 agricultural commodity group elections in 2022. Extension agents provide election services as part of their regular responsibilities and duties. The NDSU Extension Service does not track the time

expended by extension agents in providing election services. North Dakota State University provides [online information](#) relating to commodity group elections. Information includes an overview of county and district elections tasks and a specific list of tasks relating to soybean council elections ([appendix](#)).

North Dakota Agriculture Commissioner

The Agriculture Commissioner assists in the election process for the Dry Bean Council and convenes the nominating committee to submit three names to the Governor for consideration for appointment as the at-large member to the Wheat Commission. Information provided by the Department of Agriculture indicates the involvement of the commissioner and department for the Dry Bean Council elections is limited to mailing nomination letters and official ballots to producers residing in the districts represented by council members whose terms are expiring. Department of Agriculture staff time and costs associated with assisting in the election process are negligible.

ATTACH:1