

be eligible to vote shall be refused a ballot.

(e) Collect and safeguard ballots received by fax.

(f) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results.

(g) Prepare a report on the referendum.

(h) Prepare an announcement of the results for the public.

**§ 1209.304 Subagents.**

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

**§ 1209.305 Ballots.**

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

**§ 1209.306 Referendum report.**

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

**§ 1209.307 Confidential information.**

The ballots and other information or reports that reveal, or tend to reveal, the identity or vote of any person covered under the Act shall be held confidential and shall not be disclosed.

**PART 1210—WATERMELON RESEARCH AND PROMOTION PLAN**

**Subpart A—Watermelon Research and Promotion Plan**

DEFINITIONS

- Sec.
- 1210.301 Secretary.
- 1210.302 Act.
- 1210.303 Plan.
- 1210.304 Board.
- 1210.305 Watermelon.
- 1210.306 Producer.
- 1210.307 Handle.
- 1210.308 Handler.
- 1210.309 Person.
- 1210.310 Fiscal period and marketing year.
- 1210.311 Programs and projects.
- 1210.312 Promotion.
- 1210.313 Research.
- 1210.314 Importer.
- 1210.315 United States.

NATIONAL WATERMELON PROMOTION BOARD

- 1210.320 Establishment and membership.
- 1210.321 Nominations and selection.
- 1210.322 Term of office.
- 1210.323 Acceptance.
- 1210.324 Vacancies.
- 1210.325 Procedure.
- 1210.326 Compensation and reimbursement.
- 1210.327 Powers.
- 1210.328 Duties.

RESEARCH AND PROMOTION

- 1210.330 Policy and objective.
- 1210.331 Programs and projects.

EXPENSES AND ASSESSMENTS

- 1210.340 Budget and expenses.
- 1210.341 Assessments.
- 1210.342 Exemption from assessment.
- 1210.343 [Reserved]
- 1210.344 Operating reserve.

REPORTS, BOOKS, AND RECORDS

- 1210.350 Reports.
- 1210.351 Books and records.
- 1210.352 Confidential treatment.

MISCELLANEOUS

- 1210.360 Right of the Secretary.
- 1210.361 Personal liability.
- 1210.362 Influencing government action.
- 1210.363 Suspension or termination.
- 1210.364 Proceedings after termination.
- 1210.365 Effect of termination or amendment.
- 1210.366 Separability.
- 1210.367 Patents, copyrights, inventions, and publications.

**§ 1210.301**

**Subpart B—Nominating Procedures**

PRODUCER AND HANDLER MEMBERS

- 1210.400 Terms defined.
- 1210.401 District conventions.
- 1210.402 Voter and board member nominee eligibility.
- 1210.403 Voting procedures.

IMPORTER MEMBERS

- 1210.404 Importer member nomination and selection.

PUBLIC MEMBER

- 1210.405 Public member nominations and selection.

**Subpart C—Rules and Regulations**

DEFINITIONS

- 1210.500 Terms defined.

GENERAL

- 1210.501 Realignment of districts.
- 1210.502 [Reserved]
- 1210.504 Contracts.
- 1210.505 Department of Agriculture costs.

ASSESSMENTS

- 1210.515 Levy of assessments.
- 1210.516 [Reserved]
- 1210.517 Determination of handler.
- 1210.518 Payment of assessments.
- 1210.519 Failure to report and remit.
- 1210.520 Refunds.
- 1210.521 Reports of disposition of exempted watermelons.

RECORDS

- 1210.530 Retention period for records.
- 1210.531 Availability of records.
- 1210.532 Confidential books, records, and reports.

MISCELLANEOUS

- 1210.540 OMB assigned numbers.

**Subpart D—Referendum Procedures**

- 1210.600 General.
- 1210.601 Definitions.
- 1210.602 Voting.
- 1210.603 Instructions.
- 1210.604 Subagents.
- 1210.605 Ballots.
- 1210.606 Referendum report.
- 1210.607 Confidential information.

AUTHORITY: 7 U.S.C. 4901-4916.

SOURCE: 53 FR 51091, Dec. 20, 1988, unless otherwise noted.

**7 CFR Ch. XI (1-1-05 Edition)**

**Subpart A—Watermelon Research and Promotion Plan**

SOURCE: 54 FR 24545, June 8, 1989, unless otherwise noted.

DEFINITIONS

**§ 1210.301 Secretary.**

*Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

**§ 1210.302 Act.**

*Act* means the Watermelon Research and Promotion Act of 1985 (Title XVI, Subtitle C of Pub. L. 99-198, 99th Congress, effective January 1, 1986, 99 Stat. 1622), as amended.

[54 FR 24545, June 8, 1989, as amended at 60 FR 10797, Feb. 28, 1995]

**§ 1210.303 Plan.**

*Plan* means this watermelon research and promotion Plan issued by the Secretary pursuant to the Act.

**§ 1210.304 Board.**

*Board* means the National Watermelon Promotion Board, hereinafter established pursuant to § 1210.320.

**§ 1210.305 Watermelon.**

*Watermelon* means all varieties of the Family Cucurbitaceae; Genus and Species; *Citrullus Lanatus*, popularly referred to as watermelon grown by producers in the United States or imported into the United States.

[60 FR 10797, Feb. 28, 1995]

**§ 1210.306 Producer.**

*Producer* means any person engaged in the growing of 10 acres or more of watermelons including any person who owns or shares the ownership and risk of loss of such watermelon crop.

[54 FR 24545, June 8, 1989, as amended at 60 FR 10797, Feb. 28, 1995]

**§ 1210.307 Handle.**

*Handle* means to grade, pack, process, sell, transport, purchase, or in any