

BRITISH COLUMBIA VEGETABLE MARKETING COMMISSION

2021 Interim Election Policy

(A full review of the policy and any recommended amendments with a SAFETI rationale are to be submitted to BCFIRB by Nov. 26, 2021)

**Election of Commission Member Positions**

**Table of Contents**

- Introduction..... 2
- Election Policy Review and Approval Process..... 2
- Composition of the Commission ..... 2
  - Table 1 – BC Vegetable Marketing Commission Member Positions..... 3
- Term of Office ..... 3
- Frequency of Elections ..... 3
- Continuity of Holding Office..... 3
- Absence of Term Limits ..... 3
- Standing for Election ..... 3
- Vacancy..... 4
- Election Rules and Procedures..... 4
  - General..... 4
  - Eligibility for Election or Office..... 4
  - Nominations ..... 5
  - Independent Election Officer (IEO)..... 5
  - Election Schedule..... 5
  - Voters List and Eligibility to Vote..... 6
  - Nomination Procedure ..... 7
  - Elected by Acclamation ..... 7
  - Vote by Ballot..... 7
  - Effective Date ..... 7

## Introduction

A marketing commission established under the *Natural Products Marketing (BC) Act* and pursuant to the British Columbia Vegetable Scheme (Scheme) serves to inform registered Producers about all facets of the Commission elections, including a producer's eligibility to vote and stand for election. This document provides the reader with information on the BC Vegetable Marketing Commission's (Commission) election policy, electoral model, and the established rules and procedures for conducting an election.

## Election Policy Review and Approval Process

The *Natural Products Marketing (BC) Act* creates a body termed the BC Farm Industry Review Board (BCFIRB). Its mandate includes the supervision of all Marketing Boards and Commissions in British Columbia. BCFIRB is required under the Scheme to approve the Commission's election rules and procedures.

A review of the Election rules and electoral model is conducted on a three-year cycle. During each review the Commission consults with producers and other industry stakeholders on election policy and assesses level of support for the current electoral model. On completion of the consultations a revised election policy is drafted. A report on the results of the consultations and a draft of the election policy are then submitted to BCFIRB for review and approval. The approved Election Policy is relied upon for conducting subsequent elections over the next three years.

The Commission will also review its Election Policy upon the passing of a motion at an Annual General Meeting (AGM) requesting one. Any changes to the Election Policy must be approved by BCFIRB prior to implementation.

The approved Election Policy is published on the Commission's web site, [www.bcveg.com](http://www.bcveg.com), under *Policies & Decisions*. The Election Rules can also be provided to producers and to the public on request.

## Composition of the Commission

In accordance with the Scheme, the Commission is comprised of an appointed Chair and up to eight members who are 'commercial producers' (as defined in the Scheme) elected by the commercial producers. The Chair is appointed by the provincial government.

The election of Commission members corresponds to the information set out in Table 1 below.

The representation categories displayed in Table 1 correspond to the make-up of the greenhouse, storage and processing vegetable sectors. District definitions are set out in Part I of the Commission General Order. The even and odd reference schedules the two-year term for elected members to alternate so half the positions are up for re-election every other year.

**Table 1 – BC Vegetable Marketing Commission Member Positions**

<u>Representation Category</u>	<u>District</u>	<u>Election Year</u>
Greenhouse Tomatoes	Districts I, II & III	Even
Greenhouse Peppers	Districts I, II & III	Even
Greenhouse Cucumbers	Districts I, II & III	Odd
Greenhouse Vegetable (any regulated greenhouse crop)	Districts I, II, & III	Odd
Storage Crops	District I	Even
Storage Crops	Districts II & III	Even
Storage Crops	Districts I, II, & III	Odd
Processing Crop	District I, II & III	Odd

**Term of Office**

The terms of office are two years and commence from the date of the 2021 election and conclude in 2023 on the date to be established by the Commission in conjunction with its 2023 election.

**Frequency of Elections**

Four Commission members are to be elected each year. See Table 1 above.

**Continuity of Holding Office**

A person elected to the Commission continues to hold office for the duration of his or her term unless he or she:

- Is convicted of any offence under the *Natural Products Marketing (BC) Act* or the British Columbia Vegetable Scheme; or
- Tenders in writing their resignation; or
- Is no longer a commercial producer (as defined by the Scheme).

In addition, unless arrangements satisfactory to the Commission have been made in advance, if any member of the Commission is absent from the Province for three consecutive months or fails to attend to his or her duties for a similar period, the other members of the Commission may declare the office vacant.

**Absence of Term Limits**

There is no limit to the number of terms that a Commission member may serve.

**Standing for Election**

A commercial producer in good standing with the Commission is able to stand for election. An incumbent Commission member, who remains an eligible commercial producer, is able to stand for re-election.

## Vacancy

If a vacancy occurs in the membership of the Commission for one of the reasons set out under the heading *Continuity of Holding Office*:

1. Where three or more members remain, the remaining members shall constitute the Commission until the vacancy is filled;
2. If constituting a quorum, the remaining members may appoint a commercial producer to fill the vacancy, subject to the appointee being approved by BCFIRB; and
3. If the remaining members do not constitute a quorum, BCFIRB may appoint a commercial producer to fill the vacancy.

If a vacancy occurs because no eligible nomination is received, the Commission may leave the vacancy to the next scheduled election or hold a special election to fill the vacancy.

## Election Rules and Procedures

### General

1. The *Rules and Procedures for the Election of Commission Members* provide the framework by which commercial producers are elected to serve as Commission members either as a result of an election or by acclamation.
2. In accordance with the Scheme, a “commercial producer” means a producer whose name has been entered and remains registered in the register of commercial producers. A producer qualifies to be registered as a commercial producer if, during the immediately preceding 12 months, regulated product of at least a gross value to the producer of \$5,000 has been grown on the farm operated by the producer and marketed as ordered or directed by the Commission.

### Eligibility for Election or Office

3. An individual is not eligible for election or office as an elected member unless the individual:
  - a. Is a commercial producer<sup>1</sup> in good standing with all applicable orders made by the Commission; or
  - b. Is the appointed employee of a partnership that is a commercial producer in good standing with all applicable orders made by the Commission; or
  - c. Is the appointed employee of a corporation that is a commercial producer in good standing with all applicable orders made by the Commission.
  - d. And, does not hold a director position on a designated Agency of the Commission.

---

<sup>1</sup> Registered names of individuals that represent the ‘commercial producer’ consist of all named shareholders and partners listed on the producer licence application form.

## **Nominations**

4. Commission members are to be nominated and elected on the basis of representation category and district (see Table 1 on page 2).
5. A commercial producer or appointed employee may seek and obtain nomination to serve as a Commission member provided that,
  - a. Their farming operation representation category coincides with the representation category, and
  - b. The commercial producer is located in the district(s) of the category for which they seek election.
  - c. The commercial producer or appointed employee does not hold a director position with a designated Agency of the Commission.
6. A commercial producer or appointed employee may stand for election in only one representation category and district and cannot seek or obtain nomination for coexisting term positions.
7. To nominate another commercial producer or appointed employee as a Commission member, a commercial producer's farming operation representation category and district must coincide with the representation category and one of the districts of the representation category for which the nominee is seeking election.
8. In the event that an election is held a commercial producer or its appointed voting representative may cast a ballot for a nominee whose name appears on a ballot so long as the commercial producer's farming operation representation category and district coincides with the election representation category and one of the districts for the representation category for which the nominee is seeking election.
9. If a commercial producer is a member of any of the other British Columbia agricultural marketing boards or commissions this will not disqualify that commercial producer from standing for Commission election.

## **Independent Election Officer (IEO)**

10. The Commission shall appoint an Independent Election Officer (IEO) to oversee all election procedures and to certify election results.

## **Election Schedule**

11. For the 2021 election, the election shall be completed by a date determined by the Commission and announced in its Election Schedule.
12. On an annual basis and at least 60 days before the date when cast ballots are to be counted the Commission shall establish and circulate a schedule of election events, including all necessary deadline dates.

## **Voters List and Eligibility to Vote**

13. Each year the Commission shall prepare a preliminary list of eligible voters for each representation category and the corresponding district(s) for which there is an election. This preliminary voters list is to include all commercial producers of a representation category and the corresponding district (see Table 1, above). All persons on a preliminary list shall receive information concerning the forthcoming election for that representation category and district(s), including nomination papers and all applicable deadline dates.
14. At all reasonable times, any person may inspect the list of voters at the Commission office. The voters list is not to be distributed to any individual. Upon approval by the Commission Chair, eligible individuals may request the Commission office to distribute producer profiles requesting nomination or voter support.
15. To remain on the final list of eligible voters for a representation category and district(s) the Commission must confirm that the commercial producer is growing the specified regulated product in the district(s) for that representation category as set out in Table 1 on page 2. This may be done by:
  - a) An agency confirming a producer's eligibility to be included in the list of eligible voters for a representation category and district(s); or
  - b) A producer who does not market through an agency submitting a signed declaration confirming the producer's crop type grown and district(s) where the crop is grown
16. Every commercial producer that is structured as a partnership or corporation and qualified to vote shall, in writing, appoint one individual as a Voting Producer to vote on its behalf. This appointment shall be filed annually with the Commission at the time the annual producer license application is due. The voting appointment is valid for one-year and may be changed by submitting notice in writing to the Commission.
17. A partnership or corporation may change the individual appointed as their Voting Producer to vote on its behalf by filing a Voting Producer Registration Form with the IEO by the applicable deadline date. A partnership or corporation may change its appointee at any time prior to the deadline date, by filing with the IEO a new Voting Producer Registration Form appointing a different individual.
18. During any period that a producer has been exempted from all of the provisions of the BCVMC General Order, that person shall not be entitled to be on a list of eligible voters.
19. Any commercial producer who was eligible to vote in the previous election for a representation category and a district(s), but who no longer appears eligible to vote must be notified that the Commission intends to strike their name from the list of eligible voters. This is to occur at least seven calendar days before the date ballots are to be issued for any contested Commission member position. A person receiving such notification will be given the opportunity to appeal their name being struck from the voter list. The Independent Election Officer's recommendation as to whether or not the commercial producer is to be struck from the list of eligible voters will be considered by the Commission.

### **Nomination Procedure**

20. Nomination forms must be signed by at least three commercial producers (other than the nominee) who are eligible to act as nominees as defined in the section titled *Eligibility for Election Office*. The nominee must sign the nomination form to indicate acceptance of the nomination. All nominations must be confirmed for compliance with these rules before the nominee is declared by the Independent Election Officer as an eligible candidate. To be eligible to stand for office a nominee must satisfy the conditions set out in the section headed General and be in good standing with the Commission.

### **Elected by Acclamation**

21. If for any member position only one (1) eligible nomination is received by the nomination deadline date the nominee shall be informed by the Independent Election Officer that this is the case and an election by ballot is not required. Members elected by acclamation will be notified by the Independent Election Officer.

### **Vote by Ballot**

22. All voting shall be conducted by ballot using mail for delivery and return of voting materials. Ballots, with the names of the candidates for the representation category and district, shall be sent to each eligible voter for the respective representation category and district. Ballots shall be structured in such a way so that when completed they allow voter anonymity to be maintained and protected.

23. Completed ballots shall be directed to, opened by, and counted by the Independent Election Officer.

24. Candidates shall be informed of the date, time and location for counting the ballots and be given the opportunity to be present, or to have a representative present to observe the ballot counting.

25. The candidate with the most votes in each representation category will be declared elected. In the event of a tie vote the Chair of the Commission shall cast the deciding vote.

### **Effective Date**

BCVMC Final Approval: March 5, 2021

BCFIRB Approval: March 8, 2021



Chair, BCFIRB

These Election Rules and Procedures come into effect on March 8, 2021, the date of approval by BCFIRB and replace all previous rules and procedures for the election of members.