



BC VEGETABLE MARKETING COMMISSION

# ELECTION RULES AND PROCEDURES

2023 to 2027

(2022-06-06 Draft)

## Contents

Introduction..... 2

Review of Election and Merit-Based Selection Rules and Procedures ..... 2

Composition of the Commission ..... 2

    Table 1 – BC Vegetable Marketing Commission Member Positions..... 3

    Electoral Model and Frequency of Elections..... 3

    Merit-Based Selection Process ..... 3

    Term of Office ..... 4

        Terms of Office for 2022 and 2023 Transition Years ..... 4

        Table 2 – Member Positions Impacted in 2022 & 2023 ..... 5

    Continuity of Holding Office..... 5

    Vacancy..... 5

Election Rules and Procedures..... 6

    General..... 6

    Notice of Election and Election Schedule ..... 6

    Election Information Package..... 6

    Eligibility to Serve as an Elected Member ..... 6

    Nominations..... 7

    Voters List and Eligibility to Vote..... 7

    Voting Procedures..... 8

        Voting Online..... 9

        Voting by Paper Ballot..... 9

    Effective Date ..... 10

## Introduction

The BC Vegetable Marketing Commission (the “Commission”) is a marketing commission established pursuant to section 12 of the *Natural Products Marketing (BC) Act* (the “Act”) and continued pursuant to section 3 of the *British Columbia Vegetable Scheme* (the “Scheme”). This document provides the reader with information on the Commission’s electoral model and the established rules and procedures for conducting an election.

## Review of Election and Merit-Based Selection Rules and Procedures

The British Columbia Farm Industry Review Board (the “Provincial Board”) is continued pursuant to section 3 of the Act. Its mandate includes the supervision of all marketing boards and commissions in British Columbia. Pursuant to section 3 of the Scheme, the Commission must establish and publish its rules and procedures for the election of its members. Section 3 of the Scheme also provides that these rules and procedures do not take effect until they have been approved by the Provincial Board. In accordance with its supervisory authority, the Provincial Board has directed that the Commission’s election and merit-based selection rules and procedures be reviewed every five years. During each review, the Commission consults with producers and other industry stakeholders on election policy and assesses the level of support for the current electoral model and any proposed amendments to the election and merit-based selection rules and procedures. On completion of the review, a report on the consultative process and a copy of the Commission’s proposed election and merit-based selection rules and procedures are submitted to the Provincial Board for its prior approval. Once approved by the Provincial Board, the election and merit-based selection rules and procedures are used by the Commission for conducting all elections, and for selecting independent members, over the course of the next five years.

The Commission will also review its election and merit-based selection rules and procedures upon the passing of a motion requesting a review at the Annual General Meeting (AGM).

The Commission’s election and merit-based selection rules and procedures are published on the Commission’s web site ([www.bcveg.com](http://www.bcveg.com)) under *Policies & Decisions*, and they are provided to industry stakeholders and to the public on request.

## Composition of the Commission

In accordance with the Scheme, the Commission consists of a Chair and up to eight (8) members. The Chair is appointed by the Lieutenant Governor in Council. Four (4) to six (6) members are licensed commercial vegetable producers elected by licensed commercial vegetable producers. Two (2) independent members are appointed by the Commission using a merit-based selection process approved by the Provincial board.

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

Representation Category	Member	ELECTION YEAR							
		2022	2023	2024	2025	2026	2027	2028	2029
Storage Crops	Elected		2023 - 3Yr Term			2026 - 3Yr Term			
Storage Crops	Elected		2023 - 2Yr Term		2025 - 3Yr Term				
Storage Crops	Elected		2024 - 3Yr Term			2027 - 3Yr Term			
Greenhouse Crops	Elected		2023 - 3Yr Term			2026 - 3Yr Term			
Greenhouse Crops	Elected	2022 - 3Yr Term			2025 - 3Yr Term				
Greenhouse Crops	Elected		2024 - 3Yr Term			2027 - 3Yr Term			
Independent	Appointment	2022 - 2Yr Term		2024 - 3Yr Term			2027 - 3Yr Term		
Independent	Appointment	2022 - 3Yr Term			2025 - 3Yr Term				

### ***Electoral Model and Frequency of Elections***

Elected member representation categories are Greenhouse Crops and Storage Crops. Licensed commercial vegetable producer members are elected based on representation category. Elections are to be held for six (6) positions: three (3) Greenhouse Crop members and three (3) Storage Crop members. Terms are to be staggered so that two (2) positions with no more than one (1) position in the same category is up for election in the same year. In an election year, the Commission is to establish an Election Schedule and appoint a Staff Election Officer (SEO) and an Independent Elections Officer (IEO). The Independent Election Officer (IEO) is responsible to oversee the election schedule and procedures, and to certify election results.

### ***Merit-Based Selection Process***

The merit-based selection process is applied to administer the selection of independent members by the Commission. The Governance Committee is responsible to establish an Appointment Schedule and manage the process. Key competencies that provide the skill set / knowledge base required by the Commission are to be identified by the Committee. A Notice of Position (NOP) document is to be developed and will include information regarding the terms of reference and skill matrix. The NOP is to be advertised for a minimum of 15 working days and two weekends, with the deadline for submissions being one week prior to interviews. Candidates will be assessed against the terms of reference and skill matrix.

Elements of the candidate appointment process:

- i. The Governance Committee and the Commission Chair meet to assess applicants against the NOP and determine shortlisted candidates to be interviewed.

- ii. A conflict of interest disclosure form is completed by shortlisted candidates and reviewed by the Governance Committee and the Commission Chair prior to conducting interviews.
- iii. Interviews are conducted by the Governance Committee.
- iv. Interviews are conducted by the Commission Chair, who will check references.
- v. The Commission Chair reports to the Governance Committee on interview assessments and reference checks.
- vi. After consulting with the Commission Chair, the Governance Committee develops a recommendation and ranking on independent member candidates.
- vii. A shortlist of candidates (being a minimum of one more than the number of positions being appointed), together with a recommendation on the preferred choice, are provided by the Governance Committee to the Commission for consideration.
- viii. The Commission may accept, amend, or remit back for reconsideration, the recommendations made by the governance committee.
- ix. The Commission issues a decision on the appointment(s).

## ***Term of Office***

The term of office of each elected member and appointed independent member is three (3) years. A term commences on May 1<sup>st</sup> and concludes on April 30<sup>th</sup>. There is no limit to the number of terms that a Commission member may serve.

## **Terms of Office for 2022 and 2023 Transition Years**

To transition member terms of office from two (2) years to three (3) years, and to allow vacant member positions to have an opportunity to be filled as soon as possible, the following will be applied on approval of these election and merit-based selection rules and procedures:

1. The new electoral model replaces the Greenhouse Tomato category that remained vacant on completion of the 2022 election with a Greenhouse Crop “at-large” category. A special election will be held to fill this member position.
2. A two (2) year term is applied to one (1) of two (2) Storage Crop category member positions that are scheduled for election in 2023. Shortening this term by one (1) year aligns the election cycle so that two (2) positions with no more than one (1) position in the same category will be up for election in the same year.
3. One independent member is to be appointed to a three (3) year term. One independent member is to be appointed to a two (2) year term. This will allow a minimum of one-year overlap between the two (2) independent members.

Table 2 – Member Positions Impacted in 2022 & 2023

Representation Category	Member	ELECTION YEAR							
		2022	2023	2024	2025	2026	2027	2028	2029
Greenhouse Crops	Elected	2022 - 3Yr Term							
Storage Crops	Elected		2023 - 2Yr Term						
Independent	Appointment	2022 - 2Yr Term							
Independent	Appointment	2022 - 3Yr Term							

### **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, the office held by any member of the Commission who is absent from the Province for three consecutive months, or who fails to attend to his or her duties for a similar period, may be declared vacant by the other members of the Commission.

### **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 Commission shall appoint an Independent Election Officer (IEO) to oversee all election procedures and to certify election results.
2. The Commission will appoint a Staff Election officer (SEO) to assist with administering election procedures as directed by the IEO.

### ***Notice of Election and Election Schedule***

3. On an annual basis, and at least 60 days before the date when ballots are to be counted, the Commission will circulate to all licensed producers and agencies an Election Schedule for each election specifying specific deadline dates for each election activity.
4. The election shall be completed by a date determined by the Commission and announced in its Election Schedule.

### ***Election Information Package***

5. The IEO will provide all eligible licensed commercial producers of the representation category positions that are up for election with an Election Information Package by the deadline date, which will include:
  - A notice of the forthcoming BCVVMC election;
  - Commission Election Rules and Procedures;
  - An Election Timeline;
  - A list of current members of the Commission and their terms of office;
  - A Nomination Form and instructions for nominating candidates, and,
  - Instructions on how to vote online and by paper ballot.

### ***Eligibility to Serve as an Elected Member***

6. 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 partner or 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 director or employee of a corporation that is a commercial producer in good standing with all applicable orders made by the Commission.

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<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.

7. Any individual who is a director of a designated Agency of the Commission is not eligible for election or office as an elected member.
8. Individuals are not ineligible for election or office as an elected member by reason only that the individual is a member of any of the other British Columbia agricultural marketing boards or commissions.

## ***Nominations***

9. Commission members are nominated and elected on the basis of representation category.
10. An individual who is eligible for election or office as an elected member may seek and obtain a nomination to serve as a Commission member for a representation category that is consistent with the representation category for their farming operation.
11. An individual who is eligible for election or office as an elected member may stand for election in only one representation category.
12. Commercial producers may nominate individuals for election or office as an elected member only for the representation category that is consistent with the representation category for the nominating commercial producer's farming operation.
13. Nomination forms must be signed by at least three commercial producers (other than the nominee) who are eligible to act as nominees as provided for herein. 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.

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

14. Each year the Commission shall prepare a preliminary list of eligible voters for each representation category for which there is an election. This preliminary voters list is to include all commercial producers of a representation category (see Table 1). All persons on a preliminary list shall receive information concerning the forthcoming election for that representation category, including nomination papers and all applicable deadline dates.
15. At all reasonable times, any person may inspect the list of voters at the Commission office. Upon approval by the Commission Chair, eligible individuals may request the Commission office to distribute producer profiles requesting nomination or voter support.
16. To remain on the final list of eligible voters for a representation category, the Commission must confirm that the commercial producer is growing the specified regulated product for that representation category as set out in Table 1 . 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; or

- b) A producer who does not market through an agency submitting a signed declaration confirming the producer's crop type grown.
17. Every commercial producer that operates as a partnership or corporation and is qualified to vote, shall appoint in writing one individual as the person authorized to vote on behalf of the partnership or corporation. This appointment shall be filed annually with the Commission at the time the annual producer license application is due.
18. A partnership or corporation may change the individual authorized to vote on behalf of the partnership or corporation by providing notice in writing to the Commission and to the IEO by the applicable deadline date.
19. During any period that a producer has been exempted from all the provisions of the Commission's General Order, that person shall not be entitled to be on a list of eligible voters.
20. Any commercial producer who was eligible to vote in the previous election for a representation category, but who no longer appears eligible to vote, will be notified by the Commission that their name has been struck from the list of eligible voters at least seven calendar days before the date that ballots are to be issued for any contested Commission member position. A person receiving such notification may request that the Commission reconsider the decision to strike their name from the list of eligible voters, in which event the Commission will consider any applicable recommendation made by the IEO.

## ***Voting Procedures***

21. A commercial producer or its appointed voting representative may cast a ballot only for a nominee whose name appears on the ballot for the representation category that is consistent with the representation category for the voting commercial producer's farming operation.
22. Where there is not more than one valid nomination received for a member position, the valid nominee will be elected by acclamation. Members elected by acclamation will be notified by the IEO.
23. Where there is more than one valid nominee for a member position, the IEO will proceed with the voting process.
24. The IEO will confirm the eligibility of each individual to vote. Only one ballot may be cast for each Grower ID number.
25. Voting shall be conducted online unless otherwise determined by the IEO. An individual who is eligible to vote may request to vote by paper ballot, using the postal service, by requesting a paper ballot from the IEO.
26. The IEO will provide to all individuals who are eligible to vote a list of the nominees and, if submitted, the Candidate Information for each nominee, by the deadline in the Election Schedule.



## Voting Online

27. Each Producer voting online will receive an individual email from the IEO that includes a web link to the online voting site and a one-time use individual access code.
28. Online ballots are submitted by completing the online ballot in accordance with the instructions provided.

## Voting by Paper Ballot

29. All voting by paper ballot shall be conducted by using mail for delivery and return of voting materials. Ballots with candidate names shall be sent to each eligible voter for the respective representation category. Ballots shall be structured in such a way so that when completed they allow voter anonymity to be maintained and protected.
30. Each Voting Producer will also receive a paper election ballot; one small envelope labeled "BCVMC Election - Completed Ballot"; and one envelope addressed to the IEO.
31. An individual voting by paper ballot must:
  - Mark clearly on the ballot his or her choice of candidates;
  - Place the ballot into the small Completed Ballot Envelope and seal the envelope;
  - Avoid making any identifying marks on the small Ballot Envelope;
  - Insert the small Completed Ballot Envelope (containing the marked ballot) into the envelope addressed to the IEO and seal the envelope;
  - Ensure the correct Grower ID Number is printed, where indicated, on the outside of the envelope addressed to the IEO; and,
  - Mail the envelope and contents to the IEO. Ballots cannot be hand delivered to the IEO.

## *Deadline for Receipt of Ballots:*

32. Paper ballots must be received by the IEO by the deadline specified in the Election Timeline. The online voting site will be closed at 4:30pm on the deadline date specified in the Election Timeline. Ballots received after the deadline will not be counted.
33. 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.
34. 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: XXX

BCFIRB Approval: XXX

XXXX

Member, BCFIRB

These Election and Merit-Based Selection Rules and Procedures come into effect on XXXX, the date of approval by BCFIRB, and replaces all previous rules and procedures for the election of Commission members.

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