



## **BC CRANBERRY MARKETING COMMISSION ELECTION AND APPOINTMENT RULES AND PROCEDURES**

*These rules and procedures are made subject to provisions of the British Columbia Cranberry Marketing Scheme, 1968 (B.C. Reg. 13/2012) (Scheme) and the Natural Products Marketing (BC) Act Regulations (B.C. Reg. 328/75) (collectively, the “Regulations”) and in some cases, paraphrase the wording in the Regulations. In the event of any conflict between the Regulations and these rules and procedures, the Regulations will govern. Persons who need to rely on the text of these rules and procedures for legal or other purposes should review the Regulations and/or the orders of the British Columbia Cranberry Marketing Commission, as appropriate.*

### **1) Commission Composition**

The British Columbia Cranberry Commission (Commission) consists of:

- a) A Chair appointed by the Lieutenant Governor in Council,
- b) Up to 4 members who are Registered Growers, elected by the Registered Growers, and
- c) One member who is not a grower, appointed by the Commission.

### **2) Terms of Office**

Except for temporary appointments or members elected to fill vacancies, terms of office for Commission members shall be 3 years. The term shall commence immediately after the Annual General Meeting (AGM)

A Commission member whose term is expiring is eligible for re-election or reappointment.

Terms of elected members shall be sequenced so that normally one member is elected each year, except when the Commission is comprised of four members then there could be two members elected in the year that two terms expire.

A person elected or appointed to the Commission continues to hold office during their term until:

- a) The person is convicted of an offence under the *Natural Products Marketing (BC) Act (NPMA)* or Scheme; or
- b) The person resigns in writing; or
- c) The member is absent from the province for three consecutive months or fails to attend to their duties for three consecutive months and the position is declared vacant by the remaining commission members.

### **3) Vacancies**

#### ***Elected Member Vacancy***

- a) If a vacancy occurs by death or any of the reasons above under section 2, the remaining members of the Commission, if constituting a quorum, may make an appointment of a new member to the Commission subject to approval by the British Columbia Farm Industry Review Board (BCFIRB).



- b) A person appointed to fill the vacant office under section 3(a) shall only serve their term until the next election. At that time, the scheduled election will include a vacancy for the balance of the elected member's term.

#### ***Appointed Member Vacancy***

- c) Temporary appointments to replace an appointed independent member shall be made in accordance with section 4.
- d) A member appointed to replace an independent member who vacated office before their term expired, shall be appointed for a term of up to, but not more than, three years, as determined by the Commission.

#### ***4) Appointment of Independent Member***

- a) Upon the request of the Commission, the Cranberry Industry Advisory Committee ("CIAC") will recommend one or more candidates for the position of independent member.

The criteria to be considered by the CIAC in the candidate selection process will include, but not be limited to

- i) A candidate's qualifications, interest and willingness to devote time to the work of the Commission;
- ii) A candidate's familiarity with agricultural issues; and,
- iii) A candidate's understanding of board governance and ability to develop policies consistent with the Orders and rules of the Commission.

Upon receiving the names of recommended candidates from the CIAC, the Commission will make the appointment from the recommended candidates or request that the CIAC make additional recommendations.

Once the successful candidate has accepted the position, BCFIRB will be notified, and an announcement made in the next published Cranberry Newsletter.

- b) An Independent Member whose term is expiring is eligible for reappointment subject to a positive evaluation of the Commission. The evaluation will include:
  - i) Active participation by the member at Commission and pertinent committee meetings;
  - ii) Significant contribution of the member to key priorities of the Commission; and
  - iii) Confirmation that the member will continue to devote their time and talents to the work of the Commission.

#### ***5) Election Irregularities***

The acts of the Commission shall notwithstanding any defect or irregularity in the appointment or election, or qualifications of any member thereof, be as valid as if the Commission and every member thereof had been duly appointed or elected and were duly qualified.

#### ***6) Independent Elections Officer (IEO)***

Prior to the AGM, the Commission will appoint an Independent Elections Officer (IEO) to oversee the election procedures and to certify the results. The IEO shall be a person who is not subject to the



*Scheme.*

## **7) Nominations**

To be nominated and stand for election, a candidate must be a Registered Grower, be at least 19 years of age, and supported by a minimum of five (other) Registered Growers who shall each sign the nomination form.

The nominee must confirm the absence of any enduring conflicts of interest that could substantially impair their ability to fulfill the obligations of a member, which is reflected by signing the nomination form

The deadline for nominations will be 6 weeks before the Annual General Meeting.

## **8) Registration**

All Registered Growers at least 19 years of age are eligible to stand for election, nominate candidates for election and cast one vote in the election of members to the Commission.

**“Registered Grower”** is defined in the Scheme as “any person owning, leasing or licensing and operating a cranberry bog of 2 acres or more fully planted in cranberries in the area to which the scheme relates.”

**“Registered Voter”** is defined for the purposes of these rules and procedures as either a Registered Grower or an appointed representative of a Registered Grower that is a partnership, firm or corporation. Every Registered Grower that is a partnership, firm or corporation shall, in writing, appoint an individual representative to vote on its behalf and shall file with the Commission a copy of such appointment. Any changes to the appointed Registered Voters must be received by the date in the Election Schedule, no later than 6 weeks before the election.

**“Election Register”** is the list of eligible Registered Voters for an Election. The Commission will maintain an Election Register and the register is open to inspection by any Registered Grower with 2 business days’ notice in the presence of the General Manager of the Commission. To vote, a Registered Voter must be on the list of Registered Voters, as confirmed by the IEO. An individual whose name does not appear on the Register and who believes that they are eligible to vote shall be given the opportunity to appeal their eligibility to vote to the Commission. An eligibility appeal must be received by the date in the Election Schedule, no later than 6 weeks before the election. If the Commission determines the individual is eligible to vote, the Election Register will be amended accordingly.

The final list of Registered Voters will be sent, by the Commission, to the IEO for the purposes of receiving and validating all forms and ballots.

## **9) Election Procedures**

One objective of these rules and procedures is to ensure that all eligible voters are advised of the forthcoming election and of the processes to be followed.

At least 10 calendar weeks prior to any Election, all Registered Growers shall be informed by regular or electronic mail, the identity of the IEO, of the Election, the vacancy or vacancies to be filled, and of



the procedures and deadline to nominate candidates. The location of the election rules and procedures on the Commission website will be included.

If the number of valid nominations received is identical to the number of vacancies in that election process, the candidate(s) will be elected by acclamation.

If there are more nominations than positions open for election, than Registered Producers will be advised of the election and of the voting procedures.

If the Commission has approved an online voting system that meets appropriate security, safety and ease of use requirements, the IEO will advise all Registered Voters of the voting options. If online voting is available, each Registered Voter choosing to vote by mail-in paper ballot must inform the IEO of their choice in accordance with the instructions provided by the IEO. If the IEO is not informed of an eligible voters' choice to vote by mail-in paper ballot, that voter must vote by online ballot. There shall be no proxy voting.

- a) Voting online. Each Registered Voter voting online will be sent an individual email from the IEO by the date identified in the Election Schedule. The email will include a web link to the online voting site, and a one-time use individual access code. To vote:
  - i) Complete and submit the online ballot in accordance with the instructions provided.
- b) Voting by paper ballot. Each Registered Voter voting by mail-in paper ballot will be sent a paper election ballot, a small ballot envelope and a mailing envelope addressed to the IEO. To vote:
  - i) Mark clearly on the ballot their choice of candidates.
  - ii) Place the ballot into the small Ballot Envelope and seal the envelope.
  - iii) Insert the small Ballot Envelope (containing the marked ballot) into the envelope addressed to the IEO and seal the envelope.
  - iv) Mail the envelope and contents to the IEO. Ballots cannot be hand delivered to the IEO.

All ballots cast must be received by the IEO by 4:30 p.m. on the date identified in the Election Schedule. The ballots will be validated, opened, and counted by the IEO. A scrutineer designated by the BC Cranberry Growers Association (BCCGA) as well as a scrutineer provided by each nominee, if they so choose, may be present at the count. Should scrutineers be designated, the IEO will open and count all paper ballots in the presence of the Scrutineers and the online voting results page will be opened by the IEO in the presence of the Scrutineers and the results included in the count.

The candidate(s) receiving the most votes is/are elected.

In the event of a tie, all ballots will be recounted. If after a recount, a tie vote count remains, the Chair of the Commission shall cast the deciding vote.

#### **10) Officers**

The Commission shall elect a Vice Chair and a Secretary at its first meeting following the AGM.

#### **11) Review**

These procedures shall be reviewed upon the request of the BC Cranberry Growers Association, or by a motion passed at any Commission AGM, and in any case not later than January 1, 2028. Any



changes, to the Election Rules and Procedures take effect when approved by the BC Farm Industry Review Board.

**12) Effective Date**

Approved by the BC Cranberry Marketing Commission on: August 31, 2022

Approved by the BCFIRB on: November 30, 2022

A handwritten signature in black ink, appearing to read 'Pawan Joshi', written in a cursive style.

Pawan Joshi  
Member, BCFIRB

These Election Rules and Procedures come into effect on approval of the BCFIRB and replace all previous rules and procedures for the election and appointment of members.