(d) Appeal. A person declared to be ineligible by FSA or AMS can appeal such decision and provide additional documentation to the FSA county office or AMS within 5 business days after the postmark date of the letter of notification of ineligibility. FSA or AMS will then make a final decision on the person’s eligibility and notify the person of the decision.

(e) Invalid ballots. An invalid ballot includes, but is not limited to the following:

1. Form LS-379 is not signed or all required information has not been provided;
2. Form LS-379 and supporting documentation returned in-person or by facsimile was not received by close of business on the last business day of the voting period;
3. Form LS-379 and supporting documentation returned by mail was not postmarked by midnight of the final day of the voting period;
4. Form LS-379 and supporting documentation returned by mail was not received in the county FSA or AMS office by the 5th business day following the final day of the voting period;
5. Form LS-379 or supporting documentation is mutilated or marked in such a way that any required information on the Form is illegible; or
6. Form LS-379 and supporting documentation not returned to the appropriate county FSA or AMS office.

§ 1221.228 Counting ballots.

(a) Form LS-379 shall be counted by county FSA offices or the AMS office on the same day as the ballots are canvassed if there are no ineligible determinations to resolve. For those county FSA offices that do have ineligibility determinations, the requests shall be counted no later than the 14th business day following the final day of the voting period.

(b) Ballots shall be counted as follows:

1. Number of valid ballots cast;
2. Number of persons favoring the Order;
3. Number of persons not favoring the Order;
4. Number of invalid ballots.

§ 1221.231 Results of the referendum.

(a) The Administrator, FSA, shall submit to the Administrator,AMS, reports from all State FSA offices. The Administrator, AMS shall tabulate the results of the ballots. USDA will issue an official press release announcing the results of referendum and publish the same results in the FEDERAL REGISTER. In addition, USDA will post the official results on its Web site. State reports and related papers shall be available for public inspection upon request during normal business hours at the Marketing Programs Branch; Livestock and Seed Program, AMS, USDA, Room...