



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE  
P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

**INTERPRETIVE STATEMENT  
Number AO-02-0001**

**RE:** Requirements of Assent in a Referendum to Issue, Amend or Terminate a Marketing Order under RCW 15.65 - Washington State Agricultural Commodity Boards

**Contact:** Deborah L. Anderson, Commodity Commission Coordinator  
Administrative Regulations Program

**Supercedes:** N/A

**Approved by:** [Signed on April 22, 2002]  
William E. Brookreson, Acting Director

**Date Approved:** April 22, 2002

In order to provide clarity on the requirements in a referendum to issue, amend, or terminate a marketing order under RCW 15.65, WSDA issues this interpretive statement pursuant to RCW 34.05.010(8) and 34.05.230 on the requirements of "Assent".

**1. Issuance of a Marketing Order**

Based on RCW 15.65.140 and 15.65160(2) as read together to give effect and meaning to all parts of the statutes, the requirements for assent in a referendum on the issuance of a marketing order are:

**Validation Proviso/Requirement**

Of all of the producers eligible to vote, at least 30 percent of the producers representing at least 30 percent of the production must return ballots and participate in the referendum to validate it before WSDA attempts to determine whether or not the appropriate percentages were met to pass the referendum.

### Assent Requirement

The percentages needed to pass a referendum for issuance of a marketing order are:

- 65 percent of producers and 51 percent of total volume of production (of all producers eligible to vote) assent; OR
- 51 percent of producers and 65 percent of the total volume of production (of all producers eligible to vote) assent.

### 2. Amendment of a Marketing Order

Based on RCW 15.65.140 and 15.65.160(2) as read together to give effect and meaning to all parts of the statutes, the percentages for assent in a referendum on amendment of a marketing order are:

- 65 percent of producers and 51 percent of total volume of production (of all producers eligible to vote) assent; OR
- 51 percent of producers and 65 percent of the total volume of production (of all producers eligible to vote) assent; OR
- 60 percent or more by numbers and 60 percent or more by volume of those replying (i.e. voting in the referendum) assent.

### 3. Termination of a Marketing Order

Based on RCW 15.65.190, the percentage for assent in a referendum on the termination of a marketing order is:

- Fifty-one percent of producers and fifty-one percent by total volume of production (of the producers eligible to vote) assent.



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April 23, 2002

Washington State Code  
Reviser Office  
PO Box 40551  
Olympia, WA 98504-0551

**RE: Interpretive Statement No. AO-02-0001**

On April 22, 2002, an interpretive statement on the requirements of assent in a referendum to issue, amend, or terminate a marketing order under RCW 15.65 was signed by me. A copy of the interpretive statement may be obtained by contacting:

Deborah Anderson, Commodity Commission Coordinator  
Washington State Department of Agriculture  
PO Box 42560  
Olympia, WA 98504-2560  
Phone: 360-902-2043

Sincerely,

William E. Brookreson  
Acting Director

