



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL

Washington, D.C. 20250



January 10, 2001

INFORMATIONAL MEMORANDUM FOR THE SECRETARY

FROM: /s/
Roger C. Viadero
Inspector General

SUBJECT: Pork Referendum

ISSUE:

The National Pork Producers Council (Council) wrote me on December 21, 2000, regarding the recently held referendum on the pork promotion and research funds. The Council stated that they believed a number of irregularities, inconsistencies, and flaws in the voting process had occurred and that the Council believed these irregularities affected the accuracy and integrity of the referendum.

SUMMARY:

Upon receipt and review of the Council's letter, we asked the Council to provide specific information regarding the irregularities or their analyses and any other documentation they had in support of their statements that should be considered by my office. We reviewed this additional information the Council subsequently provided and also met with officials from the Agricultural Marketing Service (AMS) and the Farm Service Agency (FSA) to determine how they addressed specific problems as the referendum and related activities unfolded, with particular emphasis on those problems the Council outlined. After our review of this information and interviews with AMS and FSA staff, we concluded that AMS had controls in place governing the conduct of the referendum or amended controls, and that we found no evidence that the controls did not work as they intended. Thus we have no basis for further inquiry.

ADDITIONAL INFORMATION:

Most of the information provided to us by the Council had previously been provided to AMS and we found that AMS and FSA did react to problems as they occurred and came to their attention. For example, one of the allegations was that in-person and absentee voter registration lists were incomplete because of missing addresses or the county office not recording if the absentee

ballot was returned. This missing information would have invalidated the related ballots. The Council provided a number of registration sheets in support of this. However, this information had been reported to AMS during the referendum process and AMS acted to clarify the instructions by amending the rules so that if the incomplete information involved only a missing address or the county office did not indicate whether an absentee ballot was returned, the ballots were to be re-reviewed and re-considered. This was completed. To verify that the process had been completed as instructed, AMS selected 47 diverse counties to review and determine if the amended rules had been properly implemented. We reviewed their analysis and found nothing to indicate that the amended rule had not been implemented correctly. As a result of the amended rules, with the allowed votes breaking almost evenly between yes and no votes, the number of invalid ballots was reduced from 2,343 to about 1,693.

The Council stated it was aware of a producer voting in person in one county and as absentee in another. We requested it provide us specifics on this and the Council did not. What they did provide were voter registrations from several counties showing some producers who had registered twice in the same county. The evidence did not support the Council's contention. AMS instructions provided that if a producer's name appeared twice on the registration list resulting in duplicate ballots, the duplicates were to be detected and all duplicate ballots cast were to be declared invalid. We have no evidence that this procedure was not followed.

The Council also provided an affidavit from a producer in support of its contention that votes were invalidated inappropriately. In the affidavit, the producer related that another producer's absentee ballot had been invalidated because he dropped it in the in-person ballot box to avoid waiting to hand it to an FSA employee. In fact, the ballot was invalidated because it had no postmark nor had an FSA employee been able to record it when the ballot was received. Moreover, the affidavit was hearsay since it did not involve the producer giving the affidavit; instead it provided information the producer had been told about another person. Additionally, if this occurred as reported, AMS rules would have required that the ballot be invalidated.

After reviewing and analyzing the information, we see no basis for any further inquiry by the Office of Inspector General.