

**HOUSE BILL NO. 336**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 2/10/10

Referred: Community and Regional Affairs, State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to electronic voting procedures for electric and telephone cooperatives;  
2 and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 10.25.120 is amended to read:

5 **Sec. 10.25.120. Voting.** Each member is entitled to one vote on each matter  
6 submitted to a vote of the membership. Each member of a district is entitled to one  
7 vote on each matter submitted to a vote at a district meeting. A member may not vote  
8 by proxy but may vote, if the bylaws so provide, by mail **or electronic transmission,**  
9 **as specified by the cooperative.**

10 \* **Sec. 2.** AS 10.25.125 is amended to read:

11 **Sec. 10.25.125. Record date.** To determine the members entitled to notice of a  
12 meeting of the members or to vote on a matter that is to be submitted to a vote of the  
13 members, or for any other proper purpose, the board of directors may fix a date that  
14 occurs **not** [NO] more than 30 days before the date of notice or distribution of mail **or**

1        **electronic** ballots as the record date for the determination. If a record date is not fixed  
 2        for the determination of members entitled to notice of a meeting or to vote on a matter,  
 3        the date on which notice of the meeting or of mail **or electronic** voting is first  
 4        **distributed** [MAILED] is the record date. When a determination of members entitled  
 5        to vote at a meeting is made, the determination applies until the meeting is adjourned  
 6        sine die.

7        \* **Sec. 3.** AS 10.25.190 is amended to read:

8                **Sec. 10.25.190. Districts.** The bylaws may provide for the division of the  
 9        territory served or to be served by a cooperative into two or more districts for any  
 10        purpose, including, without limitation, the nomination and election of directors and the  
 11        election and functioning of district delegates. These delegates, who shall be members,  
 12        may nominate and elect directors. The bylaws shall prescribe the boundaries of the  
 13        districts, or the manner of establishing the boundaries, and the manner of changing the  
 14        boundaries, and the manner in which the districts function. A [NO] member at any  
 15        district meeting and a [NO] district delegate at any meeting may **not** vote by proxy,  
 16        [OR] by mail, **or by electronic transmission**. However, the election of directors shall  
 17        be by mail **or, if the bylaws so provide, by electronic transmission, as specified by**  
 18        **the cooperative** [UNLESS THE BYLAWS PROVIDE OTHERWISE].

19        \* **Sec. 4.** AS 10.25.210 is amended to read:

20                **Sec. 10.25.210. Amendment of articles of incorporation.** A cooperative may  
 21        amend its articles of incorporation as follows, except that it may change the location of  
 22        its principal office in the manner set out in AS 10.25.230:

23                (1) the proposed amendment shall be presented to the members or  
 24        district delegates at a meeting or by written notice; if the proposed amendment is  
 25        presented at a meeting, the notice of the meeting must set out or have attached to it the  
 26        proposed amendment;

27                (2) if the proposed amendment, with any changes, is approved by the  
 28        affirmative vote of not less than two-thirds of those members or district delegates  
 29        voting on it, the presiding officer of the board of directors shall execute and  
 30        acknowledge articles of amendment on behalf of the cooperative and the officer  
 31        designated by the board shall affix and attest to the seal of the cooperative; if the

1 cooperative accepts ballots both at a meeting and by mail **or by electronic**  
2 **transmission**, a member may vote by mail, **by electronic transmission**, or at the  
3 meeting, **as specified by the cooperative**.

4 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).