

**CS FOR HOUSE BILL NO. 336(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/11/10

Referred: Rules

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

**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, except that electronic transmission may not be the  
10 only allowed option for voting.

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

12 **Sec. 10.25.125. Record date.** To determine the members entitled to notice of a  
13 meeting of the members or to vote on a matter that is to be submitted to a vote of the  
14 members, or for any other proper purpose, the board of directors may fix a date that

1 occurs **not** [NO] more than 30 days before the date of notice or distribution of mail **or**  
 2 **electronic** ballots as the record date for the determination. If a record date is not fixed  
 3 for the determination of members entitled to notice of a meeting or to vote on a matter,  
 4 the date on which notice of the meeting or of mail **or electronic** voting is first  
 5 **distributed** [MAILED] is the record date. When a determination of members entitled  
 6 to vote at a meeting is made, the determination applies until the meeting is adjourned  
 7 sine die.

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

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

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

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

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

29 (2) if the proposed amendment, with any changes, is approved by the  
 30 affirmative vote of not less than two-thirds of those members or district delegates  
 31 voting on it, the presiding officer of the board of directors shall execute and

1 acknowledge articles of amendment on behalf of the cooperative and the officer  
2 designated by the board shall affix and attest to the seal of the cooperative; if the  
3 cooperative accepts ballots both at a meeting and by mail **or by electronic**  
4 **transmission**, a member may vote by mail, **by electronic transmission**, or at the  
5 meeting, **as specified by the cooperative, except that electronic transmission may**  
6 **not be the only allowed option for voting**.

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