

SENATE BILL NO. 260

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

BY THE SENATE STATE AFFAIRS COMMITTEE

Introduced: 2/5/10

Referred: State Affairs, Judiciary

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).