

CHUGACH ELECTRIC ASSOCIATION, INC.
Anchorage, Alaska

REGULAR BOARD OF DIRECTORS' MEETING
AGENDA ITEM SUMMARY

July 23, 2009

ACTION REQUIRED

AGENDA ITEM NO. XI.C.

- Information Only
- Motion
- Resolution
- Executive Session
- Other

TOPIC

Draft Legislation Regarding Electronic Voting

DISCUSSION

Board members and staff have been working together to prepare for electronic voting as an alternative in future elections. Changes to the statute governing cooperatives, the Alaska Electric and Telephone Cooperative Act (AS 10.25 et. seq.), are necessary to allow for electronic voting. A draft of the necessary legislation is attached.

At the July 8, 2009 Operations Committee Meeting, the committee recommended that the Board of Directors recommend to the Alaska Legislature that it enact the attached draft legislation.

MOTION

Move that the Board of Directors recommend to the Alaska Legislature that it enact the attached draft legislation.

BILL NO.

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

BY

Introduced:
Referred:

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 submitted
6 to a vote of the membership. Each member of a district is entitled to one vote on each matter
7 submitted to a vote at a district meeting. A member may not vote by proxy but may vote **by**
8 **electronic ballot or**, if the bylaws so provide, by mail.

9 * **Sec. 2.** AS 10.25.125 is amended to read:

10 **Sec. 10.25.125. Record Date.** To determine the members entitled to notice of a
11 meeting of the members or to vote on a matter that is to be submitted to a vote of the
12 members, or for any other proper purpose, the board of directors may fix a date that occurs no
13 more than 30 days before the date of notice or distribution of **electronic or** mail ballots as the
14 record date for the determination. If a record date is not fixed for the determination of

1 members entitled to notice of a meeting or to vote on a matter, the date on which notice of the
2 meeting or of electronic or mail voting is first distributed [MAILED] is the record date.
3 When a determination of members entitled to vote at a meeting is made, the determination
4 applies until the meeting is adjourned sine die.

5 * **Sec. 3.** AS 10.25.190 is amended to read:

6 **Sec. 10.25.190. Districts.** The bylaws may provide for the division of the territory
7 served or to be served by a cooperative into two or more districts for any purpose, including,
8 without limitation, the nomination and election of directors and the election and functioning
9 of district delegates. These delegates, who shall be members, may nominate and elect
10 directors. The bylaws shall prescribe the boundaries of the districts, or the manner of
11 establishing the boundaries, and the manner of changing the boundaries, and the manner in
12 which the districts function. No member at any district meeting and no district delegate at any
13 meeting may vote by proxy or by electronic or mail ballot. However, the election of
14 directors shall be by electronic or mail ballot unless the bylaws provide otherwise.

15 * **Sec. 4.** AS 10.25.210(2) is amended to read:

16 (2) if the proposed amendment, with any changes, is approved by the
17 affirmative vote of not less than two-thirds of those members or district delegates voting on it,
18 the presiding officer of the board of directors shall execute and acknowledge articles of
19 amendment on behalf of the cooperative and the officer designated by the board shall affix
20 and attest to the seal of the cooperative; if the cooperative accepts ballots both at a meeting
21 and by electronic means or mail, a member may vote by electronic or mail ballot or at the
22 meeting.

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