State of South Dakota

660B0738   **HOUSE LOCAL GOVERNMENT COMMITTEE**

ENGROSSED NO. HB1235 - 1/30/98

Introduced by: Representatives Van Gerpen, Schaunaman, and Wetz and Senators Symens and Johnson (William)

1   FOR AN ACT ENTITLED, An Act to clarify when rural electric cooperative members may vote

2   by mail.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4   Section 1. That § 47-21-57 be amended to read as follows:

5   47-21-57. Each member of a cooperative is entitled to one vote on each matter submitted

6   to a vote at a meeting of the members. The spouse of a member may vote on behalf of the

7   member unless the member has indicated otherwise. ~~Voting shall be in person, but, if the bylaws~~

8   ~~so provide, may also be by mail which shall direct either a negative or an affirmative vote. If the~~

9   ~~bylaws provide for mail voting, upon an increase in the indebtedness of the cooperative, they~~

10   ~~shall also prescribe the conditions under which such voting shall be permitted.~~ <u>Members may</u>

11   <u>vote by mail for any issue authorized by the bylaws of the cooperative, except the election of</u>

12   <u>directors, purposes prohibited by § 47-21-20, or a vote required by § 47-21-45. If a cooperative's</u>

13   <u>bylaws allow mail voting, they shall also prescribe any conditions or limitations of such voting.</u>

14   <u>Member ballots voted by mail shall be returned before or at any membership meeting, and each</u>

15   <u>ballot submitted counts as a member present and voting at a meeting for any quorum</u>

1   requirements of § 47-21-56 or a cooperative's bylaws. No cooperative member may vote by

2   proxy on any issue.

1   **<u>BILL HISTORY</u>**

2   1/21/98 First read in House and referred to Local Government. H.J. 157

3   1/27/98 Scheduled for Committee hearing on this date.

4   1/29/98 Scheduled for Committee hearing on this date.

5   1/29/98 Local Government Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 311

6   1/29/98 Local Government Place on Consent Calendar.