



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 894

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S.P. 260

In Senate, February 19, 2019

### **An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative PICKETT of Dixfield and  
Senators: CARPENTER of Aroostook, CYRWAY of Kennebec, DAVIS of Piscataquis,  
President JACKSON of Aroostook, TIMBERLAKE of Androscoggin, Representatives:  
HUBBELL of Bar Harbor, MORALES of South Portland, STEWART of Presque Isle.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 13-B MRSA §604, sub-§2,** as enacted by PL 1977, c. 525, §13, is  
3 amended to read:

4 **2. Members to vote in person or by proxy; validity.** A member entitled to vote  
5 may vote in person or, unless the articles of incorporation or the bylaws otherwise  
6 provide, may vote by proxy executed in writing by the member or by ~~his~~ the member's  
7 duly authorized attorney-in-fact. No ~~A~~ proxy shall be ~~is not~~ valid after 11 months from  
8 the date of its execution, unless otherwise provided in the proxy. Where directors or  
9 officers are to be elected by members, the bylaws may provide that such elections may be  
10 conducted by mail or by electronic transmission.

11 **Sec. 2. 13-B MRSA §604, sub-§5** is enacted to read:

12 **5. Voting by electronic transmission.** The bylaws may provide, or the board of  
13 directors or members may determine, that some or all votes by members, as well as  
14 actions taken in accordance with section 606, may be conducted by electronic  
15 transmission under procedures established by the corporation. A vote conducted by  
16 electronic transmission must be filed with the minutes of members' meetings and has the  
17 same effect as an in-person vote or a vote by proxy.

18 **SUMMARY**

19 This bill specifically permits a nonprofit corporation to authorize in its bylaws the  
20 conduct of elections or voting, or both, through electronic transmission.