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AN ACT

RELATING TO RURAL ELECTRIC COOPERATIVES; ALLOWING MAIL-IN
BALLOTS TO COUNT TOWARD ESTABLISHING A QUORUM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 62-15-8 NMSA 1978 (being Laws 1939,
Chapter 47, Section 8, as amended) is amended to read:

"62-15-8. MEMBERS.--

A. No person who is not an incorporator shall
become a member of a cooperative unless the person agrees to
use electric energy furnished by the cooperative when
electric energy is available through its facilities. The
bylaws of a cooperative may provide that any person,
including an incorporator, shall cease to be a member of a
cooperative if the person fails or refuses to use electric
energy made available by the cooperative or if the electric
energy is not made available to that person by the
cooperative within a specified time after the person becomes
a member of the cooperative. Membership in the cooperative
shall not be transferable except as provided in the bylaws.
The bylaws may prescribe additional qualifications and
limitations in respect of membership.

B. An annual meeting of the members shall be held
at such time as shall be provided in the bylaws or, if not
contrary to the bylaws, by the board of trustees.

1 C. Special meetings of the members may be called
2 by the board of trustees, by any three trustees, by petition
3 signed by not less than ten percent of the members or by the
4 president.

5 D. Annual and special meetings of members, whether
6 general or by voting districts established pursuant to the
7 Rural Electric Cooperative Act, shall be held at such place
8 as may be provided in the bylaws. In the absence of any such
9 provision, all general meetings shall be held in the city or
10 town in which the principal office of the cooperative is
11 located, and all meetings by voting districts shall be held
12 at a location set by the board of trustees within the
13 boundaries of each district.

14 E. Except as otherwise provided in the Rural
15 Electric Cooperative Act, written or printed notice stating
16 the time and place of each meeting of members and, in the
17 case of a special meeting, the purpose for which the meeting
18 is called, shall be given to each member by the board of
19 trustees or the secretary, or their legal representatives,
20 either personally or by mail not less than ten or more than
21 twenty-five days before the date of the meeting. Failure to
22 receive notice deposited in the mail addressed to a member at
23 the member's address shown on the cooperative's books and
24 records shall not affect the validity of any business
25 conducted at a meeting.

1 F. Five percent of all members present in person
2 constitutes a quorum for the transaction of business at all
3 meetings of the members, unless the bylaws prescribe a
4 different number of members for determining a quorum. The
5 bylaws may allow for ballots submitted by mail to be
6 considered in establishing a quorum for the sole purpose of
7 voting on an issue or question, the language of which is
8 stated exactly in the notices and on the ballots provided to
9 all members. If less than a quorum is present at any
10 meeting, the majority of those present in person may adjourn
11 the meeting from time to time without further notice. The
12 failure to hold a meeting of members due to the absence of a
13 quorum shall not affect the validity of any business
14 conducted by the board of trustees.

15 G. Each member shall be entitled to one vote on
16 each matter submitted to a vote at a meeting. Voting shall
17 be in person; provided that if the bylaws provide for voting
18 by proxy or by mail, the bylaws shall prescribe the
19 conditions under which proxy or mail voting shall be
20 exercised. No person shall vote as proxy for more than three
21 members at any meeting of the members.

22 H. All actions required by the Rural Electric
23 Cooperative Act to be adopted or approved by a simple
24 majority or greater number of members voting on the action at
25 an annual or special meeting may be acted upon by voting at a

1 general meeting or, to the extent and in the manner that the
2 board of trustees may authorize, by voting by the voting
3 districts established pursuant to that act, so long as the
4 requisite majority of members voting on the action is
5 obtained regardless of whether such a majority is obtained in
6 any particular voting district. Action by voting by the
7 voting districts shall be valid if a quorum exists as a
8 result of a series of voting district meetings regardless of
9 whether a quorum is present in any particular voting
10 district."

11 SECTION 2. Section 62-15-10 NMSA 1978 (being Laws 1939,
12 Chapter 47, Section 10, as amended) is amended to read:

13 "62-15-10. VOTING DISTRICTS.--

14 A. Notwithstanding any other provision of the
15 Rural Electric Cooperative Act, the bylaws of a cooperative
16 may provide that the territory in which a cooperative
17 supplies electric energy to its members shall be divided into
18 two or more voting districts and that, in respect of each
19 such voting district:

20 (1) a designated number of trustees shall be
21 elected by the members residing in that district;

22 (2) a designated number of delegates shall
23 be elected by the members residing in that district; or

24 (3) both trustees and delegates shall be
25 elected by the members residing in that district.

1 B. The bylaws shall prescribe the manner in which
2 voting districts, and the members, delegates and trustees
3 thereof, if any, elected therefrom, shall function. The
4 bylaws shall also set forth the powers of the delegates,
5 which may include the power to elect trustees. No delegate
6 who has voted by proxy or by mail on an issue or question
7 shall vote in person on the same issue or question.

8 C. Voting by members at voting district meetings
9 shall be in person, unless otherwise provided in the bylaws.
10 The bylaws shall prescribe the conditions under which voting
11 by mail shall be exercised."

12 SECTION 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2019. _____

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