

SENATE BILL No. 103

AN ACT concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 25-1215 is hereby amended to read as follows: 25-1215. Every person in federal services who is eligible to register for and is qualified to vote at any general election under the laws of this state and who is absent from his place of residence in this state shall be entitled, as provided in this act, to vote by federal services absentee ballot at any ~~primary or general~~ election held in ~~his~~ *such person's* election district or precinct, notwithstanding any provision of law relating to the registration of qualified voters.

Sec. 2. K.S.A. 2010 Supp. 25-1216 is hereby amended to read as follows: 25-1216. (a) Every person who is qualified and eligible to vote by federal services absentee ballot under the provisions of this act may make application for such ballot to the county election officer of the county of such voter's residence or to the secretary of state. Such application shall be made by postcard application provided for and prescribed in the federal act or on a form to be prescribed by the secretary of state. Any such application shall be valid for any election at which such voter otherwise is entitled to vote between the date of the application through the ~~next two regularly scheduled general elections for national or state office~~ *end of the calendar year*.

(b) If the voter is residing outside the United States or is a member of the United States armed forces or a spouse or dependent of a member of the armed forces and a qualified elector and cannot vote timely by mail, the voter may apply for registration and an absentee ballot by facsimile, *electronic mail or other electronic method authorized by the secretary of state*. The voter may also request that the county election officer transmit to such voter by facsimile, *electronic mail or other electronic method authorized by the secretary of state*, a ballot, or a second ballot, as the case may be. ~~The voter may then either mail or transmit by facsimile such voter's voted ballot, back to the county election officer. The voter may transmit such voter's ballot back to the county election officer by mail, facsimile, electronic mail or other electronic method authorized by the secretary of state.~~

If the voter chooses to transmit the voted ballot to the county election officer by facsimile, *electronic mail or other electronic method authorized by the secretary of state* the transmittal shall contain the following statement: "I understand that by faxing, *emailing or electronically transmitting* my voted ballot I am voluntarily waiving my right to a secret ballot." This statement shall be followed by the voter's signature and the date. Upon receipt of the transmittal, the county election officer shall place the voted ballot along with the signed statement and affidavit in an appropriately marked envelope and seal it. The county election officer and such officer's staff shall take the steps necessary to keep the voted ballots received by facsimile, *electronic mail or other electronic method authorized by the secretary of state* as confidential as practicable.

Sec. 3. K.S.A. 25-1218 is hereby amended to read as follows: 25-1218. (a) The secretary of state shall prescribe the form of official federal services absentee ballots. Such ballots shall provide for voting for all officers, ~~other than precinct committeeman and committeewoman, for whom the voter would otherwise be entitled to vote and shall also provide for voting on any proposed amendment to the constitution of the state of Kansas and any other proposition or question which is to be submitted to a vote of the qualified electors of the state at large and on any proposition or question for which the voter would otherwise be entitled to vote.~~ Such ballots shall be uniform in size and in style of type, and the type and paper shall conform generally to that used for the regular official ballots. The respective county election officers shall cause to be prepared and printed such numbers of ballots as may be appropriate for carrying out the provisions of this act.

(b) Such ballots shall contain the title of each office to be voted for, followed by the name and address of each nominated candidate for each office, the party or independent body nominating such candidate, a designation of the political subdivision to be represented, and a blank space for writing in the name of any other person for whom the voter desires to vote; ~~except that.~~ *Except for precinct committee man and committee woman, no*

such blank space shall be printed on the primary ballot following the title of any office for which there is a candidate.

(c) Any person who is qualified to vote under this act shall be allowed to submit a federal write-in absentee ballot as prescribed pursuant to the federal act if the:

- (1) Person has previously submitted a proper application for a ballot;
- (2) ballot was not received; and
- (3) person does not submit the federal write-in absentee ballot from a location within the United States.

Sec. 4. K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-1216 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

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\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*