

**SENATE BILL No. 103**

By Committee on Ethics and Elections

2-4

1 AN ACT concerning elections; pertaining to methods of voting absentee  
2 ballots by uniformed and overseas citizens and federal service voters;  
3 amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2010 Supp. 25-  
4 1216 and repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 25-1215 is hereby amended to read as follows: 25-  
8 1215. Every person in federal services who is eligible to register for and  
9 is qualified to vote at any general election under the laws of this state and  
10 who is absent from his place of residence in this state shall be entitled, as  
11 provided in this act, to vote by federal services absentee ballot at any  
12 ~~primary or general~~ election held in ~~his~~ *such person's* election district or  
13 precinct, notwithstanding any provision of law relating to the registration  
14 of qualified voters.

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

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

1 county election officer by mail, facsimile, electronic mail or other  
2 electronic method authorized by the secretary of state.

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

16 Sec. 3. K.S.A. 25-1218 is hereby amended to read as follows: 25-  
17 1218. (a) The secretary of state shall prescribe the form of official federal  
18 services absentee ballots. Such ballots shall provide for voting for all  
19 officers, ~~other than precinct committeeman and committeewoman, for~~  
20 ~~whom the voter would otherwise be entitled to vote and shall also provide~~  
21 ~~for voting on any proposed amendment to the constitution of the state of~~  
22 ~~Kansas and any other proposition or question which is to be submitted to~~  
23 ~~a vote of the qualified electors of the state at large and on any proposition~~  
24 ~~or question for which the voter would otherwise be entitled to vote.~~ Such  
25 ballots shall be uniform in size and in style of type, and the type and  
26 paper shall conform generally to that used for the regular official ballots.  
27 The respective county election officers shall cause to be prepared and  
28 printed such numbers of ballots as may be appropriate for carrying out  
29 the provisions of this act.

30 (b) Such ballots shall contain the title of each office to be voted for,  
31 followed by the name and address of each nominated candidate for each  
32 office, the party or independent body nominating such candidate, a  
33 designation of the political subdivision to be represented, and a blank  
34 space for writing in the name of any other person for whom the voter  
35 desires to vote, ~~except that.~~ *Except for precinct committee man and*  
36 *committee woman*, no such blank space shall be printed on the primary  
37 ballot following the title of any office for which there is a candidate.

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

41 (1) *Person has previously submitted a proper application for a*  
42 *ballot;*

43 (2) *ballot was not received; and*

1       (3) *person does not submit the federal write-in absentee ballot from*  
2 *a location within the United States.*

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

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