

## SENATE BILL No. 268

By Committee on Federal and State Affairs

2-12

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9 AN ACT concerning elections; amending K.S.A. 2008 Supp. 25-1216 and  
10 repealing the existing section.

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

13 Section 1. K.S.A. 2008 Supp. 25-1216 is hereby amended to read as  
14 follows: 25-1216. (a) Every person who is qualified and eligible to vote  
15 by federal services absentee ballot under the provisions of this act may  
16 make application for such ballot to the county election officer of the  
17 county of such voter's residence or to the secretary of state. Such appli-  
18 cation shall be made by postcard application provided for and prescribed  
19 in the federal act or on a form to be prescribed by the secretary of state.  
20 Any such application shall be valid for any election at which such voter  
21 otherwise is entitled to vote between the date of the application through  
22 the next two regularly scheduled general elections for national or state  
23 office.

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

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

43 Sec. 2. K.S.A. 2008 Supp. 25-1216 is hereby repealed.

1     Sec. 3. This act shall take effect and be in force from and after its  
2     publication in the statute book.