

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 426

As Recommended by Senate Committee on
Ethics and Elections

Brief*

SB 426 would expand voting opportunities for certain absentee federal services voters and military personnel or their family members. Overseas voters would be allowed to vote a full ballot at all elections; apply for, receive and return their ballots by electronic means; and vote a write-in ballot, if needed.

Expansion of Federal Service Voters' Ballots

The bill would expand the ballot forms for absentee voters living overseas who are called federal service voters under the federal Uniformed Overseas Citizens Absentee Voting Act (UOCAVA). Current state law excludes overseas absentee ballots from including elections involving local questions, state constitutional amendments, and political party precinct committee positions. The bill would eliminate these exclusions and clarify the ballot. It would include all offices and any proposition or question for which the voter otherwise would be entitled to vote.

E-balloting for Certain Federal Services Voters and Military Personnel

The bill would allow certain federal services voters (*i.e.*, those residing outside the United States or those who are members of the United States armed forces or a spouse or dependent of a member of the armed forces and a qualified elector who cannot vote timely by mail) to apply for registration and an absentee ballot by electronic mail or other electronic method authorized by the Secretary of State. The voter then may return the ballot by electronic means under certain circumstances.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Additionally, the bill would change the time frame for which an application to vote such an absentee ballot would be valid. Current law deems the application valid through the next two regularly scheduled general elections for national or state office; the bill would eliminate this language and specify the application is valid through the end of the calendar year.

Federal Write-in Absentee Ballot

Finally, the bill would allow overseas voters to vote a Federal Write-in Absentee Ballot (FWAB) under certain circumstances, in conformity with federal law. The voter previously must have submitted a ballot application, which was not received. The FWAB could not be submitted from within the United States.

Background

The bill was proposed by the Secretary of State, whose representative stated its purpose was to enhance voting opportunities and to comply with two federal laws governing the voting process for military and overseas voters – the UOCAVA and the recently-enacted Military and Overseas Voter Empowerment (MOVE) Act. The sections requiring ballot expansion and the possibility of a federal write-in ballot (FWAB) are required by the UOCAVA. The e-balloting and application time frame provisions were specified under MOVE.

The Shawnee County Election Commissioner also appeared in support of the bill, stating the bill would expand voting opportunities for uniformed and overseas civilians while also decreasing costs related to issuing different ballots. No opponents testified.

According to the fiscal note, there would be costs associated with designing and building an online system to comply with MOVE and SB 426, but the cost cannot be estimated. Federal money may be available for compliance with the federal Act, but this is as yet unknown. Counties may incur some savings as a result of the bill due to the elimination of the separate overseas ballot. Both the costs and savings would be negligible, according to the Secretary of State, and any costs could be absorbed within existing resources.