

SENATE BILL No. 41

By Committee on Ethics and Elections

1-20

1 AN ACT concerning elections; dealing with the uniformed and overseas
2 citizens absentee voting act; amending K.S.A. 25-1214 and K.S.A.
3 2014 Supp. 25-1216 and repealing the existing sections.

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

6 Section 1. K.S.A. 25-1214 is hereby amended to read as follows: 25-
7 1214. As used in this act: (a) "Federal act" means the uniformed and
8 overseas citizens absentee voting act (42 U.S.C. § 1973ff et seq.).

9 (b) "Persons in federal services" means: (1) Members of the armed
10 forces of the United States, while in the active service, and their spouses
11 and dependents; (2) members of the merchant marine of the United States
12 and their spouses and dependents; ~~and~~ (3) citizens of the United States
13 residing outside the territorial limits of the United States and the District of
14 Columbia and their spouses and dependents when residing with or
15 accompanying them; *and (4) students attending colleges or universities*
16 *located outside the state of Kansas.*

17 Persons in federal service does not include any person who has failed to
18 respond to a selective service call as certified by the local draft board to
19 the county election officer or who is a deserter from any United States
20 military service.

21 Sec. 2. K.S.A. 2014 Supp. 25-1216 is hereby amended to read as
22 follows: 25-1216. (a) Every person who is qualified and eligible to vote by
23 federal services absentee ballot under the provisions of this act may make
24 application for such ballot to the county election officer of the county of
25 ~~such~~ the voter's residence or to the secretary of state. ~~Such~~ The application
26 shall be made by postcard application provided for and prescribed in the
27 federal act or on a form to be prescribed by the secretary of state. Any such
28 application shall be valid for any election at which ~~such~~ the voter
29 otherwise is entitled to vote between the date of the application through
30 the end of the calendar year.

31 (b) If the voter is residing outside the United States, *or is a student*
32 *attending a college or university located outside the state of Kansas* or is a
33 member of the United States armed forces or a spouse or dependent of a
34 member of the armed forces and a qualified elector and cannot vote timely
35 by mail, the voter may apply for registration and an absentee ballot by
36 facsimile, electronic mail or other electronic method authorized by the

1 secretary of state. The voter may also request that the county election
2 officer transmit to ~~such~~ *the* voter by facsimile, electronic mail or other
3 electronic method authorized by the secretary of state, a ballot, or a second
4 ballot, as the case may be. The voter may transmit ~~such~~ *the* voter's ballot
5 back to the county election officer by mail, facsimile, electronic mail or
6 other electronic method authorized by the secretary of state.

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

19 Sec. 3. K.S.A. 25-1214 and K.S.A. 2014 Supp. 25-1216 are hereby
20 repealed.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the Kansas register.