

SESSION OF 2011

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 103**

As Recommended by Senate Committee on  
Ethics and Elections

**Brief\***

SB 103 would expand voting opportunities for certain absentee federal services voters and military personnel or their family members. The bill would allow overseas voters 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. If the bill is enacted, ballots for these voters 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

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\*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>

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 could then return the ballot by electronic means under certain circumstances. The bill would extend confidentiality protections currently in place for ballots submitted by facsimile to ballots submitted via electronic mail.

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 Military and Overseas Voter Empowerment (MOVE) Act enacted in 2009. 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.

According to the fiscal note prepared by the Division of the Budget, the Secretary of State indicates that SB 103

would increase costs to administer elections, but the amount is unknown. The fiscal effect depends on the actions of the federal agencies involved, the number of UOCAVA voters, and the programming costs of the current vendor for the voter registration database. Should counties realize increased costs as a result of the bill, the Secretary of State indicates that it may cover these costs using existing funds from the federal Help America Vote Act of 2002.