

**25-1216. Same; application for ballots; application for registration and ballot by electronic means; transmission of voted ballot by electronic means.** (a) Every person who is qualified and eligible to vote by federal services absentee ballot under the provisions of this act may make application for such ballot to the county election officer of the county of such voter's residence or to the secretary of state. Such application shall be made by postcard application provided for and prescribed in the federal act or on a form to be prescribed by the secretary of state. Any such application shall be valid for any election at which such voter otherwise is entitled to vote between the date of the application through the end of the calendar year.

(b) If the voter is residing outside the United States or is a member of the United States armed forces or a spouse or dependent of a member of the armed forces and a qualified elector and cannot vote timely by mail, the voter may apply for registration and an absentee ballot by facsimile, electronic mail or other electronic method authorized by the secretary of state. The voter may also request that the county election officer transmit to such voter by facsimile, electronic mail or other electronic method authorized by the secretary of state, a ballot, or a second ballot, as the case may be. The voter may transmit such voter's ballot back to the county election officer by mail, facsimile, electronic mail or other electronic method authorized by the secretary of state.

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

**History:** L. 1943, ch. 160, § 3; L. 1953, ch. 197, § 3; L. 1955, ch. 209, § 3; L. 1957, ch. 232, § 3; L. 1972, ch. 135, § 3; L. 1989, ch. 108, § 2; L. 1994, ch. 148, § 1; L. 2004, ch. 25, § 7; L. 2011, ch. 88, § 2; L. 2011, ch. 27, § 2; July 1.