
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 970 (Cervantes) - Military or overseas voters

Version: February 3, 2026

Urgency: No

Hearing Date: April 20, 2026

Policy Vote: E. & C.A. 4 - 0

Mandate: No

Consultant: Robert Ingenito

Bill Summary: SB 970 would require the Secretary of State (SOS) to promulgate regulations to facilitate the secure return of ballots from military and overseas voters delivered through electronic transmission methods.

Fiscal Impact: SOS indicates that it would incur first-year costs of \$1.3 million, and \$646,000 annually thereafter, to implement the provisions of the bill. According to SOS, cost drivers would include (1) updating publications, (2) system modifications, (3) regulatory development, and (4) ongoing security/compliance activities (General Fund, see Staff Comments).

Background: For California elections, a military or overseas voters register as such and receive their ballots by mail, fax, or email, which must be sent beginning 60 days and no later than 45 days before Election Day. To return their ballot, a military or overseas voter who is living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the final date to apply for a VBM ballot, is permitted to return their ballot by fax or by mail. If a voter is faxing their ballot to their county elections official, an "Oath of Voter" form also is needed in order to waive the voter's right to a confidential vote.

When voting abroad, the Federal Voting Assistance Program (FVAP) provides assistance for service members, their families, and overseas citizens in voting in elections. Prior to 2025, as part of the program, the Department of Defense Fax Service was available for those voters who could not send their election materials directly to their elections official. A voter was able to use the FVAP Transmission Cover Sheet and fax the proper election materials to a specific number. If a voter needed to send election materials by fax to the elections official and did not have access to a fax machine, the voter was able to email their election materials to a specific email address and FVAP faxed the voter's election materials for the voter to the proper elections official. However, last year, FVAP discontinued its fax service. Consequently, a military or overseas voter must fax or mail their ballot directly to their elections official.

As summarized by the Senate Committee on Elections and Constitutional Amendments, in 2020, the Cybersecurity and Infrastructure Security Agency, the Election Assistance Commission, the Federal Bureau of Investigation, and the National Institute of Standards and Technology assessed the risks with electronic ballot delivery, marking, and return. The assessment noted that the electronic return of ballots "creates significant security risks to the confidentiality of ballot and voter data, integrity of the voted ballot, and availability of the system." The report also stated that because securing the electronic return of voted ballots, ensuring ballot integrity, and maintaining voter privacy is difficult, if not impossible, the use of electronic ballot return "should be

limited to voters who have no other means to return their ballot and have it counted.” Data from the National Conference of State Legislatures indicates that 26 states, the District of Columbia, and the U.S. Virgin Islands permit a subset of voters to return ballots either by email or an online portal. This includes voters who are military and overseas voters, voters with disabilities, specific voters during a declared emergency, or voters living in a specific county.

Proposed Law: This bill would require SOS to promulgate regulations to facilitate the secure return of ballots from military and overseas voters delivered through electronic transmission methods.

Related Legislation: SB 1480 (Glazer, 2022) would have permitted the SOS to certify a remote accessible vote by mail system that allows a voter with a qualifying disability, as defined, to return their ballot electronically. The bill passed the Senate, but was not heard by the Assembly Committee on Elections.

Staff Comments: SOS indicates that, in addition to promulgating the required regulations, this bill would require it to replace its existing stock of *A Guide to Voting in California* brochure, resulting in additional workload to create a new publication (including revising existing translations), and reprint the new version in ten languages.

SOS also notes that changes to its VoteCal system would be required to ensure the new VBM return method is only used by Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters. “My Voter Status” would also need to be updated to add an electronic method available to only UOCAVA voters.

SOS estimates that the promulgation of regulations to facilitate the secure electronic return of ballots for military and overseas voters would result in a one-time cost of \$55,000, consistent with other bills that require SOS to issue regulations.

SOS notes that, under the bill, it also would be responsible for ongoing security monitoring and compliance oversight to safeguard election systems, including (1) identifying and mitigating emerging cybersecurity threats, and (2) ensuring continued compliance with state standards across election cycles.

To support new certification responsibilities and ongoing security monitoring and compliance for the secure return of ballots from military or overseas voters delivered through secure electronic transmission methods, SOS estimates that it would require three new information technology positions. SOS indicates that, prior to deployment, electronic ballot return technologies must undergo rigorous technical evaluation to ensure compliance with established security standards, including review of system architecture, encryption protocols, authentication controls, transmission safeguards, interoperability with state and county election infrastructure, and coordination of independent security testing.

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