

THIRD READING

Bill No: SB 970
Author: Cervantes (D)
Amended: 5/21/26
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 4-0, 4/7/26
AYES: Wiener, Allen, Cervantes, Umberg
NO VOTE RECORDED: Choi

SENATE APPROPRIATIONS COMMITTEE: 5-0, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

SUBJECT: Military or overseas voters

SOURCE: California Association of Clerks and Election Officials

DIGEST: This bill requires the Secretary of State (SOS) to promulgate regulations to facilitate the secure return of ballots from military and overseas voters.

Senate Floor Amendments of 5/21/26 expand the scope of this bill and require the SOS to promulgate regulations to facilitate the secure return of all ballots from military and overseas voters, instead of only ballots from military and overseas voters delivered through secure electronic transmission methods.

ANALYSIS:

Existing law:

- 1) Requires every active registered voter to receive a vote by mail (VBM) ballot for any election. A VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day.

- 2) Requires election officials to send a ballot not earlier than 60 days but not later than 45 days before an election to military and overseas voters.
- 3) Permits a military or overseas voter living outside of the United States, or who is called for military service within the United States on or after the seventh day prior to Election Day, to return their ballot by facsimile transmission. To be counted, the ballot must be returned no later than the closing of the polls on Election Day.

This bill requires the SOS to promulgate regulations to facilitate the secure return of ballots from military and overseas voters.

Background

Existing Practices. For California elections, a military or overseas voter may receive their ballot 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 living outside of the territorial limits of the United States or the District of Columbia, or a voter called for military service within the United States on or after the seventh day prior to Election Day, is permitted to return their ballot by fax or by mail. If a voter is faxing their ballot to their county elections official, the ballot, the identification envelope, and an “Oath of Voter” form waiving the voter’s right to a confidential vote must be returned no later than the closing of the polls on Election Day.

Department of Defense Fax Service. When voting abroad, the Federal Voting Assistance Program (FVAP) provides assistance for service members, service members’ 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. 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.

On August 1, 2025, the FVAP discontinued their Department of Defense Fax Service. As a result, in California, a military or overseas voter must fax or mail their ballot directly to their elections official.

Comments

Author’s Statement. At the core of our democratic ideals is the idea that all lawfully registered Americans should be able to exercise their right to vote,

regardless of whether they are currently residing in the United States or not. This is a very salient issue for Americans living abroad or members of the U.S. Armed Forces who are deployed overseas. In 2025, the federal government announced that it was discontinuing the Department of Defense Fax Service, which allowed overseas voters and members of the Armed Forces to submit their ballot by fax. The United States Postal Service has also terminated mail service to several countries, many of which host United States military bases. If the federal government will not do its part to ensure these voters have access to the franchise, then California must step up. This bill allows the SOS to work with stakeholders to create a process to allow military and overseas voters to cast their ballots through a secure method that balances security and our sacred right to vote.

Future Secretaries of State. This bill requires the SOS to promulgate regulations to facilitate the secure return of ballots from military and overseas voters. This gives the SOS and any future SOS wide-ranging regulatory authority that could make any type of return of ballots easier or more difficult than initially intended.

Related/Prior 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Committee on Appropriations:

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).

SUPPORT: (Verified 5/22/26)

California Association of Clerks and Election Officials (source)
County of Los Angeles

OPPOSITION: (Verified 5/22/26)

California Secretary of State Shirley N. Weber, Ph.D.

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5/22/26 17:16:39

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