

Date of Hearing: June 30, 2026

ASSEMBLY COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Pilar Schiavo, Chair

SB 970 (Cervantes) – As Amended May 21, 2026

**SENATE VOTE:** 29-1

**SUBJECT:** Military or overseas voters.

**SUMMARY:** Requires the Secretary of State (SoS) to establish regulations that ensure the secure return of ballots cast by military or overseas voters, utilizing secure delivery methods.

**EXISTING LAW:**

- 1) Provides, pursuant to the California Constitution, that voting is secret. (California Constitution, Article II, § 7)
- 2) Allows a person to vote if the person is a United States (U.S.) citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election. (California Constitution, Article II, § 2; Elections Code (EC) § 2101)
- 3) Requires every active registered voter to receive a vote by mail (VBM) ballot for each election in which the person is eligible to vote. (EC §3000.5)
- 4) Defines a “military or overseas voter” to mean an elector absent from the U.S. in which they are otherwise eligible to vote who is any of the following:
  - a) A member of the active or reserve components of the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the U.S. Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the U.S.; or, a member on activated status of the National Guard or state militia.
  - b) A citizen of the U.S. living outside of the territorial limits of the U.S. or the District of Columbia.
  - c) A spouse or dependent of a person described in 4) a) above. (EC § 300)
- 5) Allows a military or overseas voter who is living outside of the territorial limits of the U.S. or the District of Columbia, or is called for military service within the U.S. on or after the final date to apply for a VBM ballot, to return their ballot by facsimile transmission. Requires the ballot returned by facsimile transmission, in order to be counted, to be received by the voter’s elections official no later than the closing of the polls on election day and be accompanied by an identification envelope containing specified information, including an oath of voter declaration acknowledging that by returning their voted ballot by facsimile transmission they have waived their right to have their ballot kept secret. (EC §3106(a))
- 6) Requires an elections official, notwithstanding the voter’s waiver of the right to a secret ballot, to adopt appropriate procedures to protect the secrecy of ballots returned by facsimile transmission. (EC §3106(b))

- 7) Requires an elections official, upon receipt of a ballot returned by facsimile transmission, to determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration or any other signature in the voter's registration record. Requires the ballot to be duplicated and all materials preserved. (EC §3106(c))
- 8) Encourages a military or overseas voter who is permitted to return their ballot by facsimile transmission to return their ballot by mail or in person, if possible. Specifies that a military or overseas voter should return a ballot by facsimile transmission only if doing so ensures that the ballot is received before the polls close on election day. (EC §3106(d))
- 9) Permits a qualified military or overseas voter to apply in person to the voter's elections official for permission to register after the closing date of registration under the following conditions:
  - a) The voter is released from service after the closing date of registration for the election, returns to the county of the voter's residence, and is not a registered voter. Requires the elector to furnish documentary proof that they were released from service after the closing date of registration for the election to register; or,
  - b) The military or overseas voter is required to move under official active duty military orders after the closing date of registration. Requires the elector to furnish a copy of their official military orders to register. (EC §3108)
- 10) Requires an elections official, on or before the day of the election, or the first day a vote center opens, to deliver to the precinct board a list of military or overseas voters who registered in person under the provisions in 9) above. (EC §3108)
- 11) Establishes the Office of Elections Cybersecurity and requires the office, among other duties, to coordinate with federal, state, and local agencies the sharing of information on threats to election cybersecurity, risk assessment, and threat mitigation in a timely manner and in a manner that protects sensitive information. (EC §10.5)

**FISCAL EFFECT:** According to the Senate Appropriations Committee, SoS indicates the following:

- 1) First-year costs of \$1.3 million, and \$646,000 annually thereafter, to implement the provisions of the bill. Cost drivers would include: a) updating publications; b) system modifications; c) regulatory development; and, d) ongoing security and compliance activities. (General Fund)
- 2) This bill would require SoS 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 to reprint the new version in 10 languages.

**COMMENTS:**

- 1) **PURPOSE OF THIS BILL.** According to the author, "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, of course, is an incredibly salient issue for overseas voters and voters who are currently deployed

abroad as members of the U.S. Armed Forces. In 2025, the federal government announced that it was discontinuing the Department of Defense Fax Service through the Federal Voting Assistance Program, which allowed overseas voters and members of the Armed Forces to submit their ballot by fax. If the federal government will not do its part to ensure these voters have access to the franchise, then California must step up. Senate Bill 970 would allow the Secretary of State to work with stakeholders to create a process to allow military and overseas voters to submit their ballots through a secure method that balances security and our sacred right to vote.”

## 2) BACKGROUND.

- a) **Military and Overseas Voters and Faxed Ballot Return:** A variety of factors can make the overseas voting process challenging, including the length of time it takes for a mailed ballot to transit both to and from states, logistical obstacles in receiving and sending ballots, and the planning and effort involved with voting abroad. In 2009, President Obama signed into law the Military and Overseas Voter Empowerment (MOVE) Act to expand the 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which was established to protect the rights of service members to vote in federal elections regardless of where they are stationed. The MOVE Act builds on UOCAVA to provide greater protections for service members, their families, and other overseas citizens.

The MOVE Act requires states to provide blank absentee ballots to UOCAVA voters in at least one electronic format -- email, fax, or an online delivery system -- at least 45 days before an election, allowing a UOCAVA voter time to receive, mark, and return a paper ballot in a timely manner. Federal law does not require states to allow a military or overseas voter to submit their voted ballot electronically. However, California, similar to many other states, permits military and overseas voters to return their voted ballot by facsimile under certain circumstances. In California, a military and overseas voter who is living outside the territorial limits of the U.S. or is called for military service within the U.S. on or after the final date to make an application for a VBM ballot, is permitted to return their ballot by fax. Current law, however, requires the faxed ballot to include a signed oath of voter declaration waiving their right to a secret ballot. The rationale for allowing certain military and overseas voters to return their completed ballot by facsimile was to ensure the enfranchisement of voters who would not have been able to participate otherwise due to the time necessary for mail delivery. In practice, this includes ballots sent using traditional fax machines as well as ballots transmitted through commercial electronic fax services (also known as an eFax), which allow a voter to send a fax to a county elections office using a web-based platform. These ballots are received by elections officials as faxed documents and processed using the same procedures regardless of how the fax was generated.

- b) **Military and Overseas Voters in California:** Since 2004, the U.S. Election Assistance Commission (EAC) has conducted the Election Administration and Voting Survey (EAVS) following each federal general election. EAVS is a federally mandated survey that states are required to complete after every biennial federal election cycle. The survey collects information about ballots cast, voter registration, overseas and military voting, Election Day activities, voting technology, and other key aspects of election administration.

According to the 2024 EAVS, approximately 88,081 ballots were returned by UOCAVA voters in California for the November 2024 election. Of those ballots, 55,939 (63%) were returned by mail, while 29,552 (33%) were returned by fax. Of the ballots returned via fax, approximately 3,520 (11%) were from military voters, with the vast majority returned by overseas civilians.

According to the SoS website, if you're a voter living outside the U.S. or in military service within the country starting seven days before Election Day, you can send your ballot by fax. Just make sure it reaches your county elections office by 8:00 p.m. on Election Day. When you fax your voted ballot and signed Military or Overseas Voter Return Envelope, you also need to fax an "Oath of Voter" form to give up your right to a confidential vote. This oath goes along with the declaration on your Military or Overseas Voter Return Envelope. The SoS website lists all of the county elections office fax numbers and states that under California law, while you may receive a blank ballot by email, you may not return a voted ballot by email.

- c) **Federal Voting Assistance Program (FVAP):** When voting abroad, the 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 (DoD) 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.

On August 1, 2025, FVAP discontinued their DoD Fax Service. As a result, in California, a military or overseas voter must fax or mail their ballot directly to their elections official. Currently, FVAP recommends the Federal Post Card Application (FPCA). States administer elections in the U.S., but under federal law, the FPCA allows military and overseas voters to request voter registration in their state of legal voting residence, request absentee ballots for all federal elections in a current calendar year, and update their voter contact information. FVAP recommends that voters send in a new FPCA every January and each time they move. Election offices send out blank ballots 45 days before election day, suggest voters allow time for your FPCA to be mailed and processed.

- d) **Comments.** This bill requires the SoS to create regulations for military and overseas voters to return their ballots in "secure methods." However, it does not define what "secure" means or establish any requirements or criteria for a method to be considered secure. It leaves a lot of room for the SoS to decide how to proceed without giving clear directions. The SoS offered amendments to this bill to instead form a Task Force on Military and Overseas Voters' Ballot Return and submit a report to the Legislature by December 31, 2027. The Task Force would be required to determine how military and overseas voters can return their ballots and determine the most secure method. The Task Force would also be required to identify what's currently being done, what hurdles exist, and compare best practices across the country. There is nothing that prevents the SoS from forming a Task Force and the resulting report would not allow for implementation by the next election.

e) **Other States.** Some states, to address ballot return challenges for military and overseas voters, offer electronic ballot return as an alternative to relying on the postal service. According to the National Conference of State Legislatures, returning ballots electronically is most often reserved for UOCAVA voters (also referred to as military and overseas voters), as these voters can face unique challenges, such as unreliable foreign postal systems, in receiving and returning mail ballots by state deadlines. Thirty-one states, Washington, D.C., and the Virgin Islands allow UOCAVA voters to return a voted mail ballot by fax. Twenty-four states, Washington, D.C., and the Virgin Islands allow UOCAVA voters to return a voted mail ballot by email. Eleven states allow UOCAVA voters to return a voted mail ballot through an online portal. Some online portals allow voters to receive, mark, and return their ballots entirely online, while others require the voter to print the ballot, mark it, scan it and upload it back into the system as a PDF.

A few states allow electronic ballot return in other limited circumstances, such as during certain emergencies or natural disasters (Colorado) or for qualified first responders (Utah). In Louisiana, all absentee voters have the option of returning an absentee ballot by fax (note that in Louisiana, voters must provide a qualifying excuse to vote an absentee ballot).

This bill directs the SoS to develop regulations to facilitate the secure return of ballots from military and overseas voters, which could include electronic ballot return options.

- 3) **SUPPORT.** The American Legion-Department of California, AMVETS-Department of California, California State Commanders Veterans Council, Military Officers Association of America-California Council of Chapters, and the Vietnam Veterans of America-California State Council all write in support. These supporters argue that California's military and overseas voters faced a major setback on August 1, 2025, when the DoD Fax Service was shut down. This service made it easy for deployed service members to send their ballots via email to be faxed to county officials, but with its end, voters now have limited options: they can either fax their ballots directly or use international mail, both of which are becoming impractical. The situation is dire, with data showing a significant drop in fax use among military voters and mail delivery issues from the Postal Service. In response, this bill aims to provide a more secure and private way for these voters to return ballots, addressing the concerns around existing laws that compromise ballot secrecy. This bill specifically caters to military and overseas voters, not extending to the public or internet voting, and ensures that security measures are handled appropriately. Currently, California is one of just seven states that only allows military ballot returns via fax, while many others have found success with electronic submissions. Overall, this bill seeks to improve ballot return processes for those who are often left without reliable options.
- 4) **SUPPORT IF AMENDED.** Disability Rights California (DRC) supports the prior version of this bill if amended. DRC points out that this bill doesn't ensure accessible electronic ballot return options for military and overseas voters with print disabilities, nor does it help domestic voters with similar needs. This is an issue because California's ballot return methods haven't kept up with accessibility laws. DRC believes it's crucial to address this so that all voters with print disabilities can cast their votes privately and independently. Citizens Oversight Projects (COP) emphasizes that while voters can currently use paper ballots and mail them, the common use of fax for ballot returns poses serious security risks. Many modern fax systems lack proper encryption and expose ballots to potential interception. COP

believes the proposed bill is too vague in defining secure electronic transmission methods, which could undermine ballot integrity. They insist that any electronic methods for returning ballots, especially for military and overseas voters, must adhere to the same security standards as the mail system, prioritizing voter validation and privacy. To maintain public confidence, it's crucial to enforce strict rules on device control and the integrity of ballot transmission.

- 5) **OTHER.** The SoS has some significant concerns about the current version of this bill and is suggesting amendments to better align with its goals. The SoS has asked for the bill to instead create the “Task Force on Military and Overseas Voters' Ballot Return” within the Office of the SoS. A thorough review by experts in cybersecurity and voting technology has shown that this bill as it stands could compromise the security and integrity of our elections. There's also worry that it could diminish public trust in future elections in California. Though recent amendments removed “electronic transmission” from the plan for military and overseas voters to return ballots, this bill still lacks clarity on how to handle ballot returns, especially after the DoD cut funding for FVAP. Without clear options going forward, there's uncertainty about how to proceed.
- 6) **OPPOSITION.** A coalition of organizations, including the Brennan Center for Justice and the California Voter Foundation, is opposing the previous version of this bill that would allow electronic ballot returns. They respect the goal of ensuring every Californian can vote, but they argue that the risks of electronic ballots far outweigh any benefits. Top cybersecurity experts have warned that the technology to secure online voting simply isn't up to par, calling it infeasible given today's threats. A group led by former Homeland Security Secretary Janet Napolitano found that a single attacker could manipulate vast numbers of votes and highlighted various vulnerabilities like malware and identity fraud. Ultimately, they believe these risks could seriously jeopardize election integrity and public trust. Note that the requirement for electronic transmission of ballots was deleted.
- 7) **DOUBLE REFERRAL.** This bill is double referred; it passed the Assembly Committee on Elections with a vote of 6-0 on June 17, 2026.
- 8) **PREVIOUS LEGISLATION.**
  - a) SB 621 (Grove), Chapter 101, Statutes of 2025, deleted the requirement for a military or overseas voter to provide either of the following when registering to vote after the registration deadline: i) documentary proof they were released from service after the closing date of registration for an election; or, ii) military orders showing they are required to move under official active duty military orders after the closing date of registration. Deleted the requirement that an elections official must deliver to the precinct board a list of military or overseas voters who registered after the registration.
  - b) SB 1480 (Glazer) of 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. SB 1480 passed the Senate but was not heard by the Assembly Committee on Elections.
  - c) AB 269 (Grove) of 2013 was substantially similar to SB 621; it was scheduled for a hearing in the Senate Appropriations Committee, but the hearing was cancelled at the author's request.

- d) AB 477 (Valadao) of 2011 was also substantially similar to SB 621 and AB 269; it was held on the Senate Appropriations Committee's suspense file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Legion, Department of California  
Amvets, Department of California  
California Association of Clerks & Election Officials  
California Narcotic Officers' Association  
California State Association of Counties (CSAC)  
California State Commanders Veterans Council  
County of Santa Clara  
Los Angeles County  
Military Officers Association of America, California Council of Chapters  
Riverside Sheriffs' Association  
Vietnam Veterans of America, California State Council

**Opposition**

Brennan Center for Justice at NYU Law  
California Voter Foundation  
Free Speech for People  
Indivisible California Green Team  
Kevin Shelley, former Secretary of State  
Public Citizen  
Verified Voting

**Analysis Prepared by:** Patty Patten / M. & V.A. / (916) 319-3550