

Date of Hearing: August 5, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

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

Policy Committee:	Elections	Vote:	6 - 0
	Military and Veterans Affairs		7 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Secretary of State (SOS) to promulgate regulations to facilitate the secure return of ballots from military or overseas voters through secure methods.

FISCAL EFFECT:

Costs of approximately \$1.3 million in the first year and \$646,000 annually thereafter to the SOS to implement this bill if this bill results in electronic ballot return (General Fund). The SOS estimates the initial costs to include \$55,000 to develop regulations, \$144,000 to update and translate informational materials to reflect new voting procedures, and \$150,000 to update the statewide voter registration database (VoteCal) to enable the new ballot return method for military or overseas voters, among other costs. The SOS estimates the ongoing costs to include three staff positions to support new certification responsibilities, security monitoring, and compliance oversight, among other cybersecurity and risk assessment workload.

To the extent regulations promulgated by the SOS do not allow electronic ballot return, costs to the SOS may be more absorbable.

COMMENTS:

1) **Purpose.** According to the author:

In 2025, the federal government announced that it was discontinuing the Department of Defense Fax Service through the Federal Voting Assistance Program [FVAP], 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. [SB] 970 would allow the [SOS] 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. FVAP.** The federal Military and Overseas Voter Empowerment (MOVE) Act requires states to provide blank absentee ballots to military and overseas voters in at least one electronic format – email, fax, or an online delivery system – at least 45 days before an election, thus allowing such voters time to receive, mark, and return a paper ballot in a timely manner. The MOVE Act does not require states to allow a military or overseas voter to

submit their voted ballot electronically. However, California, similar to the majority of states, permits such voters to return their voted ballot via fax under certain circumstances, including requiring the voter to sign a declaration waiving their right to a secret ballot. Utilization of fax services allows enfranchisement of voters whose vote may not otherwise be counted due to the time necessary for mail delivery, which is especially unreliable overseas.

Prior to 2025, the FVAP provided a fax service for military and overseas voters who did not have access to a fax machine, allowing the voter to email their election materials to a specific email address, which the program then faxed to the voter's elections official. However, this fax service was discontinued on August 1, 2025, meaning a California military or overseas voter must now find a fax machine or mail their ballot directly to their elections official.

Secure Return of Ballots. In light of the FVAP's discontinued fax service, this bill requires the SOS to develop regulations for military and overseas voters to return ballots through "secure methods." The Assembly Elections Committee's analysis of this bill notes:

However, the bill does not define what qualifies as a "secure ballot return method." Nor does the bill establish any specific requirements, standards, or criteria that a return method must meet in order to be considered secure. Furthermore, this bill gives substantial discretion to the SOS without clear guidance on the development of these regulations.

Although amendments made to this bill in May deleted reference to "electronic transmission" as the means to return ballots securely in regulations developed by the SOS, this bill does not prohibit the SOS from developing electronic transmission options. According to the National Conference of State Legislatures, 24 states, Washington, D.C., and the Virgin Islands allow military and overseas voters to return a voted ballot via email and 11 states allow such ballot return through an online portal. However, the use of electronic ballot return is not without risk of cyberattacks that may jeopardize the integrity and confidentiality of the vote.

- 3) **Support and Opposition.** This bill is sponsored by the California Association of Clerks and Election Officials, which argues, "Without this legislation, too many [military and overseas] voters would be vulnerable to disenfranchisement if left to rely solely on traditional mail service." This bill is also supported by other local government entities and veterans groups.

The letters registering opposition to this bill argue against the electronic transmission of voted ballots and are dated prior to the May amendments deleting explicit reference to such transmission. However, in an updated letter, the SOS expresses "continued concerns" to this bill, arguing, "After a comprehensive assessment by cybersecurity, information technology and voting systems technology professionals within my office, we have concluded that SB 970 in its current form would jeopardize" the "integrity and security of our elections." The SOS instead proposes "the formation of a Task Force on Military and Overseas Ballot Return to be led by my office."