

SENATE THIRD READING

SB 970 (Cervantes)

As Amended May 21, 2026

Majority vote

SUMMARY

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

Major Provisions**COMMENTS**

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 many other states, permits military and overseas voters to return their voted ballot by facsimile under certain circumstances, as specified. 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.

When voting abroad, the Federal Voting Assistance Program (FVAP) provided 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 fax 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, 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.

This bill requires the SOS to develop regulations for military and overseas voters to return ballots through "secure methods." 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.

The use of electronic ballot return may help facilitate voting for remote groups like military and overseas voters, however, it is not without risk. In 2020, the National Institute of Standards and Technology, the Election Assistance Commission, the Federal Bureau of Investigation, and the Cybersecurity and Infrastructure Security Agency issued a report assessing the risks involved in electronic ballot delivery, marking, and return. The report recommended "paper ballot return as electronic ballot return technologies are high-risk even with controls in place." The report further stated that electronic ballot return creates significant security risks to the confidentiality of ballot and voter data (e.g. voter privacy and ballot secrecy), integrity of the voted ballot, and

availability of the system. However, the report also recognized that in light of the fact that "some election officials are mandated by state law to employ this high-risk process, its use should be limited to voters who have no other means to return their ballot and have it counted." Additionally, the report states that electronic delivery of ballots to voters for return by mail is less vulnerable to systemic disruption.

Please see the policy committee analysis for a full discussion of this bill.

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, 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."

Arguments in Support

In support of this bill, Los Angeles County (LA County), writes, "The federal government has made voting harder for individuals who serve, whether in the armed forces or in diplomatic missions, and for those who work and/or live internationally. Military and Overseas (MILOS) voters, while perhaps small in actual number, carry the significant weight of representing their country abroad, so facilitating their ability to vote makes good sense...The single most substantive concern related to facilitating electronic voting for MILOS voters is security. We share that concern, but SB 970 doesn't require the Secretary of State to accept emailed ballots. Rather, it charges the Secretary of State with working with elections and security professionals to develop protocols that will – at the same time – permit MILOS voting and ensure ballot security.

"LA County knows about ballot and election security. We believe SB 970 will result in increased efficiency for MILOS voters, allowing greater control and security while expanding voting options for military and overseas voters. The ability to accept ballots from MILOS voters via secure electronic transmission would enable better tracking and provide assurance to voters that the ballot and the required oath form have been received. Implementation costs could be offset by these efficiencies, including saving staff time and resources in the processing of the ballots by, most specifically, not having to manually duplicate the ballots for tabulation. California has the largest number of active-duty military personnel in the country. It is unfortunate that we are one of only seven states that do not allow a military or overseas voter to return a ballot electronically by a means other than fax.:

Arguments in Opposition

All letters received in opposition to this bill were submitted prior to the most recent amendments, which deleted language that would have required the SOS to develop regulations governing the return of ballots by electronic transmission. Because opposition to this bill related to concerns about the electronic transmission of voted ballots, it is unclear whether the organizations continue to oppose this bill.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, 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.

VOTES

SENATE FLOOR: 29-1-10

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener

NO: Alvarado-Gil

ABS, ABST OR NV: Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares, Weber Pierson

ASM ELECTIONS: 6-0-1

YES: Pellerin, Bennett, Berman, Elhawary, Solache, Stefani

ABS, ABST OR NV: Lackey

ASM MILITARY AND VETERANS AFFAIRS: 7-0-1

YES: Schiavo, Jeff Gonzalez, Ávila Farias, Carrillo, Irwin, Quirk-Silva, Valencia

ABS, ABST OR NV: Davies

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

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