

Date of Hearing: June 29, 2022

ASSEMBLY COMMITTEE ON ELECTIONS  
Isaac G. Bryan, Chair  
SB 1480 (Glazer) – As Amended April 6, 2022

**SENATE VOTE:** 28-9

**SUBJECT:** Remote accessible vote by mail systems.

**SUMMARY:** Authorizes the Secretary of State (SOS) to certify a remote accessible vote by mail (RAVBM) system that allows a voter with a qualifying disability, as defined, to return their ballot electronically. Requires a county elections official, upon certification of such a RAVBM system, to permit a voter with a qualifying disability to use the certified RAVBM to return their completed ballot electronically. Permits a voter with a qualifying disability to return their completed RAVBM ballot by facsimile until the SOS certifies a RAVBM system that allows electronic return of a completed ballot. Specifically, **this bill:**

- 1) Authorizes the SOS to do either of the following:
  - a) Certify a RAVBM system that allows a voter with a qualifying disability to return a ballot by electronic means and in a private and independent manner.
  - b) Develop, either as part of a RAVBM system, or by another means, procedures for a voter with a qualifying disability to submit a signature electronically, including procedures to correct or submit an absent signature, in order for signature comparison to occur pursuant to existing law.
- 2) Requires a county elections official, upon certification by the SOS, to permit a voter with a qualifying disability to use a certified RAVBM system that enables the voter to return a ballot by electronic means and in a private and independent manner.
- 3) Defines, for the purposes of this bill, a “qualifying disability” to mean a disability that prevents a voter from reading, marking, holding, handling, or manipulating a ballot, including blindness, visual impairment, an intellectual or developmental disability, or impairment in dexterity, such that the voter is unable to return a ballot privately and independently.
- 4) Permits a vote by mail (VBM) voter, if the voter has a qualifying disability as defined in this bill, to return a ballot electronically by one of the following methods:
  - a) Permits a voter to use a RAVBM system certified pursuant to the provisions of this bill.
  - b) Allows a voter, if a RAVBM system certified pursuant to the provisions of this bill is not available for use in the voter’s county, to return a copy of a completed RAVBM ballot by facsimile transmission. Requires the ballot, in order to be counted, to be received by the elections official by the close of polls on election day and be accompanied by a signed oath of voter declaration waiving their right to a secret ballot.

- 5) Provides that a RAVBM system that is certified pursuant to this bill is not required to comply with provisions of existing law that prohibit any part of a voting system from being connected to the internet at any time, electronically receiving or transmitting election data through an exterior communication network, or wireless communications or wireless data transfers, as specified, if noncompliance is necessary for the operation of the RAVBM system. Exempts a RAVBM system that is certified pursuant to this bill from provisions of existing law that prohibit a RAVBM system, or part of a system, from having the capability to use a remote server to mark a voter's selections transmitted to a server from the voter's computer via the internet, to store any voter identifiable selections on a remote server, or to tabulate votes, if the capability is necessary for the operation of the RAVBM system.
- 6) Makes corresponding changes.

**EXISTING LAW:**

- 1) Provides, pursuant to the California Constitution, that voting is secret.
- 2) Permits a person who is a United States (US) 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, to register to vote and to vote.
- 3) Requires county elections officials to permit any voter to receive their ballot using a certified RAVBM system for an election.
- 4) Defines a RAVBM system as a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic VBM ballot for a voter with disabilities or a military or overseas voter who shall print the paper cast vote record to be submitted to the elections official. Prohibits a RAVBM system from being connected to a voting system at any time.
- 5) Requires a RAVBM system, in whole or in part, to be certified or conditionally approved by the SOS prior to use in an election.
- 6) Requires the SOS to adopt and publish standards and regulations governing the use of a RAVBM system, and requires those standards to include all of the following requirements:
  - a) Requires the machine or device and its software to be suitable for the purpose for which it is intended;
  - b) Requires the RAVBM system to preserve the secrecy of the ballot;
  - c) Requires the RAVBM system to be safe from fraud or manipulation; and,
  - d) Requires the RAVBM system to be accessible to voters with disabilities and to voters who require assistance in a language other than English if the language is one in which a ballot or ballot materials are required to be made available to voters.

- 7) Defines a voting system to mean a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. Provides that a voting system does not include a RAVBM system.
- 8) Defines a paper cast vote record to mean an auditable document that corresponds to the selection made on the voter's ballot and lists the contests on the ballot and the voter's selections for those contests. Provides that a paper cast vote record is not a ballot.
- 9) Allows a military or overseas voter who is living outside of the territorial limits of the US or the District of Columbia (D.C.), or is called for military service within the US 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.
- 10) 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.
- 11) 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 in the voter's record. Requires the ballot to be duplicated and all materials preserved.
- 12) Provides that even though a military or overseas voter is permitted to return their ballot by facsimile transmission they are nonetheless encouraged to return their ballot by mail or in person if possible. Provides that a military or overseas voter should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of polls on election day.
- 13) Requires the SOS to establish a Voting Accessibility Advisory Committee (VAAC). Requires the SOS to consult with the VAAC and consider the VAAC's recommendations related to improving the accessibility of elections for voters with disabilities. Permits the SOS to implement the committee's recommendations as the SOS deems appropriate.
- 14) 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.
- 15) Requires counties that conduct an election pursuant to the California Voter's Choice Act (CVCA) to provide a method for voters with disabilities to request and receive a blank VBM ballot that voters with disabilities can read and mark privately and independently.

**FISCAL EFFECT:** According to the Senate Appropriations Committee,

- 1) SOS indicates that it would incur first-year costs of \$342,000, and \$332,000 annually thereafter, to implement the provisions of the bill (General Fund).
- 2) By making the specified changes with respect to the duties of local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs (General Fund). The magnitude of those costs is unknown.

#### COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

SB 1480 permits the SOS to certify a RAVBM system that provides an option for some voters with a qualifying disability to electronically return their ballot. While RAVBM has improved voting at home for many voters with disabilities, it is still difficult for some voters with visual and dexterity impairments to vote privately and independently using a RAVBM system. For example, a voter who is blind using a RAVBM system would not have a private and independent voting experience because someone would need to help them with printing the ballot and completing the envelope requirements. Each of these steps presents challenges that force voters with some disabilities to seek third party assistance and hence prevents an individual from casting a private and independent vote. While the voter is able to read and mark the ballot privately and independently, they are unable to verify the printed ballot, put the printed ballot in the envelope and sign the envelope privately and independently. Upon certification of an electronic ballot return option, a county would be required to permit a voter with a qualifying disability to use that RAVBM system. If a system is not available for use in a voter's county, a voter with a qualifying disability would be able to return a ballot via fax.

- 2) **Voters with Disabilities:** State and local governments are required to ensure an individual with a disability has a full and equal opportunity to vote. This applies to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on election day or during an early voting process.

Last February, the federal Election Assistance Commission (EAC) released a comprehensive report about disability and voting accessibility in the 2020 election. The EAC commissioned Rutgers University to conduct the study to identify advancements and gaps in accessibility for voters with disabilities. The report identified gaps and advancements in accessibility for voters with disabilities, and built upon a similar study conducted by the EAC in 2012. Overall, the report found that voting difficulties among people with disabilities declined markedly from 2012 to 2020. Specifically, the report found that 11% of people with disabilities had trouble voting in 2020, which was down from 26% in 2012. The report also found, however, that even though there was a sizable drop in the number of voters with disabilities that encountered difficulties voting, voters with disabilities are twice as likely to encounter difficulties when compared to voters without disabilities. When voting by mail, 5% of voters with disabilities had difficulties using a mail ballot compared to 2% of voters without disabilities, and 14% of voters with disabilities using a mail ballot needed assistance

or encountered problems voting, compared to only 3% of those without disabilities. Voting difficulties were most common among people with vision and cognitive impairments.

Another report by Rutgers University and the EAC released last July found that there was a significant improvement in voter turnout for voter with disabilities when compared to previous elections. Specifically, 17.7 million people with disabilities reported voting in the November 2020 election compared to 16 million in 2016. Despite this increase, an estimated 1.95 million people with disabilities had at least some difficulty or trouble voting in the November 2020 election. Additionally, the report noted that if people with disabilities voted at the same rate as people without disabilities who have the same demographic characteristics, there would be approximately 1.75 million additional voters.

- 3) **Military and Overseas Voters, Fax Ballot Return, and Previous Legislation:** 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 US, or is called for military service within the US 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.

This bill expands this ballot return option and permits a voter with a qualifying disability to return their completed RAVBM ballot by fax, and allows the ballot to be counted if it is received by their elections official by the close of the polls on election day, and accompanied by a signed oath of voter declaration waiving their right to a secret ballot. This bill, however, only allows a voter with a qualifying disability to return their ballot by fax until the SOS certifies a RAVBM system that allows these voters to return their ballot electronically and in a private and independent manner.

- 4) **RAVBM Systems and Previous Legislation:** Generally, a RAVBM system that is approved for use in California uses electronic delivery to provide a voter with a ballot that the voter can mark using their own computer, including any assistive device that the voter uses with that computer. After marking the ballot, the voter must print and return the ballot to their elections official by mail or a drop off location. RAVBM systems that are approved for use in California are not permitted to transmit completed ballots electronically to the elections official.

In 2013, the Legislature enacted AB 1929 (Gorell), Chapter 694, Statutes of 2012, which established processes and procedures for the review and approval of ballot marking systems, as defined, for use in California elections. The intent of AB 1929 was to make voting more accessible and convenient for military and overseas voters. Specifically, AB 1929 significantly reduced the amount of time it takes for a military or overseas voter to cast their ballot by allowing a military or overseas voter to electronically access their ballot, print and mark the ballot, and return their ballot via fax or mail. To ensure a military or overseas voter's security and privacy, AB 1929 prohibited the ballot marking system, or part of the system, from having the capability, including the optional capability, to use a remote server to mark the voter's selections transmitted to the server from the voter's computer via the Internet, store any voter identifiable selections on any remote server, or tabulate votes.

In 2016, the Legislature passed and Governor Brown signed AB 2252 (Ting), Chapter 75, Statutes of 2016, which expanded the use of RAVBM systems to allow a voter with a disability to electronically receive their ballot. Specifically, AB 2252 updated terminology to better reflect the technology used, replaced the term "ballot marking system" with the term "RAVBM system," and revised, updated, and established processes and procedures for the review and approval of RAVBM systems, as specified.

While AB 2252 established the requirements for RAVBM systems and created procedures for the review and approval of such systems, it did not expressly require that elections officials make such a system available to voters in their jurisdiction. Accordingly, in 2018 the Legislature approved and Governor Brown signed AB 1013 (Low), Chapter 906, Statutes of 2018, which requires a county elections official to permit a voter with a disability, or a military or overseas voter, to cast their ballot using a certified RAVBM system. While AB 1013 did not apply to counties conducting elections pursuant to the CVCA, the CVCA separately requires counties to have a process to send or deliver a VBM ballot that voters with disabilities can read and mark privately and independently—a requirement that counties generally have met through the use of RAVBM systems.

Last year, AB 37 (Berman), Chapter 312, Statutes of 2021, expanded the use of RAVBM by requiring county elections officials to permit *any* voter to access their ballot using a certified RAVBM system for any election in which they are eligible to vote.

This bill proposes a significant policy change by allowing the SOS to certify a RAVBM system that has the capability to be connected to the internet, and to allow a voter with a qualifying disability to return their voted ballot electronically to their elections official.

- 5) **Voting Equipment Standards for RAVBM Systems:** The Legislature has approved various bills to ensure California has rigorous voting system and voting equipment standards and approval procedures. Accordingly, voting technology, including, but not limited to voting systems, electronic pollbooks, and RAVBM systems, are required to be certified for use prior to being sold or used in any California election. Previous legislation authorizing the use of new voting technology has included provisions requiring the SOS to develop standards and regulations governing their use. For instance, in 2013, SB 360 (Padilla), Chapter 602, Statutes of 2013, made significant changes to procedures and criteria for the certification and approval of a voting system, required the SOS to adopt and publish voting system standards and regulations governing the use of voting systems, and required those standards to meet or

exceed federal voluntary voting system guidelines set forth by the EAC or its successor agency, as specified.

In 2015, SB 439 (Allen), Chapter 734, Statutes of 2015, required the SOS to adopt standards and regulations governing the certification and use of electronic poll books and ballot on demand systems, and prohibited the SOS from certifying an electronic poll book unless it fulfilled those requirements. Finally, as mentioned above, AB 2252 (Ting), Chapter 75, Statutes of 2016, required the SOS to establish processes and procedures for the review and approval of a RAVBM system.

According to the SOS, permitting a ballot to be electronically returned through a RAVBM system requires a software change to the RAVBM system, and consequently would require the RAVBM system to be recertified before it may be used an election. Furthermore, because existing law does not permit RAVBM systems to be connected to the internet or to permit the electronic return of completed ballots, the existing standards for review and approval of RAVBM systems were not developed with such capabilities in mind. Unlike previous legislation, this bill does not contain any requirements for the SOS to update or revise California's RAVBM standards, regulations, or testing and approval processes and procedures to reflect the system's new electronic return functionality. The committee may wish to consider whether it is prudent to permit the SOS to allow the use of RAVBM systems that permit electronic ballot return without first requiring the SOS to update and revise its RAVBM standards and regulations, and to test any RAVBM system that permits electronic ballot return under those new requirements.

Committee staff is unaware of any official federal standards or guidelines for the development of a RAVBM system or for the electronic return of a voted ballot by these systems. Accordingly, the SOS would need to develop and adopt state standards governing the use of a RAVBM system that has the capability to return a ballot electronically.

- 6) **Enforcement:** As mentioned above, existing law permits any voter to receive their blank ballot through a RAVBM system for any election in which they are eligible to vote. The provisions of this bill would allow a voter with a qualifying disability to receive and return their voted ballot electronically via a RAVBM system. This bill, however, does not contain any detail about how elections officials would ensure that the only voters who returned their ballots electronically using a RAVBM system were voters with qualifying disabilities. According to the supporters of this bill, the verification that a voter has a qualifying disability would be accomplished through self-attestation, similar to how voter registration eligibility is determined under current law. Under existing law, when an individual registers to vote, that voter self-attests under penalty of perjury that they meet the eligibility requirements (i.e. are a US citizen, 18 years old, a California resident, etc.) to register to vote. According to the supporters of this bill, this same self-attestation process would serve to determine a voter's eligibility to return their ballot electronically.
- 7) **Executive Order:** On March 7, 2021, President Biden issued an Executive Order (EO) on promoting access to voting and acknowledging that many Americans confront significant obstacles to exercising their fundamental right to vote. Specifically, the EO stated that "people with disabilities continue to face barriers to voting and are denied legally required accommodations in exercising their fundamental rights and the ability to vote privately and independently." The EO instructed the National Institute of Standards and Technology

(NIST), in consultation with the Department of Justice, the EAC, and other agencies, as appropriate, to “analyze barriers to private and independent voting for people with disabilities, including access to voter registration, voting technology, voting by mail, polling locations, and poll worker training” and required NIST to publish recommendations regarding the barriers identified.

- 8) **NIST Report:** Following President Biden’s EO, NIST published a report in March of this year with recommendations for addressing barriers to private and independent voting by people with disabilities. The report analyzed systemic barriers that impact voter privacy and independence across the voting process for voters with disabilities. According to the report, some voters with disabilities, especially those with print disabilities, may not be able to privately and independently handle, read, mark, and verify a paper ballot when voting by mail and encounter barriers returning a mailed paper ballot, as many voters with print disabilities do not have their own printers, or their print disability may prevent them from being able to verify and return the printed ballot without assistance. One of the recommendations in the report was to expand accessible electronic options for requesting, receiving, reading, and marking blank ballots as an alternative to a paper-based mail ballot. The report additionally recommends continued research on accessible methods for verifying, signing, and *returning* a ballot for voters with print disabilities. Notably, the report states “although electronic ballot return may further reduce the barriers caused by paper in the vote-by-mail process for some voters with print disabilities, there remain significant security, privacy, and ballot secrecy challenges.”
- 9) **Bipartisan Policy Center Report:** Last March, the Bipartisan Policy Center Task Force on Elections (task force) published a report titled, “Balancing Security, Access, and Privacy in Electronic Ballot Return.” The task force included 26 state and local election officials from 18 states who are devoted to making improvements to elections in the US. The report states that even though elections officials and cybersecurity experts agree that electronic ballot return yields security vulnerabilities that cannot be mitigated, electronic ballot transmission is crucial in ensuring that citizens unable to vote through traditional voting methods (such as mail or in-person voting) can still cast a ballot. The report points out that is particularly important because electronic ballot return is already being used to some extent in at least 31 states, particularly for military and overseas voters. The report further states that the aim of the report is not to encourage the expansion of electronic return, but to recognize that improvements are possible in the states which already use it. Accordingly, the report strives to provide state lawmakers and elections officials with proactive guidance on how to improve the administration of electronic ballot delivery, marking, and return and the “task force’s recommendations strive to bolster the administration of statutorily required electronic ballot transmission options.”

Notably, the task forces recommends that states should expand electronic ballot *delivery* and ballot marking options to voters with disabilities, and encourages states to proactively explore what secure options for electronic ballot *return* for voters with disabilities might look like and how they could be implemented. The task force also recommends states should give voters the option to self-attest they have a disability impacting their ability to complete a mail ballot and restrict electronic ballot access accordingly.

- 10) **Security Concerns:** In 2016, amid concerns about the state of US election infrastructure, the National Academies of Sciences, Engineering, and Medicine conducted a study regarding the



future of voting in the US, which included documenting the current state of play in terms of technology, standards, and resources for voting technologies; examining the challenges arising out of the 2016 federal election; evaluating advances in technology currently and soon-to-be available that can improve voting; and offering recommendations that provide a vision of voting that is easier, accessible, reliable, and verifiable. Their efforts resulted in a 2018 consensus report entitled, “Securing the Vote: Protecting American Democracy.” The comprehensive report provides that although internet voting offers convenience, it introduces new risks with regard to integrity and confidentiality for votes, as well as the potential for cyberattacks. The report states that several technologies are directly relevant to internet voting, including email and most fax transmissions. The report recommends that “at the present time, the Internet (or any network connected to the Internet) should not be used for the return of marked ballots” and that “Internet voting should not be used in the future until and unless very robust guarantees of security and verifiability are developed and in place, as no known technology guarantees the secrecy, security, and verifiability of a marked ballot transmitted over the Internet.” In addition, the report recommends that EAC standards and state laws should be revised to support pilot programs to explore and validate new election technologies and practices, and election officials should be encouraged to seek expert and public comment on proposed new election technology before it is piloted.

In 2020, the NIST, the EAC, 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.

- 11) **Other States:** According to the National Conference of State Legislatures, as of September of 2019, at least 31 states and D.C. permit certain voters to return their ballot electronically. Out of that, 30 states and D.C. allow return by fax, 22 and D.C. permit ballot return by email, and 5 states allow ballots to be returned by a web portal. The majority of these electronic return options are only available for UOCAVA voters. However, three states permit some form of electronic transmission for voters with disabilities: Hawaii (for all permanent absentee voters who do not receive a mailed ballot within five days of the election), Louisiana, and Utah.

According to the background information provided by the author’s office and supporters of the bill, a handful of jurisdictions have recently made changes to laws that allow a voter with a disability to return their voted ballot electronically. In 2020, a bill was signed into law in West Virginia that permits certain eligible absentee voters living with a physical disability to receive and return their absentee ballot electronically using a web portal. Additionally, the US District Court for the Eastern District of North Carolina granted a motion ordering the North Carolina Board of Elections to permit voters with disabilities to use electronic ballot return options that already are available to overseas and military voters in the state (*Taliaferro v North Carolina State Board of Elections*; civil case number 5:20-cv-411-BO).

The King Conservation District in King County in Washington also implemented electronic ballot return in 2020.

Additionally, last year electronic ballot return was implemented in the state of Colorado and in various local jurisdictions in Massachusetts. Utah County is currently conducting a pilot project that allows voters with disabilities to cast their vote using a smartphone app. Finally, this month, Massachusetts's Governor signed a bill into law that allows voters with disabilities and military and overseas voters to electronically return their ballots, as specified.

**12) Arguments in Support:** In support Disability Rights California (DRC) writes:

During the 2020 General Election, DRC's Voting Rights Practice Group received numerous calls on its voting hotline from voters with disabilities who were experiencing difficulties with RAVBM. Nearly all voters who called with these issues had to ask for and use the assistance of another person to print, sign, seal, and/or return their RAVBM ballot. Each of these steps presents challenges that force voters with certain disabilities to seek third party assistance. At that point, the voter is no longer able to cast a private and independent vote. While the voter is able to read and mark the ballot privately and independently using RAVBM, they are unable to put the printed ballot in the envelope and sign the envelope privately and independently. There is no way to be sure that the third party does not look at the printed ballot or even put the ballot in the envelope at all.

To ensure that all voters with disabilities have a truly private and independent voting experience, many states and localities have adopted an electronic ballot return option as part of their absentee voting systems. Based on research conducted by DRC, currently 14 states have some form of electronic ballot return for voters with disabilities.

Many of these states use "OmniBallot," an accessible electronic ballot return option distributed by Democracy Live. This is the same vendor and system already used by the majority of California counties to administer RAVBM, albeit without an electronic ballot return option.

Despite the potentially minimal technical and financial resources needed to adopt a RAVBM system that includes an electronic ballot return option for voters with disabilities, no county in California has been able to do so because of the current wording of the California Elections Code. Adding an electronic ballot return option in California for voters with qualifying disabilities is technologically possible, sufficiently secure and practical to implement for county election officials.

**13) Arguments in Opposition:** With an oppose unless amended position, Verified Voting writes:

While Verified Voting understands the author's intent behind SB 1480 is to help resolve some of the issues facing certain voters for whom access—especially in times of a pandemic—can be difficult, we, respectfully suggest SB 1480 be amended to a fully funded study, rather than open the door to implement

alternative ballot return methods for voters with qualifying disabilities. Estimates for those who might be eligible for such a system stands around 100,000 Californians, which is a significant block of ballots that could be compromised when using any service for electronic ballot return. Ballots that are returned via electronic means are not auditable. This means in a close contest where electronically returned ballots play a significant role in the outcome, those ballots have the potential to completely disrupt the election itself.

Verified Voting wants to assure every voter's ability to exercise their right to vote, and we strongly support measures to assure voters' equal opportunity and access to cast their ballot – securely, privately, and verifiably. We recognize that no current solution is ideal for all voters, and we believe that thoughtful consideration must be given to expanding the feasibility of secure and private methods to supplement existing measures...

California's existing Remote Accessible Vote by Mail (RAVBM) service allows for electronic delivery of a blank ballot to the voter so they may use their own equipment at home to mark their ballot, print it out and return the paper ballot to their elections office. Recently, the Illinois State Board of Elections (SBE) announced the launch of its own remote accessible vote-by-mail system, very much similar to California's existing system, for their June 2022 primary election which will allow voters with certain disabilities to vote by mail - they did not implement an electronic ballot return system. The National Federation of the Blind of Illinois praised this new system, saying, "People who are blind, deafblind, or have other print disabilities can vote privately and independently in the June 2022 primary and beyond." As other states are working to answer the question about both access and security, they are modeling their systems after what California has already gotten right and by doing so have been able to resolve accessibility lawsuits, which underscores the viability of our current approach. Of course, there are limitations and challenges with our current RAVBM system and we strongly urge dialogue about fixing those issues, not implementing a completely insecure method of voting using the internet...

We urge you to amend this bill to remove online (electronic) ballot return and instead create a fully funded task force to identify all the possible means of improving vote-by-mail access for California's voters with print disabilities.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Association of Regional Center Agencies  
California Council of the Blind  
California Environmental Voters  
California Foundation for Independent Living Centers  
Center for Independence of Individuals with Disabilities  
Community Resources for Independent Living  
Democracy Live  
Disability Rights California

Freed Center for Independent Living  
Independent Living Resource Center, Inc.  
Microsoft Corporation  
National Association of Social Workers, California Chapter  
National Federation of the Blind of California  
The Center for Independent Living, Inc.  
Tusk Philanthropies  
Several individuals

### **Opposition**

All Rise Alameda  
Audit USA  
Brennan Center for Justice at NYU School of Law (unless amended)  
California Voter Foundation (unless amended)  
Change Begins With Me Indivisible Group  
Clean Coalition  
Cloverdale Indivisible  
Coalition for Good Governance  
Contra Costa MoveOn  
Defending Our Future: Indivisible in CA  
El Cerrito Progressives  
Electronic Frontier Foundation  
Feminists in Action Los Angeles  
Free Speech for People  
Indi Squared  
Indivisible East Bay  
Indivisible 36  
Indivisible 41  
Indivisible 43  
Indivisible Alta Pasadena  
Indivisible Auburn CA  
Indivisible Beach Cities  
Indivisible CA Statestrong  
Indivisible CA-3  
Indivisible CA-7  
Indivisible CA-25 Simi Valley Porter Ranch  
Indivisible CA-29  
Indivisible CA-33  
Indivisible CA-37  
Indivisible CA-39  
Indivisible Claremont / Inland Valley  
Indivisible Colusa County  
Indivisible East Bay  
Indivisible El Dorado Hills  
Indivisible Elmwood  
Indivisible Euclid  
Indivisible Lorin  
Indivisible Los Angeles

Indivisible Manteca  
Indivisible Marin  
Indivisible Media City Burbank  
Indivisible Mendocino  
Indivisible North Heights  
Indivisible North Oakland Resistance  
Indivisible North San Diego County  
Indivisible OC 46  
Indivisible OC 48  
Indivisible Peninsula and CA-14  
Indivisible Petaluma  
Indivisible Resisters  
Indivisible Riverside  
Indivisible Ross Valley  
Indivisible Sacramento  
Indivisible San Bernardino  
Indivisible San Diego Central  
Indivisible of Sherman Oaks  
Indivisible San Jose  
Indivisible San Pedro  
Indivisible Santa Barbara  
Indivisible Santa Cruz County  
Indivisible Sausalito  
Indivisible Sebastopol  
Indivisible SF  
Indivisible Sonoma County  
Indivisible South Bay LA  
Indivisible Stanislaus  
Indivisible Suffragists  
Indivisible Ventura  
Indivisible Windsor  
Indivisible Yolo  
Livermore Indivisible  
Long Beach Alliance for Clean Energy  
Mill Valley Community Action Network  
Money Out Voters in  
Mountain Progressives  
National Voting Rights Task Force  
Nothing Rhymes with Orange  
Orchard City Indivisible  
Orinda Progressive Action Alliance  
Our Revolution Long Beach  
PDA-CA  
Progressive Democrats of Santa Monica Mountains  
Public Citizen, Inc.  
Resistance Northridge-indivisible  
RiseUp  
Rooted in Resistance  
San Diego Indivisible Downtown

Scrutineers  
Secure Elections Network  
SFV Indivisible  
SoCal 350  
Sonoma County Democratic Party  
Stand Strong LA Indivisible  
Tehama Indivisible  
The Resistance Northridge-indivisible  
Together We Will Contra Costa  
TWW/Indivisible – Los Gatos  
Validate the Vote USA  
Vallejo-Benicia Indivisible  
Valley Women's Club of San Lorenzo Valley  
Venice Resistance  
Women's Alliance Los Angeles  
Yalla Indivisible  
Venice Resistance  
Verified Voting (unless amended)  
Several individuals

**Analysis Prepared by:** Nichole Becker / ELECTIONS / (916) 319-2094