



NEWS FROM THE OFFICE OF
Senator Henry Stern
REPRESENTING SENATE DISTRICT 27



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Stern Bill to Combat Vote-By-Mail Misinformation Heads to Governor's Desk

SACRAMENTO – Making sure people are penalized for intentionally spreading false and misleading information about every Californian's right to receive and return a vote-by-mail ballot is the goal of SB 739 (Stern), which was sent to the Governor today after passing the Senate on a bi-partisan 32-0 vote early Tuesday morning. The bill passed the Assembly on a bi-partisan 72-1 vote on Sunday night.

“In the middle of this worldwide pandemic, it is imperative that voters, especially those who are getting a vote-by-mail ballot for the first time, know their rights and that people who try to mislead voters about those rights will face consequences,” said Senator Henry Stern (D-Calabasas), a member of the Senate Elections & Constitutional Amendments Committee. “Democracy is too fragile to allow disinformation campaigns to compromise the right of any Californian to cast his or her ballot.”

Under current law, it is a misdemeanor for a person to distribute any information in an attempt to deceive voters about where their polling place is located, and about the qualifications to register to vote and cast a ballot. However, the law is silent regarding acts of intentionally deceiving voters about their vote-by-mail rights.

SB 739 (Stern) closes that gap by clearly making it a misdemeanor to intentionally mislead a voter about his or her right to apply for, receive, or return a vote-by-mail ballot.

“Making sure Californians have the most up-to-date factual information about their vote-by-mail rights has never been more important,” continued Stern. “The risk of in-person voting during the COVID-19 pandemic is unprecedented, which is why every registered voter in California is getting a vote-by-mail ballot this year. Although the vast majority of Californians already vote by mail, this will likely be a first-time experience for hundreds of thousands of voters. We need to ensure the sacred right to cast a ballot is protected for every California voter.”

According to the Secretary of State, nearly 60% of California's voters are registered as permanent vote-by-mail (PVBM) voters, meaning they are automatically sent a vote-by-mail ballot before each election. Under California law, any voter can request a vote-by-mail ballot

before any election, but this year, rather than wait for voters to request a ballot, those non-PVBM voters will automatically be sent a vote-by-mail ballot as a result of AB 860 (Berman), which became law earlier this year.

Given the growing popularity of vote-by-mail balloting, fair information is vital to a fair election. According to the Pew Research Center in late April, “Two-thirds of Americans believe that it is very or somewhat likely that the coronavirus outbreak will significantly disrupt people’s ability to vote in the presidential election.”

Additionally, under current law, county elections officials are required to send vote-by-mail applications to each voter not registered as a PVBM voter. Since each registered voter will already be receiving a vote-by-mail ballot for this election, SB 739 eliminates the requirement for counties to send a vote-by-mail ballot application for this election.

SB 739 is supported by the California Secretary of State, California Association of Clerks and Elections Officials, the California League of Conservation Voters, and the California Clean Money Campaign.

As an urgency measure, SB 739 will take effect immediately and be in place for the November 2020 election if it is signed into law. The Governor has until September 30 to sign, veto, or allow the bill to become law without his signature.

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