County of Santa Clara
Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
1(408) 299-VOTE (8683) 1(866) 430-VOTE (8683) FAX: 1(408) 998-7314
www.sccvote.org

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TO: S. Joseph Simitian, Chair, Finance & Government Operations Committee
Ken Yeager, Vice Chair, Finance & Government Operations Committee

FROM: Shannon Bushey, Registrar of Voters

SUBJECT: Report on the November 4, 2014 Election

In the November 4, 2014 Election, the Registrar of Voters experienced a number of issues on and after Election Day, some of which were anticipated while others were not. Additionally, the speed of election results reporting, both on Election Night and after, fell short of the public's expectations, despite being consistent with ROV's projections based on past elections. While ROV is confident that none of these issues affected the accuracy or integrity of the election results, many of the issues did raise questions in the minds of the public. Therefore, ROV reached out to the California Secretary of State, who recommended that ROV conduct the standard 1% manual audit pursuant to the Elections Code and consistent with ROV's usual procedure. The 1% showed no unresolved discrepancies between the machine count and the manual tally. Still, the experiences of the November election have identified opportunities to improve ROV's processes, procedures, and use of technology.

ELECTION DAY ISSUES

Election Results Webpage

At around 9:30 PM on Election Night, the third-party vendor that ROV uses to host Election Night results experienced a server issue that caused outages for its clients' election results web pages. Santa Clara County experienced an outage of its election results web page that lasted until approximately 10:15 PM. During this time period, ROV had one result update at 10:07 PM that was impacted by this outage. Because the usual results web page was unavailable, ROV instead posted a PDF copy of the results summary printout on its home page, so that the information was still available to the public, albeit in a different format. Once the vendor had resolved the outage, ROV restored the link to the normal results web page. There were no further issues experienced the rest of the night.

ROV is confident that it was not and could not have been possible for this issue with the vendor's system to impact or alter the election results. For security reasons, ROV's ballot tabulation system must be on a closed network and not in any way connected to the internet, the vendor's hosting system, or any other systems. ROV staff must export the results from the ballot tabulation system onto a USB drive and then physically remove the drive and plug it into a different, internet-connected work station to upload the results to the vendor's system

via a secure internet connection. The vendor's network is therefore in no way involved with the tabulation of votes and does not have access to transmit any data to ROV's tabulation system.

Because this issue arose within a third-party vendor's off-site servers, there is no way that it could have been caused or fixed by any employee of the ROV or the County. ROV & County ISD staff were in contact with the vendor during the outage, but only to report the issue and receive status reports from the vendor.

ROV has used this third party vendor, SOE Software, to host Election Night results since 2012. SOE provides this service to a variety of counties in several states throughout the country. They are well known in the election administration field for providing software programs customized to perform election-specific functions. Since the election, SOE has remained in contact with its clients, sending periodic updates detailing the technical causes of the issue and the steps SOE is taking to safeguard against a reoccurrence in the future.

Final Results Report Time

In the November 4, 2014 general election, the Registrar of Voters (ROV) posted its final Election Night results update at 4:00 AM on November 5, 2014. While this was both in line with ROV's pre-election expectations and consistent with past general elections, it still placed Santa Clara County among the last counties in California to post final Election Night results. This is because Santa Clara County uses a central-count ballot tabulation system, in which all ballots must be counted at the ROV office after the polls close.

This reporting timeframe was in line with ROV's past experience and was not due to any technical problems or other irregularities. Prior to Election Day, ROV had communicated to the public, the media, and the Board of Supervisors that it expected to finish reporting results at approximately 4:00 AM. This was based partly on final results reporting times from prior general elections since 2008, which had all finished after 4:00 AM: 6:16 AM in November 2008, 5:22 AM in November 2010, and 4:36 AM in November 2012.

This pattern of slow results reporting on Election Night is due to the fact that Santa Clara County is one of the few large urban counties in California that still uses a central-count ballot tabulation system, rather than the precinct-count systems used by most other comparable counties. San Francisco, Alameda, San Mateo, and Contra Costa all use precinct-count ballot scanners.

In a central-count system, all ballots must be brought to a central location, the ROV's office, to be tallied after the polls have closed. Ballots are then physically fed into optical scan machines to be read, which can be a very time-consuming process in a general election, where there are tens of thousands of ballots cast and each ballot consists of multiple pages. By contrast, a county using a precinct-count system would have an optical scan machine in every polling place, and voters would feed their ballots into the machine instead of dropping them into a traditional ballot box. Ballots would therefore be read and tallied as voters cast them continuously throughout Election Day, and the results of each machine would be stored on a removable memory card, which would be brought back to the ROV office to be read electronically on Election Night.

Personnel Issue

The last day of employment for ROV's former Information Systems Manager II was November 3, 2014. While ROV was prevented from discussing this issue publicly by its legal obligation to maintain the confidentiality of

personnel matters, this fact led to speculation in the public and the media that the tabulation of ballots may have been impacted.

ROV is confident that this personnel matter had no impact on the tabulation of ballots or on the reporting of election results, neither by delaying them nor by compromising their integrity. ROV's processes and procedures are designed such that no employee has an opportunity to compromise the integrity of the election results and that the success of election processes is not dependent on any single individual. The former employee's duties on Election Day were performed by another ROV employee who had directly reported to him and had more than a decade of experience performing IT work for ROV. ROV received additional support from the County Information Services Department (ISD).

In response to media speculation, the County issued a statement on November 14, 2014, stating that no voter information or other data was missing.

POST-ELECTION ISSUES

Vote by Mail & Provisional Ballots

After Election Day, ROV had over 150,000 ballots left to tally, consisting largely of Vote by Mail (VBM) ballots dropped off at the polls and provisional ballots. This was expected based on previous elections, and ROV's timeframe for processing and tallying these outstanding ballots was timely in comparison to other California counties as well as Santa Clara County's own past experiences. In fact, ROV completed processing its inventory of outstanding ballots faster than most comparable counties. However, a high-profile close contest and increased public scrutiny led many to question why the reporting of these results could not be accomplished faster.

In 2002 California law changed to allow any registered voter to sign up for permanent absentee voting (now called Vote by Mail) with no excuse. Since then, the popularity of VBM ballots has increased exponentially, transforming much of the way that elections are conducted in the state. One major impact is that large inventories of unprocessed VBM ballots left after Election Day have become the norm throughout California. In Santa Clara County, these have been a fixture of every major election since 2004.

As the number of VBM voters increases overall, the proportion of VBM ballots that are returned at the last minute at the polls has also grown. In 2008, about 30% of VBM ballots arrived on Election Day, but by 2014 that figure has grown to nearly 50%.

In the November 2014 election, ROV finished processing and tallying the remaining VBM ballots by November 9th, the Sunday after the election. This five-day timeframe was consistent with past experiences. In the November 6, 2012 election, VBM ballots were finished on November 14th, eight days after the election. In 2014, ROV finished processing provisional ballots on November 17th, thirteen days after the election. In 2012, provisional ballot processing continued through November 21st, fifteen days after the election.

ROV's VBM and provisional processing times are also in line with, if not ahead of, other comparable counties, even though Santa Clara County has one of the highest VBM rates of any county in California, and the highest of all large urban counties. As of November 6th, the Secretary of State's web site reported the Counties of Alameda, Contra Costa, Los Angeles, Orange, San Diego, and Santa Clara all had more than 90,000 ballots left

unprocessed, with smaller local counties San Francisco and San Mateo reporting over 40,000 outstanding ballots. By the time that ROV finished processing provisional ballots on November 17th, Contra Costa, Los Angeles, Riverside, Sacramento, and San Diego had significant ballot inventories of over 10,000 ballots remaining. San Francisco, San Mateo, San Bernardino, and Orange had smaller inventories but still were not yet reported as complete. Of comparable counties, only Alameda finished before Santa Clara.

Secretary of State & 1% Manual Tally

Throughout the entire election process, ROV had full confidence in the accuracy and integrity of its results. A the same time, to provide the public with additional confidence, ROV sent a letter to the California Secretary of State (SOS) on November 7th, requesting a post-election review of ROV's systems and processes. The letter cited questions raised by the public and press regarding the above-detailed issues.

On November 10th, staff members from ROV and SOS participated in a conference call to discuss the letter, during which it was indicated that SOS would likely not perform a review or audit of the County, but would instead issue a letter recommending a machine recount (as opposed to a manual recount) of the San Jose Mayoral contest. The Mayor's race was not singled out in the ROV's letter to the SOS, but it was discussed between SOS and ROV staff as the contest that was the focus of most media coverage and election observers.

Subsequent to this call, media reports began to surface that the SOS was going to recommend a machine recount of the San Jose Mayoral contest, and ROV was contacted by the media to confirm the information. ROV confirmed that the possibility of a recount in the San Jose Mayor's race had been discussed, but that no official plans had been set, as ROV was waiting to receive an official written response from the SOS and would comply with whatever the SOS ultimately recommended. Many subsequent media reports however gave the impression that a recount had been called officially.

On November 14th, ROV received the official written response from the SOS, which recommended that the ROV conduct the standard 1% manual audit of all contests as required for every election by the California Elections Code. A recount focusing on the San Jose Mayor's race was neither mentioned nor recommended in the letter. The County subsequently issued a press release stating that it would follow the SOS guidance and conduct the 1% manual audit pursuant to normal procedures to verify the accuracy of the election results. The 1% manual audit found no unresolved discrepancies between the machine and manual counts, confirming the accuracy and integrity of the election results.

POTENTIAL SOLUTIONS

The November 2014 election identified many opportunities for ROV to improve its processes and procedures. While considering solutions, it is important to realize that there are several different goals or outcomes that could be targeted, such as: a) increasing voter turnout, b) preventing errors, c) increasing the speed of Election Night reporting, d) increasing the speed of post-election reporting, e) providing greater transparency to the public, f) improving the reliability of ROV's systems, and g) ensuring elections are efficient and cost-effective. It is equally important to recognize that a single solution may address some of these outcomes, have no impact on others, and potentially even have a negative effect on one or more.

Process & Procedure Review

Conducting a thorough review of ROV's processes and procedures would help prevent errors, and provide transparency for the public. It could potentially also improve the reliability of ROV's systems and make elections more efficient and cost-effective. However, it would not be likely to have any significant impact on the speed of Election Night reporting or post-election reporting, nor would it likely have any measurable impact on voter turnout.

Overall, the experiences of the November 2014 election show that ROV would benefit from a comprehensive review of its procedures as well as increased internal controls and administrative oversight. Additionally, Supervisor Yeager requested that the County collaborate with other counties' election officials to find ways to improve ROV's processes.

ROV has already begun conducting such a review and is reaching out to other counties for input. At the same time, ROV has determined that additional administrative resources would enable ROV to more thoroughly review and revise ROV's operating procedures by helping to identify the root causes of errors and assessing risks and vulnerabilities to prevent future errors. They would also help ROV research and implement national and statewide best practices on an on-going basis and plan strategically for future change in election laws, regulations, and systems. Finally, they could help identify meaningful performance measurements, then gather and analyze statistics and quantitative data to provide better oversight and feedback about ROV operations.

ROV's management structure and staffing levels have not changed significantly in the last 10-15 years despite radical changes to the way that elections are conducted. While this has been sufficient to manage the day-to-day activities of the department, more resources are needed if ROV is to become an innovative and dynamic organization that sets the standard for other counties and states.

ROV has therefore submitted a mid-year budget request for new positions to help provide greater administrative oversight and planning for its election processes. These positions are being requested at mid-year to allow sufficient time to make changes in advance of the June 2016 Presidential Primary Election. Candidate filing for the June primary will begin in December 2015, and most of ROV's procedures need to be established and in place by then. This leaves a compressed window in which new employees in these positions can be recruited, on-boarded, and contributing meaningful input into the 2016 Presidential election preparations.

While procedural fixes would help reduce errors and enhance the public's confidence in the election process, they are unlikely to have a substantial impact on the speed of results reporting either on Election Night or after the election. In recent years, ROV has implemented a number of procedural fixes intended to report Election Night results earlier by speeding up the delivery of ballots to ROV and the processing of those ballots once they arrive. These have ranged from establishing courier teams to deliver ballots directly to ROV, bypassing satellite return centers, to re-working the workflow for receiving and processing precinct supplies in the ROV office. Though these have resulted in incremental gains, the process hits an inevitable bottle neck at the ballot tabulation operation, which is caused by the County's central-count voting system. ROV's experiences over the past five years of experimentation point conclusively to a problem of technology, not procedure.

Similarly, many procedural and technological improvements have been implemented to help ROV handle the increasing quantities of Vote by Mail ballots that must be processed after Election Day. Some of these improvements, such as ROV's automated sorting machines, have made significant gains in speeding up the

process, but still ROV has struggled to keep pace with the trends in voter behavior. In this case, the bottle neck is created at the point where the ballots must be physically removed from their envelopes and unfolded so they can be fed through the tabulation machines. This is an entirely manual process with no existing technology capable of automating it, so any potential increases to the speed would be incremental at best.

Voting System Upgrade

Upgrading the County's voting system would likely increase the speed of Election Night reporting, provide greater transparency to the public, and improve the reliability of ROV's systems. However, its impact on voter turnout, preventing errors, and the speed of post-election reporting would be minimal or difficult to measure. It would incur a significant cost but would also allow for more efficient use of ROV's resources in the future.

ROV's current voting system, which was implemented in 2003, is outdated and needs to be replaced. ROV is actively engaged in the planning stages of procuring a new voting system that would utilize precinct-count ballot scanners, similar to what other counties currently use. ROV recommends targeting procurement and implementation of a new voting system in 2017.

The voting system consists of the software used to tabulate election results in addition to the electronic equipment used to cast and tally a ballot, including the touch screen voting machines currently used in precincts and the central-count ballot scanners used to tally both VBM and precinct paper ballots.

Implementing a new voting system would not only allow ROV to place precinct-count ballot scanners in every polling place, speeding up Election Night results reporting, but would also have many benefits to the reliability and efficiency of ROV's system overall, including for VBM ballots.

A new voting system would not be likely to significantly speed up the counting of VBM and provisional ballots after the election, since these would still have to be verified and then tallied centrally. However, a new voting system would greatly increase the reliability of the scanners used to tally these ballots, substantially reducing the risk of a mechanical failure that could slow or delay the reporting of results.

ROV's current 400-C ballot scanners are old and rapidly reaching the end of their life cycle, just like the touch screen machines used at polling places. Also like the touch screens, these scanners are costly and time-consuming to maintain, requiring outdated parts that are hard to find. They are very large, about the size of a large, free-standing photocopier, and difficult to move and store. They are no longer in production and are also proprietary, so they cannot be easily replaced, either by a new unit or by lower cost alternatives. As a result, ROV is limited to its 14 current machines, and although they are regularly serviced, when one breaks during ballot tabulation and cannot be easily fixed, ROV's capacity is usually reduced for the remainder of the election until more extensive repair work is possible.

Many of the newer systems being developed are designed to be compatible with commercial, off-the-shelf desktop scanners, which carry a number of benefits. First, they are easier to service, and replacement parts are readily available. Second, they are easier to move and store, meaning ROV can scale the number of scanners in use up or down as appropriate. Third, when they need to be replaced, ROV could just buy the latest, most widely-available model rather than tracking down outdated proprietary hardware.

This would improve the reliability of ROV's system, significantly reducing the chance of a slowdown in results reporting due to machine failure, while at the same time allowing for more efficient use of staff time now spent servicing outdated equipment. A new system is expected to have other efficiencies as well, such as improved ballot design software, which could render ballot images in a matter of minutes, where the current, decades-old software takes several hours.

A new voting system would likely also improve the transparency of the election process for voters as well as for candidates and campaigns. Many of the newer systems being developed include advanced auditing features that would make it easier for ROV staff and observers to confirm the accuracy of the machine tally of the ballots. For example, a system could capture the image of a scanned ballot and match it to an audit report showing how the ballot was tallied, allowing staff and observers to compare the two side-by-side and resolve any discrepancies on the spot. The new system would also add greater transparency to the average voter through the precinct-count scanners, which read the ballots with the voter still present and alert the voter to any errors, such as over votes and under votes, that may prevent the ballot from being tallied the way the voter intended.

In a memo submitted to the Board of Supervisors on November 18, 2014, ROV laid out a plan for a new voting system. In that plan, ROV proposes to develop the RFP in 2015, release the RFP and select a vendor in 2016, and implement the system in 2017. This would allow for the new system to have a limited deployment in the 2017 local consolidated election, giving ROV a chance to refine processes and resolve any outstanding issues prior to full deployment in a countywide election in 2018.

As part of this plan, ROV has submitted an FY 2015 mid-year budget request to hire an Information Technology Project Manager to oversee the development of the RFP and the implementation of the new system. In addition to this request, ROV also submitted an IT Project Funding Request for ongoing funding for a voting system starting in FY 2017, and a Capital Programs request for FY 2016 to fund an architectural planning study of the ROV's warehouse to identify any modifications needed to accommodate the new system.

The plan also recommends that the County explore options to lease the new voting system from the vendor rather than purchase it outright. This would have many advantages, such as spreading the cost of the system over multiple years as part of ROV's operating budget, rather than absorbing it as a single, one-time capital expense. A lease would provide for greater scalability, allowing the County to increase or decrease the number of precinct and central ballot scanners more easily than if they were purchased outright. This would be a benefit to meet any routine changes in business needs as well as in case of any major unforeseen changes to election law or voting system regulations, such as expanding all-mail ballot elections, changing the number of required polling places, or even voting system decertification, as was experienced in 2007. Leasing would also ensure more consistent service from the voting system vendor throughout the life cycle of the system and make the vendor responsible for its removal when the system is eventually ready to be replaced.

Other Voting Technology Improvements

Aside from the ballot tabulation system, the experience of the November 2014 election identified several other opportunities for ROV to improve its equipment and software. These improvements could include RFID (radio-frequency identification) or GPS (global positioning system) technology to track polling place materials and equipment, call center software to assist with customer service, automation and scripting of internal data management processes, and centralization of IT infrastructure management.

Additionally, Supervisor Simitian requested that the County identify potential assistance from the private sector on a *pro bono* basis to supplement the County's understanding of technology issues related to elections. ROV is currently looking into the best way to identify qualified partners for this project, which will likely result in the issuance of a Request for Qualifications.

Further, ROV believes that an added benefit of requesting the above-referenced Information Technology Project Manager as an on-going permanent position, as opposed to a short term contractor or unclassified employee focused solely on the voting system, is that it would allow this position to lead the implementation of other projects, research new and emerging technologies on an on-going basis, and help ROV plan strategically for future advances in election administration technology.

Mail Ballot Elections & Postage Paid Ballots

Paying the return postage for all VBM ballots would likely increase voter turnout. It would have no impact on the speed of Election Night reporting and would potentially slow the speed of post-election reporting if it significantly added to the number of ballots cast by mail just before the election. It would increase postage costs.

Conducting some or all of the County's elections as all-mail ballot elections would result in substantial cost savings and would more than offset the increased costs of paying for return postage. Experiences in states such as Oregon, Washington, and Colorado suggest that this would have a beneficial impact on voter turnout, although that is a matter of some debate. This would render moot the question of Election Night reporting speed, as there would no longer be polling place precincts to report-in on Election Night. However, the experiences of all-mail ballot states suggests that this would slow down post-election reporting by increasing the number of mail ballots returned at the last minute.

On December 11, 2014, ROV submitted a report to the Finance and Government Operations Committee regarding the County funding the cost of return postage for all VBM ballots. That report indicated that the likely annual cost would be in the range of $200,000 to $350,000, depending on the number, type, and size of elections held in any given year. ROV also reported on a survey conducted by the United States Elections Assistance Commission, where 9% of respondents indicated that paid return postage would motivate them to vote when they would not have otherwise voted. The Committee asked ROV to research whether switching to all-mail ballot elections would result in a cost savings, and whether that savings might offset the cost of paying for postage. Additionally, Supervisor Wasserman requested that the County research the possibility of conducting all-mail ballot elections.

An initial review of current California election law indicates that the County would likely require the passage of state legislation to expand its use of all-mail ballot elections. Existing state law allows for mail ballot special elections for school districts and special districts as well as smaller cities. In recent years, a handful of counties have been successful in getting legislation passed to allow for pilot programs to expand the use of all-mail ballot elections, although usually their use is restricted to special elections and subject to other requirements like ballot drop-off sites or voting centers. If Santa Clara County were to attempt to find a sponsor and get a similar bill passed, it is possible that the County would be successful based on these recent examples. Depending on the bill's language, this could potentially allow the County to hold special elections to fill vacancies, such as those held in Supervisorial District 2 in 2013, entirely by mail ballot. It could also potentially allow the County to hold a countywide special election, such as for a ballot measure, by mail ballot. However, if the County were to

seek authorization to conduct all elections entirely by mail ballot, including statewide primary and general elections, it may be less likely that such legislation would be successful.

When allowed, all-mail ballot elections can significantly reduce the overall cost of a special election, since the additional printing and postage costs are more than offset by the savings realized by not setting up polling places. ROV uses standardized rates based on the actual costs from previous elections to estimate costs for jurisdictions that are exploring future potential elections. The rates for a mail ballot election are about half the rates for a polling place election in a jurisdiction of the same size.

Based on preliminary calculations using these rates, if a countywide special election were to cost $5,764,720 as a polling place election, then it would likely cost $2,873,900 as a mail ballot election, resulting in a potential savings of $2,890,820 to the County. For a special election in a single Supervisorial District roughly one-fifth the size of the County, an election that cost $1,152,945 to conduct with polling places would cost only $564,780 as a mail ballot election, resulting in a potential savings of $588,165.

These rates for mail ballot elections include the cost of postage. For example, in the case of the countywide special election, the County might pay an estimated $96,570 for postage on returned ballots. That $96,570 is included in the base cost of $2,873,900, and therefore would not reduce the projected savings of $2,890,820.

24-Hour Ballot Processing

Implementing 24-hour ballot processing would likely increase the speed of post-election reporting. It would not likely have an impact on the speed of Election Night reporting or voter turnout. If proper measures are taken to ensure adequate supervision for the 24-hour operation, it could be done with neutral impact to transparency, preventing errors, and the reliability of ROV's systems. It would increase labor costs.

ROV currently strives to process and tally VBM and provisional ballots as quickly as possible, bringing on dozens of additional workers for 10-12 hour days, including weekends and holidays. One way to tally these ballots faster would be to establish a second, 12-hour shift during the days following the election, so that ballot tabulation can continue 24 hours a day. Supervisor Yeager requested that the County study the resources required to implement 24-hour ballot processing.

ROV has studied the possibility of operating on a 24-hour basis in the week following the election by utilizing multiple shifts. Additional workers can be brought in with minimal training or experience to perform simple tasks like removing ballots from envelopes, but they require experienced staff to coordinate their work, ensure compliance with procedures and laws, and perform quality control to ensure accuracy. However, many other processes are too complex or specialized to be performed by entry-level workers, such as operating sorting machines and verifying signatures.

ROV relies on a core team of experienced Extra Help and permanent workers to fulfill these functions and currently has enough to support one shift. ROV trains and prepares these more experienced staff members by bringing them in to work during small elections and during the slower early weeks leading up to major elections. In order to grow a core team of experienced staff members who would be available to support a second shift during peak times for major elections, ROV would have to increase the amount of Extra Help it uses in VBM processing and ballot tabulation in small elections and off-peak times. These costs would also be

in addition to the other increased labor costs normally associated with 24-hour operation, such as shift differentials.

This second shift would also require additional permanent employees in supervisor and lead roles to oversee the temporary workers. The processing and tabulation of ballots after an election is a highly sensitive, visible, and publicly scrutinized operation. Nearly every primary and general election, political parties and campaigns send observers to monitor ROV's performance of these duties. To promote transparency, observers are allowed to confirm that ROV staff is following established procedures and challenge the process if they observe something questionable. These observers regularly remain when ROV continues work outside of normal business hours and even come in on weekends and holidays; therefore, ROV must prepare for the likelihood that observers would be present to observe the entire 24-hour operation.

Consequently, these processes require expert and knowledgeable supervision by permanent staff members who are specialized subject matter experts in Vote by Mail processing and ballot tabulation and participate in the year-round planning and preparation for these tasks. This would provide the depth of knowledge and familiarity necessary to ensure that ROV performs their work in a consistent, fair, and lawful manner, while at the same time responding to observers' concerns and questions. Attempting to supervise these activities using temporary employees or by re-assigning other ROV staff from other divisions would not provide the level of specialized expertise required.

For these employees to be in place to oversee 24-hour processing in the June 2016 Presidential Primary, ROV has submitted a mid-year budget proposal to create three needed positions to support 24-hour ballot processing. Establishing these positions in mid-year would enable them to be filled for local elections in April, June, and November 2015, giving the employees the opportunity to gain adequate training and experience before the June 2016 Presidential Primary Election. Outside of peak election times, these positions would help conduct local and special elections, assist in the preparation and planning for election operations, recruit and train staff, and help maintain critical systems like sorting machines and ballot scanners to build technical expertise.

New Laws

Conditional voter registration is currently enacted in California law and is scheduled to take effect in the year after the statewide voter database project is completed. This places the expected effective date for conditional voter registration at 2017. This will likely have a positive effect on voter turnout by increasing the number of provisional ballots cast and the proportion of provisional ballots that can be accepted and counted. However, increasing the number of provisional ballots is likely to significantly decrease the speed of post-election results reporting. It would likely have no impact on the speed of Election Night results reporting.

A new law, SB 29, became effective this year and made several changes to the processing of VBM ballots. One provision allows ballots to be counted if they are postmarked or date-stamped by Election Day and received within three days after the election by mail or bona fide private delivery service (*e.g.*, UPS or FedEx). This will likely have a positive impact on voter turnout, but it will also reduce the speed of post-election results reporting, as ROV will now have additional ballots arriving *after* Election Day. SB 29 also extends the time deadline for certification of election results from the current 28 days after the election to 30 days, in recognition of the additional time needed to process ballots after Election Day. It would likely have no impact on the speed of Election Night results reporting.

Another provision of SB 29 increases the amount of time in advance of the election in which ROV can begin opening and processing VBM ballots from the current 7 business days to 10 business days. This is unlikely to result in speeding up post-election reporting; however, ROV already processes and counts all ballots received as of the day before the election and includes those ballots in the first results posted at 8:00 PM on Election Night. ROV is also able to process and include some of the ballots returned on Election Day in time for the 8:00 PM results, which include those that arrive by mail or at a ballot drop box in the early morning on Election Day. Ballots that arrive later on Election Day as well as those dropped off at polling places comprise the VBM ballots left to be processed after Election Day.

Another legislative proposal that may be considered this year would allow ballots to be removed from polling places while the polls are still open during Election Day, so that they can be brought back to ROV for central tallying. Current law prohibits the removal of any ballot or ballot containers until after the polls are closed. If precinct ballots could be removed from the polling place early, it could potentially speed up Election Night results reporting by a couple of hours. If VBM ballots could be removed, it would speed up post-election reporting by several hours, but likely less than one day. It would likely not have an impact on voter turnout and may raise some concerns about transparency, since those ballots would not be available during the ballot reconciliation done by Election Officers after the polls are closed, which is open to observers.