

	Code Section	Title	Change	Notes
Section 1				
1.	28.10.040	Definitions	Adds a definition of “tabulate”	This change is to provide more clarity regarding the difference between the terms “counting” and “tabulating,” clarifying that “tabulating” is the process of adding up votes in order to determine a result in the contest.
Section 2				
2.	28.40.010D.1.a.	Contents of official and sample ballots	Makes clear that in creating the runoff ballots, they do not have a space for a write-in candidate	This clarification makes this section consistent with section 28.20.040B.4. which sets forth that a notice of election shall state “The offices for which candidates are to be elected with the names of candidates which will appear on the ballot for each such office together with a statement to the effect that, <u>except in run-off elections</u> , voters may vote for any person qualified for such offices by writing-in such person's name on the ballot and marking the oval or square preceding such written name;” and section 28.80.050B.11. which specifies that “A write-in vote shall not be counted...in a runoff election...”
3.	28.40.010D.1.e.	Contents of official and sample ballots	Rewords to better express the requirements (e.g., for ballots that will scan and tabulate properly) and better describes the equipment used	
4.	28.40.010D.1.g.	Contents of official and sample ballots	Adds language stating that the clerk shall provide instructions to voters on the ballot, as determined to be necessary	
Section 3				
5.	28.40.020C.	Preparation and distribution	Adds the state status “list maintenance (LM)” to the list of voter statuses to whom the clerk does not mail a ballot package	<p>Persons in LM status in the state voter registration database have “had no contact [with the SOA Division of Elections], no voter history, and [have] been sent the first notice as part of the [state’s] list maintenance process.” A person in LM status may still vote in person at an AVC or be sent a replacement ballot upon request.</p> <p>Not mailing to LM voters will save the MOA money—in the most recent voter file obtained, there were over 8,000 voters in LM status.</p>

	Code Section	Title	Change	Notes
Section 4				
6.	28.50.130	Assisting voter at a polling location or vote center	<ul style="list-style-type: none"> • Updates the voter assistant oath to add that the voter assistant may not vote for the voter or coerce the voter • Adds specific persons who may <u>not</u> assist a voter: voter's employer (or agent of the employer); officer or agent of the voter's union; a candidate; a paid or unpaid campaign worker of a candidate or organization supporting/opposing a ballot measure 	<p>The revised oath and prohibitions are generally consistent with the oath and prohibitions of the special needs representative in section 28.60.040.</p> <p>Note: A family member is specifically not listed because even if the family member is a voter's employer (etc), the family member is proposed to be allowed to assist a voter.</p>
Section 5				
7.	28.50.140B.	Replacement ballots	Changes "tabulated" to "counted"	"Tabulate" is for use when the action is tallying votes.
Section 6				
8.	28.50.300	Appointment and privileges of observers	<ul style="list-style-type: none"> • Reorganizes section B for better readability without changing any substance • Clarifies that an observer registration is generally valid for a single election • Clarifies that number of observers depends on space or regulatory constraints. For example, in an election for mayor with 13 candidates, election officials may not be able to accommodate 52 (13x4) observers at the Election Center. Requires "good cause" for the Clerk to limit the number of observers. • Sets timelines for registering observers to allow election officials to prepare materials and conduct training, and clarifies that training is required • Clarifies when observers may be present at election locations • Clarifies the rules for devices that take photos, or record video or audio; encourages directing observer questions to the Municipal Clerk or designee, following instructions, and following the Observer's Handbook 	<p>The timelines for registering observers ensures that all observers will be able to go through training to support observers' understanding of election processes and to increase their effectiveness, as set forth in the Observer's Handbook.</p> <p>Observer registration deadlines exist in some other jurisdictions such as in Georgia and Louisiana. (Note: a review of standards in <u>all</u> 49 other states and their counties was not performed.)</p> <p>Some of the rules regarding electronic devices exist in some other jurisdictions such as Colorado and Texas. Most jurisdictions reviewed have some limitations on the possession or use of electronic devices.</p>

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Section 7				
9.	28.70.010A.	Time for ballot return envelope review	<ul style="list-style-type: none"> Removes unnecessary and potentially confusing language Clarifies that no votes will be tabulated before 8:00 p.m. on Election Day 	This change is to provide more clarity regarding the difference between the terms “counting” and “tabulating.” While at any certain point prior to Election Day, the number of <u>ballots</u> received that will be counted (because they have been scanned) is known, there is no tallying of <u>votes</u> before 8:00 p.m. on Election Day.
Section 8				
10.	28.70.030A.2.c.i.	Ballot return envelope review standards: Regular	Conforming changes to allow ballot from MUOCAVA voter to be counted if it arrives before certification instead of before public session of canvass	This policy change was added to section A.1. in 2020; the code change in this ordinance is a conforming change.
Section 9				
11.	28.80.005	Ballot counting procedure	<ul style="list-style-type: none"> Relocates language regarding facsimile ballots and “improper” ballots (when a voter votes a ballot containing races for which they are not eligible to vote) Deletes language found in other parts of code 	Section A—deletes unnecessary sentence because facsimile ballots are addressed in section B. Section B—new language is moved from 28.80.050A.; existing language is deleted because it is redundant with 28.80.010A.—last phrase moved there. Section C—new language moved from section D. (previously from 28.80.010B.); existing language deleted because it is redundant with 28.85.010F.
Section 10				
12.	28.80.010B.	Methods of counting	Deletes concepts that are either moved or addressed elsewhere	Language regarding “improper ballots” is moved to section 28.80.005 (see ordinance section 9). Language regarding damaged ballots already exists in section 28.80.050A. (being moved to 28.80.005B.—see ordinance section 9) so is unnecessary here.
Section 11				
13.	28.80.015	Supervision and observation of <u>ballot tabulation</u> [COUNTING]	Changes the title for clarification	This change is to provide more clarity regarding the difference between “counting” and “tabulating.”

	Code Section	Title	Change	Notes
Section 12				
14.	28.80.050	[Preparation and r]Rules for counting <u>votes</u> [BALLOTS]	<ul style="list-style-type: none"> • Changes the title for clarification • Paragraph A: moved to 28.80.005B. • Paragraph B: clarification of topic; correction of numbering error • Paragraph B.4. clarifies that if a voter writes in the name of a candidate printed on the ballot in that race <u>and</u> fills in both ovals, a vote for that candidate is counted • B.11. provides direction on how to vote for a write-in candidate • B.12. states when a write-in vote is counted • Paragraph D: adds language that specifies that adjudication of a vote under the rules of this section may be challenged by a registered observer 	<p>These changes to language regarding “ballots” and “votes” are to provide more clarity—this section is about how a <u>vote</u> in a particular contest may be adjudicated if the voter has improperly marked the ballot.</p> <p>In general, write-in votes are not counted in a regular election, and the exceptions are detailed here – (1) except for votes for qualified write-in candidates for service area supervisory boards; (2) If the total of write-in votes is higher than the number of votes for any other candidate, or (3) is within 2nd place and 0.5% of the highest vote getter, then write-in votes must be counted for individual candidates, which it is also clarified would happen through the recount process.</p> <p>Paragraph D. specifically sets forth that the decision on how to adjudicate a vote may be challenged, if the registered observer believes that the adjudication rules have not been properly applied.</p>
Section 13				
15.	28.90.025	Recount by order of the assembly or municipal clerk; automatic recount	Adds conforming language based on 28.80.050B.12, (section 12) and another reason for an automatic recount: if the total of write-in votes is the most votes in a contest, or the second-most votes in a contest and within 0.5% of the most votes	These changes add a paragraph for the mechanism of how write-in votes are counted if the total of write-in votes is the most votes in the contest
Section 14				
16.	28.90.040	Procedure (for Recount)	Clarifies that adjudication rules apply to all recounts	Moves language from C.2. to new D. to clarify its universal applicability in recounts