

---

## THE ROLE OF OBSERVERS:

### UNDERSTANDING YOUR FUNCTION

Below are key items to keep in mind while serving as an election observer, at your assigned location:

---

All observers must be qualified electors of the State of Ohio and must be duly appointed pursuant to statute. All appointed observers are required to take an oath, which must be administered by an election official prior to beginning their observation. Observers who will observe on multiple days need not take the oath every day, but must affirm to an election official each day that they understand that they are still under oath.

#### **AS AN APPOINTED OBSERVER, YOU MAY BE PRESENT DURING THE FOLLOWING TIMES IF YOU ARE DULY APPOINTED TO DO SO:**

- I. During the casting of ballots at the In-Person Absentee Voting Location;
- II. To observe certain elections activities at a Board of Elections Office prior to the Official Canvass;
- III. During the casting and counting of ballots at Precincts you have been appointed to on Election Day;
- IV. During the Official Canvass;
- V. During a Recount;
- VI. During an Election Audit.

#### **AS AN APPOINTED OBSERVER, YOU MAY:**

- I. Move about your assigned polling precinct, or board of elections office, if assigned to observe there, to the extent that you do not engage in any prohibited activity. Keep in mind that the polling precinct includes the area between the entrance to the polling location and the U.S. flags (approximately 100 feet from entrance). At a board of elections office, you may be limited to the area where the elections activity you are appointed to observe is taking place. You cannot impede elections officials in the performance of their duties or voters in exercising their right to vote;
- II. Watch and inspect the proceedings of the election at hand, so long as such activity does not disrupt or unreasonably delay the normal proceedings;
- III. Leave the voting area to contact the board of elections or your appointing entity to raise concerns.
- IV. Observers may use communication devices and audio/video devices in and about the polling place subject to the following conditions:
  - a. The devices must be set so as to produce no noise (low volume vibration settings are permitted);
  - b. The devices may not be used to take photographs, videos, or to record or transcribe any conversations inside the polling place (a camera is considered a device for purposes of these instructions);
  - c. The Observer may not have an audible conversation inside the polling place using a communications device or audio/video device;
  - d. The Observer may send and receive text messages, e-mail communications, instant messages, and similar other nonverbal, electronic communications using a communications device or audio/video device;
  - e. The Observer may not use the communications device or audio/video device in any manner that creates a disruption or disturbance within the polling place; and
  - f. The Observer may not use the communications device or audio/video device in any manner that is intended or perceived to impede, interfere with, or disrupt an election, or in any way intimidates a voter, or risks violating the secrecy of the ballot or a voter's privacy.

#### **AS AN APPOINTED OBSERVER, YOU MAY NOT:**

- I. Disrupt or interfere with any part of the election. It is possible that an election official may have you removed if you engage in prohibited activity.
- II. Take any action that may intimidate a voter or election official, or cause a voter's privacy to be compromised, including the secrecy of the voter's ballot;
- III. Handle any election materials;
- IV. Campaign inside a polling location, or outside a polling location within the 100 foot area marked by U.S. flags. This includes wearing campaign paraphernalia, and name badges or other labels identifying a political party, candidate, group of candidates, or ballot issue;

THIS LIST IS NOT COMPREHENSIVE AND IS NOT MEANT TO SUPERSEDE ANY SECTION TITLE 35 OF THE OHIO REVISED CODE OR OHIO SECRETARY OF STATE ELECTION OFFICIAL MANUAL

- V. Observe at a polling precinct or location to which you are not duly appointed. This is particularly important at a multiple precinct polling location;
- VI. Be able to observe everywhere, all of the time. It is possible that an election official may, for reasonable good cause, restrict observer movement;
- VII. Be a uniformed peace officer, state highway patrol trooper, member of a fire department, armed service member, organized militia member or person wearing any other uniform;
- VIII. Carry a firearm or deadly weapon;
- IX. Engage voters in conversation or advocate for a particular position or outcome with the precinct election officials on any matter before them. You may, of course, be polite, exchange greetings, and participate in non-political and ordinary conversation unrelated to the election, so long as it is not distracting to any voter or precinct election official.
- X. Observers may not use any electronic or communication device or any audio/visual recording device in any manner that impedes, interferes with, or disrupts an election, or in any way intimidates a voter, risks violating the secrecy of the ballot or voter privacy. Observers using a cellular or digital telephone, walkie-talkie, or any other wired, wireless, or satellite audio communication device to discuss the election or a perceived problem with the administration of the election may not do so within the polling place. Absent a person engaging in harassment nothing in this section shall be interpreted to prevent an observer from collecting or transmitting information from the registration lists posted throughout the day in each precinct pursuant to R.C. 3503.23(C).

It is imperative that as an appointed observer you maintain a high level of respect for the voters, the elections process and the election officials.

---

## THE ROLE OF ELECTION OFFICIALS:

### UNDERSTANDING THE IMPORTANCE OF OBSERVERS

Below is information that outlines how you can ensure that appointed observers serve in a manner consistent with Ohio law, while maintaining a voting experience free from disruption or hindrance for the voters of Ohio.

---

All observers must be qualified electors in the State of Ohio and must be duly appointed pursuant to statute.

#### **APPOINTED OBSERVERS MAY BE PRESENT DURING THE FOLLOWING TIMES IF THEY ARE APPOINTED TO DO SO:**

- I. During the casting of ballots at the In-Person Absentee Voting Location;
- II. To observe certain elections activities at a Board of Elections Office prior to the Official Canvass;
- III. During the casting and counting of ballots at Precincts you have been appointed to on Election Day;
- IV. During the Official Canvass;
- V. During a Recount;
- VI. During an Election Audit.

#### **AS AN ELECTION OFFICIAL, YOUR DUTIES INCLUDE:**

- I. Ensuring that you verify that each appointed observer has been duly appointed. Observers at your in-person absentee voting location, board of elections office prior to the official canvass, and Election Day observers at precincts must present a valid Certificate of Appointment before beginning to observe. For all other observers, you must verify that the person appearing has been duly appointed and ensure that the observer is observing at the location and time for which he/she is duly appointed. This is particularly important at a multiple precinct polling location and observers serving multiple days;
- II. Ensuring that all appointed observers take the required oath, which must be administered prior to beginning their observation. However, the oath does not need to be repeated on subsequent days when an observer returns – he or she only needs to be reminded of the oath taken and that he or she is still under oath;
- III. Ensuring that appointed observers are permitted to move freely within a polling place to the extent that they do not disrupt or interfere with the election, take any action to intimidate, persuade, or delay voters or elections official, or violate the secrecy of a voter's ballot or privacy;
- IV. Ensuring there is no campaigning inside a polling location, or outside a polling location within the 100 foot area marked by U.S. flags. This includes the wearing of campaign paraphernalia, and name badges or other labels identifying a political party, candidate, group of candidates, or ballot issue;
- V. Prohibiting an observer from handling any election materials;
- VI. Prohibiting an appointed observer from engaging voters in conversation. However, an observer is permitted to be polite and exchange greetings;
- VII. Preventing an appointed observer from interfering with, impeding or disrupting the election, or intimidating a voter or election official, or preventing a voter from casting his or her ballot;
- VIII. Prohibiting an appointed observer from violating the secrecy of the ballot or privacy of a voter;
- IX. Prohibiting any uniformed peace officer, state highway patrol trooper, member of a fire department, armed service member, organized militia member or person wearing any other uniform from serving as an observer;
- X. Prohibiting any person carrying a firearm or deadly weapon from serving as an observer;
- XI. Contacting the presiding judge, director, or deputy director if an observer is engaging in prohibited activity.

#### **AS AN ELECTION OFFICIAL, YOU MAY NOT:**

- I. Eject an appointed observer from a polling location without good cause (you should consult the Director or Deputy Director prior to acting);
- II. Bar an appointed observer from entering a polling location without good cause;