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## 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:

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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.

**THE ROLE OF AN OBSERVER**

The role of observers is limited to observing the proceedings of an election. Accordingly, while observers are permitted to watch and inspect, observers are never permitted to handle any election materials. Observers are permitted to move freely about the polling place or any area where ballots are being cast, processed, counted, or recounted at a board of elections office, as applicable, to the extent that they do not engage in any prohibited activity. A board may deny an observer access to parts of its office where ballots are not being cast, processed, counted, or recounted.

Observers may not interfere with election officials administering the election. While observers are permitted to engage election officials in casual conversation during less busy times, even to gather information about the process, their statutory purpose is to watch. Observers may not enforce the law or advocate on behalf of voters. However, they may leave the voting area to contact the board of elections to raise concerns, which the board might address when appropriate.

**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. Engage in any kind of election campaigning;
- II. Hinder or delay an elector in reaching or leaving the polling place;
- III. Impede, interfere with, or disrupt the election in some manner;
- IV. Intimidate, harass, or attempt to influence voters or precinct election officials;
- V. Carry a firearm or other deadly weapon; or
- VI. Violate the secrecy of the ballot or the privacy of voters.
- VII. Observers may not serve as enforcers of the laws nor act as advocates for voters before the precinct election officials.
- VIII. Be a peace officer, state highway patrol trooper, member of a fire department, armed service member, organized militia member or person wearing any other uniform.  
Handle any election materials;

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.

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## 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, in order to maintain a voting experience free from disruption or hindrance for voters.

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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. Verify that each 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 attire and paraphernalia displaying the name of a political party or candidate, or demonstrating support or opposition to a 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 courteous greetings;
- VII. Ensuring that appointed observers do not interfere with, impede or disrupt the election, or intimidate a voter or election official, or prevent 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.