

Ohio Poll Watchers: Rules and Constraints

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Poll watchers, referred to as “political party observers” or “observers” in Ohio, are individuals who monitor polling places and ballot counting sites. While observers play an important role in providing transparency, they can also be a potential source of disruption and intimidation. For this reason, all states have a series of regulations and constraints regarding who can serve as poll watchers and what they can do. Ohio’s, which derive both from the state’s election code and from guidance issued by the secretary of state, are:

Appointment

- Under Ohio law, political parties with candidates on the ballot, any group of five or more candidates, or a ballot issue committee can appoint one observer per voting location.¹
- Observers may be at Election Day voting locations, early-voting locations, and ballot counting places.²
- Only voters registered in Ohio may be observers.³
- The county board of elections must receive notification of the name, address, and location at which the observer is to serve prior to observing.⁴
- Observers must take an oath prior to observing.⁵
- Separately, Ohio law permits “post-election observers” during a post-election audit. The post-election observers may only attend public meetings of the local board of elections (these meetings must be publicly noticed in advance), and in no event may they handle ballots during the audit.⁶ They are otherwise subject to limitations similar to those that apply to observers at polling places.

Role of Observers

- Observers monitor the election process without causing disruptions to voters or election workers. They may watch all proceedings of precinct officials at the polls and the counting of ballots at ballot counting sites.⁷

¹ Ohio Rev. Code Ann. §§ 3505.21(B), (E).

² Ohio Rev. Code Ann. §§ 3505.21(B), (E).

³ Ohio Rev. Code Ann. § 3505.21(B).

⁴ Ohio Rev. Code Ann. § 3505.21(F).

⁵ Ohio Rev. Code Ann. § 3505.21(F).

⁶ Ohio Rev. Code Ann. §§ 3505.331(A), (C); and Ohio Secretary of State, *Election Official Manual*, December 20, 2023, 340–41, https://www.ohiosos.gov/globalassets/elections/directives/2023/eom/eom_fullversion_2023-12.pdf.

⁷ Ohio Rev. Code Ann. § 3505.21(C).

- Observers cannot challenge a voter’s eligibility at a voting location.⁸
- According to the secretary of state’s guidance, observers can contact the county board of elections if they observe an issue of concern but must leave the voting area to do so.⁹
- The guidance also notes that observers may move freely about the location except that election officials may deny observers access to parts of an election office where ballots are not being cast, processed, or counted.¹⁰

Prohibited Activities

To prevent poll watchers from disrupting elections, Ohio law prohibits the following activities:

- **Electioneering:** All people, including observers, are prohibited from conducting campaign related activities, known as electioneering, within 100 feet of a voting location, and if the line for voting extends beyond the 100-foot buffer, within 10 feet of any voter waiting in line.¹¹ This includes wearing campaign clothes or accessories.¹²
- **Carrying Firearms:** Observers cannot carry a firearm or other weapon at a voting location.¹³
- **Intimidation or Influence:** Attempting to intimidate or influence a voter is not allowed.¹⁴ Intimidation can include, but is not limited to, soliciting a voter, coercing a voter to vote or refrain from voting, or coercing a voter to vote or refrain from voting for a particular candidate, question, or issue.¹⁵ Additionally, it is illegal to attempt to intimidate election officers or prevent them from performing their duties.¹⁶
- **Interference:** Observers may not interfere with poll workers or slow the operation of election processes. Specifically, it is illegal for anyone, including observers, to destroy property used to conduct elections, to loiter in or about the voting place during the casting and counting of ballots, or to unduly delay or hinder a voter from attempting to vote or voting.¹⁷
- **Harassment:** It is illegal for anyone, including observers, to harass a voter. Harassment includes, but is not limited to, obstructing access to or from a voting location or participating in a riot, violence, or disorder in or about the voting location.¹⁸

The secretary of state’s guidance further prohibits observers from:

- **Voter Interaction:** Observers may not interact with voters in a disruptive manner.¹⁹

⁸ See Ohio Rev. Code Ann. § 3505.20; and *Manual*, 272.

⁹ *Manual*, 274.

¹⁰ *Manual*, 274.

¹¹ Ohio Rev. Code Ann. § 3501.35(A)(1); and *Manual*, 181.

¹² *Manual*, 259.

¹³ *Manual*, 275.

¹⁴ Ohio Rev. Code Ann. §§ 3501.90(A)(1)(A), 3599.01(2).

¹⁵ Ohio Rev. Code Ann. §§ 3501.35(A)(5); 3599.01(2).

¹⁶ Ohio Rev. Code Ann. § 3599.24(3).

¹⁷ Ohio Rev. Code Ann. §§ 3599.24(2), (5), (6), 3599.26.

¹⁸ Ohio Rev. Code Ann. § 3501.90(A)(1)(a).

¹⁹ Ohio Secretary of State, “Being an Election Observer: Things to Know,” last accessed May 23, 2024, <https://www.ohiosos.gov/elections/voters/being-an-election-observer-things-to-know/>.

- **Handling Election Materials:** Observers may not handle any election materials.²⁰
- **Photography and Video:** Observers may not take photographs or videos at a voting location.²¹ Further, observers may not use electronic or communication devices that could impede, harass, or intimidate voters or risk violating voter privacy.²²
- **Enforcing the Law:** Observers may not enforce the law or advocate for voters.²³

Federal and state law strictly prohibit all people, including observers, from engaging in voter intimidation. Any action that makes a voter feel intimidated, threatened, or coerced (including any effort to prevent a voter from registering to vote, voting, or voting for or against any candidate or ballot measure) could constitute voter intimidation, regardless of whether it breaks a specific rule.²⁴

Removal

- Precinct election officials may remove observers from the voting location who interfere with, impede, or disrupt the election or who engage in behavior that is inconsistent with state law or a secretary of state directive.²⁵
- If necessary, election officials may contact law enforcement for assistance in removing observers who break the rules.²⁶

²⁰ *Manual*, 274.

²¹ *Manual*, 274.

²² *Manual*, 274.

²³ *Manual*, 274.

²⁴ 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b); and Ohio Rev. Code Ann. §§ 3501.35, 3501.90, 3599.01, 3599.24, 3599.26.

²⁵ *Manual*, 276.

²⁶ Ohio Rev. Code Ann. § 3501.33.