Frank LaRose
Ohio Secretary of State

ADVISORY 2026-04

October 26, 2026

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Guidance on Election Observers and Media Access During Voting

BACKGROUND

This Advisory reminds county boards of elections of the requirements governing the appointment, qualifications, and conduct of election observers under Ohio law, as well as the processes and authorities governing potential federal observers under federal law. This advisory also provides guidance regarding permissible access to polling places by members of the media.

SUMMARY

I. Statutory Election Observers Under Ohio Law

It has come to the attention of the Secretary of State's office that some boards of elections are dealing with inquiries about the election observer process, which is common as we approach a General Election. This office previously issued guidance on the election observer process in Directive 2022-45, and that guidance is consistent with the Ohio Revised Code[1] and Chapter 9, Section 9.10 of the Election Official Manual (EOM). Similar guidance was issued to boards of elections in 2024. Here are a few key points to review:

- There are six types of election observers in Ohio law, and there is a specific statutory process they must follow to qualify and participate as an observer.
- Observers may only be "appointed" by three specific entities: (1) a political party with a candidate appearing on the ballot, (2) a group of five or more candidates,

1 R.C. 3505.21.

or (3) a ballot issue committee recognized by the board as supporting or opposing a ballot issue.

- All observers (except recount observers) must be qualified electors in the State of Ohio.
- An appointing authority is permitted to appoint only *one* observer to the board of elections office to observe, except under certain circumstances approved by the board.
- Each appointing authority must complete an appointment form prescribed by the Secretary of State, and each observer must present a certificate of appointment from their appointing authority to the board of elections. The following forms may be applicable, depending on the type of observation and the entity appointing the observers:
    - Observation at an in-person absentee voting location: Form 214-A (Notice of Appointment); Form 214-B (Certificate of Appointment)
    - Observation on Election Day: Form 215-A (Notice of Appointment); Form 215-B (Certificate of Appointment)
    - Observation prior to the Official Canvass: Form 216-A (Notice of Appointment); Form 216-B (Certificate of Appointment)
    - Observation at the Official Canvass: Form 217-A (Notice of Appointment); Form 217-B (Certificate of Appointment)
    - Observation at a recount: Form 218-A (Notice of Appointment); Form 218-B (Certificate of Appointment)
    - Observation at a post-election audit: Form 219-A (Notice of Appointment); Form 219-B (Certification of Appointment)
    - Form 220 (Petition to be Recognized as a Committee to Appoint Observers for a Ballot Question or Issue)
- Each observer is required to take an oath, as it is listed in Chapter 9, Section 9.10, prior to observing.

- Observers must follow the guidelines described in Chapter 9, Section 9.10 on personal conduct and the use of communication devices while observing.

Chapter 9, Section 9.10 also provides guidance on how boards should engage international observers. Please note that Ohio law limits who may be present in polling locations on Election Day, and because Ohio law does not include international observers, they cannot enter polling locations on Election Day.

II. Congressional Election Observers Under Federal Law

County boards may receive congressional observers designated in writing by the chair or ranking minority member of the House Committee on House Administration or Senate Committee on Rules and Administration. Under the Confirmation of Congressional Observer Access Act of 2024 ("COCOA Act"),[2] these observers gather information about federal elections, including potential election contests. Their authority is separate from Ohio's observer appointment process. Boards should receive notice the week of October 26 if congressional observers will be dispatched to a polling location(s) in the county.

Boards should verify designation letters and be aware of the following:

- **Access:** Boards must provide full access to clearly observe federal election procedures before, during, and after Election Day, including voting, ballot processing, tabulation, canvassing, recounts, audits, and certification.
- **Conduct:** Observers may ask election officials and workers questions but may not handle ballots or equipment, advocate for candidates or positions, compromise ballot secrecy or voter privacy, or interfere with election administration.

III. Election Observers Sent by the U.S. Department of Justice

Some counties have received notice from the United States Department of Justice (DOJ) indicating an interest or intent to observe the election process. The DOJ's Civil Rights Division has provided guidance on its legal authority, which in some circumstances may require the DOJ to obtain "a relevant court order." When federal law authorizes the DOJ to appoint observers, those observers are permitted to:

- Enter polling locations to observe whether eligible voters are allowed to vote.

2 52 U.S.C. § 21083a.

- Enter places where votes are tabulated to observe whether eligible voters' votes are properly counted.[3]

However, no DOJ observer may:

- Prevent an eligible voter from voting.
- Intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for voting, attempting to vote, assisting others in voting, or exercising specific duties under the Voting Rights Act.[4]

If a board of elections has legal questions related to the process of observing or otherwise monitoring the election process, the board should contact its designated legal counsel, the county prosecutor.

IV. Permissible Access by Members of the Media

Finally, boards must give members of the media reasonable access to polling places, as long as they do not interfere with election officials or voters. Chapter 9, Section 9.15 of the EOM defines "members of the media" and identifies factors that boards must consider when determining reasonable access:

- Whether the member of the media is credentialed (i.e., from an accredited news source).
- How long they stay at a polling location.
- Length of voter lines.
- Size and layout of the polling location.
- Protecting voter privacy during the journalist's presence.
- Member of the media's conduct.
- How the member of the media's presence affects voters and election officials.

CONCLUSION

This advisory is meant to serve as a general reminder of the requirements established under Ohio law, administrative directives, and federal law. Please consult those sources directly for specific guidance and seek advice and counsel from your county prosecutor

3 52 U.S.C. § 10305(d).

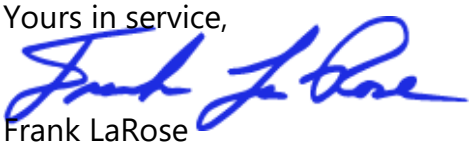
4 52 U.S.C. § 10307(a)-(b).

on how to apply the law to your specific situation. Please feel free to share the Advisory with your county prosecutor's office as well. Any other questions concerning this advisory should be directed to the Secretary of State's elections counsel at 614-728-8789.

Although observers serve an important role in promoting transparency and public confidence in the election process, their presence must not interfere with the orderly administration of elections. Under no circumstances may observers obstruct or disrupt the election, intimidate or harass voters or election officials, compromise ballot secrecy, campaign, or otherwise interfere with the casting, processing, counting, canvassing, recounting, auditing, or certification of ballots and election results.

Thank you for your continued diligence and cooperation in ensuring the fair, transparent, and orderly administration of Ohio's elections.

Yours in service,



Frank LaRose
Ohio Secretary of State