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DIRECTIVE 2012-21-2
October 29, 2012

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

Re: Observers

BACKGROUND

Several county boards of elections have asked for more specific guidance on what Observers are permitted to do inside of the polling place as it relates to the use of communications devices and audio/video devices.

[Directive 2012-21](#) reads, in part:

Observers may not use any electronic or communication devices 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).

The requirements of state law regarding Observers and the instructions contained in [Directive 2012-21](#) remain in full effect, subject to specific guidelines that follow.

INSTRUCTIONS

Observers may use communication devices and audio/video devices in and about the polling place subject to the following conditions:

- 1) The devices must be set so as to produce no noise (low volume vibration settings are permitted);
- 2) 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);

- 3) The Observer may not have an audible conversation inside the polling place using a communications device or audio/video device;
- 4) The Observer may send and receive text messages, email communications, instant messages, and similar other non-verbal, electronic communications using a communications device or audio/video device;
- 5) 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
- 6) 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.

If you have any questions about these instructions or Observers generally, please contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted