

## MEMORANDUM

To: All County Board of Elections

From: Judy Grady, Director of Elections

Date: October 26, 2006

Re: **Observers at Voting Locations on Election Day (R.C. 3505.21, R.C. 3506.13)**

### Generally

R.C. 3505.21 and 3506.13 as amended by Am. Sub H.B. 3 provide for the appointment of qualified electors -- subject to certain restrictions described below -- to serve as "observers" at the board of elections office or individual precincts during the casting and counting of ballots.

Observers may be appointed by any of the following entities:

- A political party that is supporting candidates to be voted upon.
- A group of five or more candidates to be voted upon.
- A recognized committee of a ballot issue to be voted upon.

Observers perform the same functions previously performed by challengers and witnesses, *except* that they cannot challenge voters. (Polling place challenges now are the exclusive domain of the precinct election officers.) Observers are allowed to remain in the polling place after the polls close and may observe the processing of the ballots and the sealing and signing of the envelopes or containers or both containing the voted ballots.

Additionally, any observer appointed by a political party or group of candidates to serve at the board of elections office may observe at both the board office and any precinct in the county.

### Restrictions

No person wearing a uniform or carrying a firearm or other deadly weapon is allowed to serve as an observer. Also, no candidate shall serve as an observer or be represented by more than one observer at any one precinct, *except* that a candidate who is a member of a party controlling committee may serve as an observer.

### Procedures – Forms – Deadlines - Oath

#### • Appointments - Amendments by a Political Party or Group of Candidates

An observer serving on behalf of a political party must be appointed in writing by the chairperson and secretary of the respective controlling party committee. An observer serving on behalf of a group of five or more candidates must be appointed in writing by those candidates.

Any political party or group of candidates appointing observers must notify the board of elections of the names and addresses of its appointees, and the precincts at which they shall serve, by the close of business on **Friday, October 27, 2006**. The appointing party or group of candidates may amend its

original notice of appointment by filing a notice of amendment with the board of elections until 4 p.m. on **Monday, November 6, 2006**.

Notice of appointment and notice of amendment of appointments must be given using one of the following forms prescribed by the Secretary of State:

**Form 214** - Notice of appointment or amendment of appointment of observer by a political party

**Form 216** - Notice of appointment or amendment of appointment of observer - five or more candidates

An appointing party or group of candidates must issue the appropriate certificate to its appointees:

**Form 215** - Certificate of appointment of observer - executive/central committee of a political party

**Form 217** - Certificate of appointment of observer - five or more candidates

You may download these forms in PDF format from the Secretary of State's County Board of Elections Extranet site, <http://insite/boe/index.htm>.

Observers appointed to a precinct file their certificates of appointment with the presiding judge of the precinct on election day. The observers then may be in and about the polling place for the precinct during the casting of the ballots and may watch every proceeding of the election judges from the time the polls open until they close. They may inspect the counting of all ballots in the polling place or board of elections from the time the polls close until the counting is completed and the final returns are certified and signed.

As mentioned above, observers appointed to the board of elections may observe at any precinct in the county. Therefore, they will present (but not file) their certificates of appointment at the board of elections office and to the presiding judge of any precinct in which they serve as an observer.

Each observer must take the following oath, to be administered by one of the judges of elections:

"You do solemnly swear that you will faithfully and impartially discharge the duties as an official observer, assigned by law; that you will not cause any delay to persons offering to vote; and that you will not disclose or communicate to any person how any elector has voted at such election."

- **Appointments - Amendments by a Recognized Ballot Issue Group**

#### **Recognition of Ballot Issue Groups**

A committee advocating or opposing a ballot issue or question that desired to appoint observers was required to file **Form 218** ("Petition to be recognized as committee to appoint observers – measure/question submitted") with the board of elections not later than 4 p.m. on **October 18, 2006**.

If more than one committee advocating or opposing the same ballot measure filed Form 218, the board of elections must decide which committee will be entitled to appoint observers and send notice of that decision by registered mail to each committee not later than **Thursday, October 26, 2006**.

Any committee recognized by the board of elections may appoint an observer to each precinct in that county and shall, not later than the close of business on **Friday, October 27, 2006**, notify the board of the names and addresses of its appointees and the precincts at which they shall serve, using **Form 219** ("Notice of appointment of observer - duly recognized committee advocating/opposing a measure"). The committee may amend its original notice by filing an amendment (also form 219) with the board of elections until 4 p.m. on **Monday, November 6, 2006**.

The committee must issue to each observer a properly completed certificate (**Form 220**, "Certificate - appointment of observer - duly recognized committee advocating or opposing a measure").

The observer must file his/her certificate of appointment with the presiding judge in the precinct in which the observer has been appointed to serve. As previously discussed, observers appointed to the board of elections may observe at any precinct in the county. Therefore, they will present (but not file) their certificates of appointment at the board of elections office and to the presiding judge of any precinct in which they serve as an observer.

**Note:** In no case shall more than six observers be appointed for any one election in any one precinct. If more than three questions are to be voted on, the committees which have appointed observers may agree upon not to exceed six observers, and the judges of elections shall appoint such observers. If such committees fail to agree, the judges of elections shall appoint six observers from the appointees so certified, in such manner that each side of the several questions shall be represented.

Each observer must take the following oath, to be administered by one of the judges of elections:

"You do solemnly swear that you will faithfully and impartially discharge the duties as an official observer, assigned by law; that you will not cause any delay to persons offering to vote; and that you will not disclose or communicate to any person how any elector has voted at such election."

### **Facsimiles**

Boards of elections may accept facsimiles or electronic transmissions of the notice of appointment and amendment forms in addition to forms filed in person or via U.S. Mail.

If you have questions about the observer statutes, please contact the Elections Division at (614) 466-2585.