

### **§ 3505.21. Appointment of observers.**

At any primary, special, or general election, any political party supporting candidates to be voted upon at such election and any group of five or more candidates may appoint to the board of elections or to any of the precincts in the county or city one person, a qualified elector, who shall serve as observer for such party or such candidates during the casting and counting of the ballots; provided that separate observers may be appointed to serve during the casting and during the counting of the ballots. No candidate, no uniformed peace officer as defined by section 2935.01 of the Revised Code, no uniformed state highway patrol trooper, no uniformed member of any fire department, no uniformed member of the armed services, no uniformed member of the organized militia, no person wearing any other uniform, and no person carrying a firearm or other deadly weapon shall serve as an observer, nor shall any candidate be represented by more than one observer at any one precinct except that a candidate who is a member of a party controlling committee, as defined in section 3517.03 of the Revised Code, may serve as an observer. Any political party or group of candidates appointing observers shall notify the board of elections of the names and addresses of its appointees and the precincts at which they shall serve. Notification shall take place not less than eleven days before the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. of the day before the election. The observer serving on behalf of a political party shall be appointed in writing by the chairperson and secretary of the respective controlling party committee. Observers serving for any five or more candidates shall have their certificates signed by those candidates. Observers appointed to a precinct may file their certificates of appointment with the presiding judge of the precinct at the meeting on the evening prior to the election, or with the presiding judge of the precinct on the day of the election. Upon the filing of a certificate, the person named as observer in the certificate shall be permitted to be in and about the polling place for the precinct during the casting of the ballots and shall be permitted to watch every proceeding of the judges of elections from the time of the opening until the closing of the polls. The observer also may inspect the counting of all ballots in the polling place or board of elections from the time of the closing of the polls until the counting is completed and the final returns are certified and signed. Observers appointed to the board of elections under this section may observe at the board of elections and may observe at any precinct in the county. The judges of elections shall protect such observers in all of the rights and privileges granted to them by Title XXXV of the Revised Code.

No persons other than the judges of elections, the observers, a police officer, other persons who are detailed to any precinct on request of the board of elections, or the secretary of state or the secretary of state's legal representative shall be admitted to the polling place, or any room in which a board of elections is counting ballots, after the closing of the polls until the counting, certifying, and signing of the final returns of each election have been completed.

Not later than four p.m. of the twentieth day prior to an election at which questions are to be submitted to a vote of the people, any committee that in good faith advocates or opposes a measure may file a petition with the board of any county asking that the petitioners be recognized as the committee entitled to appoint observers to the count at the election. If more than one committee alleging themselves to advocate or oppose the same measure file such a petition, the board shall decide and announce by registered mail to each committee not less than twelve days immediately preceding the election which committee is recognized as being entitled to appoint observers. The decision shall not be final, but any aggrieved party may institute mandamus proceedings in the court of common pleas of the county in which the board has jurisdiction to compel the judges of elections to accept the appointees of such aggrieved party. Any such recognized committee may appoint an observer to the count in each precinct. Committees appointing observers shall notify the board of elections of the names and

addresses of its appointees and the precincts at which they shall serve. Notification shall take place not less than eleven days before the election on forms prescribed by the secretary of state and may be amended by filing an amendment with the board of elections at any time until four p.m. on the day before the election. A person so appointed shall file the person's certificate of appointment with the presiding judge in the precinct in which the person has been appointed to serve. Observers shall file their certificates before the polls are closed. 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.

No person shall serve as an observer at any precinct unless the board of elections of the county in which such observer is to serve has first been notified of the name, address, and precinct at which such observer is to serve. Notification to the board of elections shall be given by the political party, group of candidates, or committee appointing such observer as prescribed in this section. No such observers shall receive any compensation from the county, municipal corporation, or township, and they shall 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."

**HISTORY: GC § 4785-120; 113 v 307(361), § 120; Bureau of Code Revision, 10-1-53; 133 v H 346 (Eff 11-25-69); 134 v H 336 (Eff 10-20-72); 144 v S 144. Eff 8-8-91; 151 v H 3, § 1, eff. 5-2-06.**

See provisions of § 5 of 151 v H 3 following RC § 3501.26.

#### **Effect of Amendments**

151 v H 3, effective May 2, 2006, except amendments permitting the appointment of election observers and eliminating the appointment of election challengers and witnesses, effective June 1, 2006, rewrote the section.

**§ 3506.13. Appointment of observers.**

In precincts where marking devices, automatic tabulating equipment, voting machines, or any combination of these are used, observers may be appointed as prescribed in section 3505.21 of the Revised Code. The duties and privileges of observers in such precincts during the hours the polls are open shall be as provided in section 3505.21 of the Revised Code.

Observers shall be 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.

**HISTORY: RC § 3506.17, 128 v 94 (Eff 9-28-59); 129 v 1653 (Eff 6-29-61); RC § 3506.13, 145 v H 143. Eff 7-22-94; 151 v H 3, § 1, eff. 5-2-06.**

See provisions of § 5 of 151 v H 3 following RC § 3501.26.

**Not analogous to former RC § 3506.13 (128 v 91), repealed 135 v S 291, § 2, eff 11-21-73.**

**Effect of Amendments**

151 v H 3, effective May 2, 2006, except amendments permitting the appointment of election observers and eliminating the appointment of election challengers and witnesses, effective June 1, 2006, substituted the first instance of "observers" for "challengers and witnesses" and the last two instances for "challengers"; deleted the final paragraph, relating to the filing of certificates of appointment; and made minor stylistic changes.

**NOTICE OF APPOINTMENT OF OBSERVERS  
OR AMENDMENT OF APPOINTMENT**

**By Five or More Candidates**

R.C. 3595.21, 3506.13

(To be filed with the Boards of Elections not less than 11 days before the election. Amendments may be filed until 4 p.m. of the day before the election.)

*We, the undersigned group of five or more candidates, appoint the following persons as*

*observers at the \_\_\_\_\_ election to be held on the \_\_\_\_\_ day*  
(General, primary, special)

*of \_\_\_\_\_, \_\_\_\_\_:*

	Please specify Board of Elections office or name of particular precinct	Name and Address of Appointee
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE**

	Please specify Board of Elections office or name of particular precinct	Name and Address of Appointee
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Signatures of Candidates)

*Note: Appointees must file certificates of appointment with the presiding judge of the precinct during the evening before the election or on the day of the election.*

This form may be used to file an amendment list of witnesses or challengers. Amendments may be filed with the board of elections until 4:00 p.m. of the day before the election. Additions or deletions should be indicated before the names of the appointees when filing an amended notice.

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE**

**CERTIFICATE OF APPOINTMENT OF OBSERVER**  
**By Five or More Candidates**

To be filed with the Presiding Judge of the Precinct on the day of the Election.  
R.C. 3505.21, 3506.13

\_\_\_\_\_

**To the Presiding Judge of Election, Precinct \_\_\_\_\_,**

\_\_\_\_\_, \_\_\_\_\_ *County, Ohio.*  
(Township or Ward and City or Village)

*We, the undersigned, candidates, hereby appoint \_\_\_\_\_, a*

*qualified elector, to serve as observer in this precinct at the \_\_\_\_\_*  
(Primary, General or Special)

*Election, to be held on \_\_\_\_\_, \_\_\_\_\_.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

**Signatures of Candidates:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE**

**PETITION TO BE RECOGNIZED AS COMMITTEE TO APPOINT OBSERVERS  
MEASURE (QUESTION) SUBMITTED  
R.C. 3505.21, 3506.13**

**To be filed with the Board of Elections not later than 20 days prior to the election.**

\_\_\_\_\_

**To the Board of Elections, \_\_\_\_\_ County, Ohio:**

*The undersigned, a committee in good faith \_\_\_\_\_ the following measure:  
("advocating" or "opposing")*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*to be submitted at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_,*

*respectfully ask that they be recognized as the committee entitled to appoint observers to the count at such  
Election.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_,*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(Signatures of Committee Members)**

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY IN THE FIFTH DEGREE**

**NOTICE OF APPOINTMENT OF OBSERVERS  
OR AMENDMENT OF APPOINTMENT**

**By Duly Recognized Committee Advocating or Opposing a Measure Submitted**  
R.C. 3505.21, 3506.13

(To be filed with the Boards of Elections not less than 11 days before the election.  
Amendments may be filed until 4 p.m. of the day before the election.)

We, the undersigned duly recognized committee \_\_\_\_\_, the following  
(Advocating or Opposing)

measure: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

appoint the following persons as observers to the count at the \_\_\_\_\_  
(General, primary, special)

election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

	Please specify Board of Elections office or name of particular precinct	Name and Address of Appointee
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE**



	Please specify Board of Elections office or name of particular precinct	Name and Address of Appointee
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Signatures of Committee Members)

*Note: Appointees must file certificates of appointment with the presiding judge of the precinct during the evening before the election or on the day of the election.*

This form may be used to file an amendment list of witnesses or challengers. Amendments may be filed with the board of elections until 4:00 p.m. of the day before the election. Additions or deletions should be indicated before the names of the appointees when filing an amended notice.

**WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE**

**CERTIFICATE OF APPOINTMENT OF OBSERVER**  
**By a Duly Recognized Committee Advocating or Opposing a Measure Submitted.**

To be filed with the Presiding Judge of the Precinct on the day of the Election.  
R.C. 3505.21, 3506.13

\_\_\_\_\_

**To the Presiding Judge of Election, Precinct \_\_\_\_\_,**

\_\_\_\_\_, \_\_\_\_\_ County, Ohio.  
(Township or Ward and City or Village)

*We, the undersigned duly recognized committee \_\_\_\_\_ the following measure*  
(“advocating” or “opposing”)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*to be submitted at the \_\_\_\_\_ Election to be held on \_\_\_\_\_,*  
(Primary, General, or Special)

*do hereby appoint \_\_\_\_\_, a qualified elector, as observer to the count at such Election.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signatures of Committee Members)