



Jon Husted

Ohio Secretary of State

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MEMORANDUM

To: Ohio County Sheriffs

From: Jon Husted, Secretary of State

Date: October 22, 2013

Re: Special Powers and Responsibilities of Sheriffs on Election Day – November 5, 2013

This memorandum outlines the special powers and responsibilities that county sheriffs have on Election Day. **This year's general election will be held on Tuesday, November 5, 2013. The polls will be open from 6:30 a.m. to 7:30 p.m.**

Election officials are charged with preventing violence and disorder at the polls and may call upon the sheriff or other peace officers to aid them in enforcing the law, including the arrest of violators.¹ **The sheriff has a statutory duty to respond immediately** to such a request.

Ohio Revised Code §3501.34 provides as follows:

[t]he officer or authority having command of the police force of any municipal corporation or the sheriff of any county, on requisition of the board of elections or the secretary of state, shall promptly detail for service at the polling place in any precinct of such municipal corporation or county such force as the board or secretary of state considers necessary. On every day of election such officer or authority shall have a special force in readiness for any emergency and for assignment to duty in the precinct polling places. At least one policeman shall be assigned to duty in each precinct on each day of an election, when requested by the board or the secretary of state. Such police officer shall have access at all times to the polling place, and he shall promptly place under arrest any person found violating any provisions of Title XXXV [35] of the Revised Code.

No officer of the law shall fail to obey an order of a presiding judge of a polling place requesting aid in the enforcement of election laws.²

Ohio's election laws prohibit a person from hindering or delaying a voter as he or she attempts to enter or leave a polling location. Additionally, no one may loiter or solicit voters within the

¹ R.C.3501.33

² R.C. 3599.31

designated area outside of a polling place.³ The statutes that prohibit interfering with the conduct of elections are Ohio Revised Code §§3501.35, 3599.24, and 3599.26.

On Election Day, you or your deputies may be called on to keep the polls open, to transport ballots, or to assist presiding judges. On election night, you may be contacted by election authorities, including representatives of the Secretary of State's Office, to secure ballots and other elections-related records, equipment, and supplies.

In the event that you are requested to help secure ballots, you or your deputies should assist the board of elections in making sure that all ballots and election materials are locked in a safe place with double locks securing the door of the place in which they are stored. One key should be left in the possession of the director of the board of elections or a board member of the same political party as the director. The key to a second lock should be left in the possession of the deputy director or a board member of the opposite political party as the director. Any additional or duplicate keys should remain in the possession of the persons with control of the original keys. This double lock system will ensure that access to the ballots and other election materials is not controlled by any particular political party.

Finally, **it is essential that you provide your county elections officials and my office your emergency contact information.** Please email Valerie Bunting at vbunting@ohiosecretaryofstate.gov with the names and telephone numbers (including any after-hours business numbers, such as a dispatch or radio room) for the individual(s) you want my office to contact in the event of an emergency or if ballot security is required. Municipal and township law enforcement entities are encouraged to contact their county board of elections and provide emergency contact information as well.

Thank you for your time and assistance and all you do for the citizens of the state. If you have any questions regarding this memorandum, please call our Elections Division at (614) 466-2585.

cc: Ohio Attorney General Mike DeWine
Ohio State Highway Patrol
County Boards of Elections
County Prosecuting Attorneys
Buckeye State Sheriff's Association
Ohio Association of Chiefs of Police
Ohio Prosecuting Attorneys Association

³ R.C. 3501.35