



Legislation Text

File #: 2778-2022, Version: 1

In recent years, the role of voting location workers has become increasingly challenging for a variety of reasons, including the COVID-19 pandemic, changes in election law, and of significant concern, a dramatic increase in harassment of election officials. Reuters has reported on more than 900 “threatening and hostile messages to election administrators and staff in 17 states.” Similarly, the commissioner of the U.S. Election Assistance Commission, Benjamin Hovland, commented that poll worker harassment is “a real problem and it’s taking a toll on the public servants who run our elections.”

In March of this year, the Brennan Center for Justice published results of a survey of almost 600 election officials that showed the following:

- More than 75% said threats against election administrators and staff have increased in recent years;
- The percentage saying they are “very worried” about political leaders interfering in future elections has nearly tripled since before 2020;
- More than three-fourths of local election officials say social media companies have not done enough to stop the spread of false election information;
- About one in six election officials reported in the poll that they have been threatened personally, and more than half of those instances were not reported to law enforcement;
- Nearly a third of the respondents said they feel their local government could do more to support them.

The execution of free and fair elections is an obligation for elected officials, but that will become increasingly challenging if residents fear that they will face harassment for their service. The code provisions included in this ordinance seek to proactively enact protections for local poll workers by prohibiting the kinds of harassment that could serve as a deterrent to residents serving during elections.

Emergency action is requested to immediately enact new Section 2317.52 in advance of this November’s general election.

To enact Section 2317.52 Harassment of Election Officials, and to declare an emergency.

WHEREAS, in recent years, poll workers have faced increasing rates of harassment in the execution of their duties as precinct election officials or voting location managers; and

WHEREAS, in a March 2022 survey, one in six election workers responded that they have been personally threatened, and more than half of those cases went unreported to law enforcement; and

WHEREAS, nearly one-third of survey respondents suggested that their local government could do more to support them; and

WHEREAS, the Franklin County Board of Elections indicated that there are at least several calls to law enforcement every Election Day because of activity that would be prohibited under these new provisions; and

WHEREAS, an emergency exists in that it is immediately necessary to implement these new poll worker protections in advance of the November 2022 general election for the preservation of the health, safety, and welfare of residents; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Chapter 2317 of Columbus City Codes is hereby amended as follows:

Chapter 2317 - Public Conduct

2317.52 - Harassment of Election Officials

(A) As used in this section:

- (1) “Election officer” has the same meaning as in section 3501.27 of the Ohio Revised Code.
- (2) “Telecommunication” has the same meaning as in section 2913.01 of the Ohio Revised Code and shall include, but not be limited to, any email, voicemail, fax, text, instant message, communication over or through any social media platform, and any other form of digital, electronic, or telephonic communication.
- (3) “Telecommunications device” has the same meaning as in section 2913.01 of the Ohio Revised Code.
- (4) “Communication” shall include any other method of communication not set forth above including, but not limited to, any communication via U.S. Mail, private mail service, private delivery service, by in-person conduct, or through any other method intended to communicate with an election officer.

(B) No person shall, directly or indirectly, knowingly make or cause to be made a telecommunication, or knowingly permit a telecommunication to be made from a telecommunication device under such person’s control, to an election officer or to a member of the election officer’s immediate family, parents, grandparents, grandchildren, or any member of the election officer’s household with purpose to threaten, intimidate, menace, coerce, abuse, or harass such person regarding or in connection with the election officer’s duties or responsibilities regarding any past, current, or future general, primary, or special election.

(C) No person shall, directly or indirectly, knowingly engage in conduct or any form of communication or knowingly encourage another to engage in such conduct or communication with an election officer or to a member of the election officer’s immediate family, parents, grandparents, grandchildren, or any member of the election officer’s household with purpose to threaten, intimidate, menace, coerce, abuse, or harass such person regarding or in connection with the election officer’s duties or responsibilities regarding any past, current, or future general, primary, or special election.

(D) No person shall recklessly attempt to hinder or interfere with an election officer in the execution of the election officer’s duties including, but not limited to, the prohibitions set forth in Section 3501.35 and Section 3501.90 of the Ohio Revised Code.

(E) Whoever violates this section is guilty of election interference, a misdemeanor of the first degree. The court shall impose a mandatory jail term of at least three (3) days, which shall not be suspended, shall be a period of consecutive confinement, and during which mandatory minimum jail term the defendant shall not be eligible for probation, house arrest, or work release.

(F) Subsequent violations of subsection (B) may constitute a felony of the fifth degree and, if so determined, would be subject to prosecution under the appropriate state law.

(G) If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its

application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.