

Four Steps to Working with Challenging Visitors and Disruptive Content Creators

Providing transparency to the public in a manner that protects sensitive voter information, staff and election operational integrity is a core responsibility for election officials across the country. Striking the proper balance between these important, but occasionally conflicting, interests is an essential ingredient to building public trust and ensuring safe and secure elections.

There are often few clear legislative directives governing visitors or observers at election officials' offices, which are increasingly being visited by individuals seeking (or claiming to seek) information about election operations. These individuals may have a range of objectives.

Some visitors may be content creators seeking to generate income through filming and posting their content on YouTube for profit. Some of these creators label their content "First Amendment Audits." First Amendment Auditing is a ["nationwide movement...\[which\] involves individuals who film their encounters with government officials and employees and subsequently post the videos online."](#) This movement has no explicit [partisan affiliation](#) and includes those from "across the ideological spectrum."

The techniques vary from creator to creator, with some engaging in a calm and respectful manner and others taking a more antagonistic approach, which may include "provoking employees and officials, and [interfering](#) with employees' ability to conduct [government] business." Tense interactions can be "a [significant source of income](#) for [content creators who] get paid by posting their videos online." At times, these interactions can be dangerous, resulting [in violence](#) or [criminal activity](#).

Regardless of the visitor's objective, it's important for election officials to follow a consistent set of steps that promote continued transparency - and successful interactions with all members of the public at their offices - while maintaining operational integrity and protecting voter and other sensitive election information.

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1 **KNOW**
the laws in
your jurisdiction

2 **PREPARE**
to facilitate smooth
operations in
stressful situations

3 **PROTECT**
your staff, voters,
sensitive information, and
operational integrity

4 **SHARE**
appropriate information
and facilitate transparency

1

KNOW

Election officials should know the federal and state laws, local ordinances, and other policies that may apply when interacting with a member of the public who is filming or recording in their office.

Election officials should consult their local attorney to ensure they have up-to-date legal guidance on applicable laws, ordinances, and policies in their jurisdiction. Some potential questions to ask could include:

- Is there a state law, local ordinance, or policy that governs filming in government offices?
- Do current laws and policies restrict filming if other members of the public are present?
- What information (if any) are employees legally required to provide about themselves when asked?
- May election personnel ask an observer for their name or other information?

2

PREPARE

"After considering the existing case law on video recording, [local election officials] should [consider developing guidance, training, signage, and/or policies regarding filming in their offices.](#)"

Reasonable safeguards at an election official's office may include:

- Identification and designation of boundaries between the public and non-public areas of the facility.
- Posted signage clearly indicating "Personnel Only" areas.
- Posted signage displaying office rules for members of the public and consistent and fair enforcement of these rules.
- Installation of recording video cameras in public areas.
- Display your Mission Statement in the public area of your office.

3

PROTECT

In addition to policies that apply to members of the public, election officials should consider internal policies that apply to all election staff and are rooted in CISA's [operational security standards.](#)

For example, the following steps can help safeguard operational integrity:

- Adopt office security protocols, such as not including last names or titles on personnel name badges.
- Prevent unauthorized intrusions into secured places.
- Create a reservation system for tours and consider tailoring tour routes to ensure that private and protected information cannot be viewed by tour participants.
- Be prepared to take action if someone trespasses by meeting with office administration, building security, and law enforcement ahead of time to review guidelines, policies, and relevant local ordinances and state law.

4

SHARE

Transparency in elections is essential for fostering public trust and confidence in the democratic process. Election officials should work to properly balance transparency with their responsibilities to protect sensitive information, staff, and operational integrity on an ongoing basis.

Promote transparency thoughtfully:

- Review relevant policies on an ongoing basis to ensure that transparency and operational integrity are properly prioritized.
- Develop and prominently display signage that explains election processes.
- Display the Standards of Conduct Agreement signed by staff in a public space at the office.
- Consider offering election administration educational classes.
- Build relationships with local media to help educate the public about election administration.