

# 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.

Traditionally, state laws around election transparency focus on the rights of and restrictions applicable to observers at polling locations. However, there are often fewer 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. Visitors may include students on field trips, local media, and other members of the public eager to learn about local election administration. Some visitors may be content creators seeking to generate income through filming and posting the resulting video on YouTube for profit. Some of these content creators label their content "First Amendment Audits."

First Amendment Auditing is a "[nationwide movement](#), loosely connected through social media and other online platforms, [which] involves individuals who film their encounters with government officials and employees and subsequently post the videos online." The practice is believed to have [originated through](#) filming interactions with law enforcement officers and has now extended to other areas of government. 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.](#)"** Videos showing tense interactions can be "a [significant source of income](#) for [content creators who] get paid by posting their videos online." More dramatic and confrontational videos tend to attract more views and more revenue. 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.**

**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

**KNOW. PREPARE. PROTECT. SHARE.**

**FOUR STEPS TO WORKING WITH CHALLENGING VISITORS AND DISRUPTIVE CONTENT CREATORS**

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## STEP 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. While the First Amendment of the U.S. Constitution generally protects the rights of those filming government officials in public places, governmental entities may place certain reasonable and nondiscriminatory time, place, and manner limitations on these activities. In election official offices, these restrictions are often for purposes such as protecting voter and other sensitive election information and staff safety, and may include prohibitions against filming in designated "Personnel Only" office areas.

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### TAKING ACTION

*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?**

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## ADDITIONAL RESOURCES

- UNC School of Government, [Responding to First Amendment “Audits” in the Local Government Context](#), Local Government Law Bulletin (November 2022)
- HariNarayan “Huddy” Grandy, Esq. and Keriann Roman, Esq. Drummond Woodsum, [First Amendment “Audits”: What Are They and How Do You Handle One?](#), New Hampshire Town & City (July/August 2023)
- Kristi Nickodem and Kristina Wilson, [Responding to First Amendment Audits: Is Filming Protected by the First Amendment?](#), Coates’ Cannon North Carolina Local Government Law (November 14, 2022)
- Risk Management Bulletin: Information Maryland Local Governments Need to Know, [First Amendment Audits - Part 2: Best Practices in the Event You Encounter an Auditor](#), June 2022 (Issue No. 131)
- Committee for Safe and Secure Elections, [State Law Enforcement Election Law Quick Reference Guides](#)

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## STEP 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](#).” When making decisions about revising existing or developing new guidance or policies, election officials should prioritize [operational security](#). As defined by the Cybersecurity and Infrastructure Agency (CISA) at the U.S. Department of Homeland Security, operational security “is a systematic approach to identifying and protecting sensitive information, data, or capabilities within an organization.” CISA explains that, “[w]ithout robust safeguards, sensitive information can be inadvertently or deliberately exposed and exploited by threat actors, potentially impacting the ability of election workers to fulfill their duties, exposing voters’ personally identifiable information (PII) and enabling unauthorized access to internal systems and facilities.”

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### SAFEGUARDS

*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.**

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## TRAINING

*Next, election officials should train their staff regularly to ensure they are prepared for successful interactions with all members of the public. Training should include:*

- Overview of the relevant laws, ordinances, and office policies and guidance.**
- De-escalation techniques.**  
For example, the CLARA Method.
- Commonsense guidance for interacting with the public.**
  - Ask clarifying questions when appropriate and take notes to follow up on any unanswered questions later.
  - Don't tell someone they can't do something they have a right to do, such as recording video in a public area.
  - Prepare for uncomfortable interactions by memorizing a statement which informs the visitor you are contacting a supervisor who will be able to assist them going forward.
  - Don't be afraid to tell a visitor when they ask for something that is beyond your area of authority or you don't know the answer.
  - Use the same informational responses and notification procedures when observers ask for office access as those used when a media outlet asks for an interview.
- Internal operational security policies [See Step 3: Protect].**
- Guidance on responding when behavior becomes disruptive.**
  - Staff should inform observers if their actions are disruptive. Disruptive is not the same as uncomfortable. Be fair but be firm.
  - Notify a supervisor if the disruptive behavior continues.

## FORTIFICATION

*Additional steps election officials should consider include:*

- Display your Mission Statement in the public area of your office.**
  - For example, the Mission Statement of the Virginia Department of Elections is, “The Department of Elections promotes and supports accurate, fair, open, and secure elections for the citizens of the Commonwealth.”
- If your building has security officers, ensure they know the applicable rules as well.**
- Review all currently displayed signage and ensure the content is accurate and up-to-date.**
- Know that posts by popular content creators can increase the potential for doxing, and take steps to minimize the impact of a spike in website traffic and incoming emails.**

### ADDITIONAL RESOURCES

- American Psychological Association and US Election Assistance Commission, [Election Worker Training](#) (This video provides election workers with practical strategies to manage challenging interactions, grounded in psychological science.)
- Center for Internet Security, [Election Security Spotlight - Doxing](#)
- U.S. Election Assistance Commission, [Security Resources for Election Officials](#), Threat: Doxing
- The Elections Group, [De-Escalation Pocketbook](#) and [De-Escalation Posters](#)

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## STEP 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. These policies should also be rooted in CISA's [operational security standards](#), which call on election officials to secure their physical offices, employees, sensitive information, and equipment to prevent unauthorized access to critical data and protect against potential threats.

### POLICIES

*Internal operational integrity policies can include:*

- Implement office security protocols**
  - Designate a staff member to be responsible for reviewing office security procedures and ensuring compliance with these policies and procedures.
  - Post clear signage identifying “Personnel Only” areas of the office. Consider requiring badge entry for these areas.
  - Not including last names or titles on personnel name badges.
  - Don't leave doors open to secured areas or offices when working on materials with sensitive voter information.
  - Implement computer settings that cause monitors to “time out,” preventing sensitive data from remaining visible when the monitor is unattended.

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- Prevent unauthorized intrusions into secured spaces**
  - Be prepared for confrontational visitors to test the established boundaries.
- Create a reservation system for tours**
  - Limit tour groups to a reasonable number and require the names and contact information of tour participants.
  - Tailor tour routes to ensure that private and protected information cannot be viewed by tour participants.
  - Notify staff when outside visitors are scheduled to be touring the office so they can take additional steps to safeguard sensitive data, if appropriate.
  - Consider assigning more than one staff member to tours.
  - Publicly post your tour request policy in a public space.
- Be prepared to take action if someone trespasses**
  - Meet with office administration, building security, and law enforcement ahead of time to review guidelines, policies, and relevant local ordinances and state law.

## ADDITIONAL RESOURCES

- Cybersecurity and Infrastructure Security Agency, [Guide to Operational Security for Election Officials](#)



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## STEP 4, SHARE

As 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.**

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## ADDITIONAL RESOURCES

- The Carter Center, [Tips for Transparency: How Local Election Officials Can Strengthen Voter Trust in Elections](#)
- Cybersecurity and Infrastructure Security Agency and U.S. Elections Assistance Commission, [Enhancing Election Security Through Public Communications](#)
- U.S. Elections Assistance Commission, 2023 Clearie Awards, [Distinguished Voter Education and Communications Initiatives Winners](#).
- U.S. Elections Assistance Commission, [Communications 101 for Election Officials](#).
- The Elections Group, [Securing Democracy Posters](#)
- The Elections Group, [11 Media Relations Tips for Election Officials](#)
- Election Center, [Standards of Conduct for Election and Registration Officials](#)