

OHIO

Preventing and Responding to Illegal Armed Voter Intimidation and Election Interference

Local officials and law enforcement in Ohio should be ready to act to ensure a free and fair election in 2020. Anybody who shows up with firearms at or near a polling place to intimidate or threaten voters is liable for arrest, prosecution, and civil sanction for violating prohibitions on voter intimidation and armed intimidation. Anybody who does so as part of an armed group could be liable for further criminal and civil sanction under state prohibitions on unauthorized militia activity. Intimidating election officials or interfering with the orderly conduct of the election is also a crime.

GUNS PROHIBITED IN POLLING PLACES

While Ohio law does not specifically prohibit the carrying of firearms in polling places, it does prohibit the possession of firearms in “school safety zones,” including school buildings and school premises, where many polling places are located. See R.C. 2923.122; 2901.01(C); 2925.01(Q)–(S) (defining “school premises” to include real property where schools are situated “whether or not any instruction” is being provided at the time). Additionally, Ohio law prohibits carrying concealed firearms in “[a]ny building that is a government facility,” which includes “any building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties[.]” R.C. 2923.126. Many polling places will likely fall into this definition, making concealed carry prohibited in those places. Finally, Ohio law prohibits observers at polling places from carrying firearms. R.C. 3505.21(B).

VOTER INTIMIDATION

Ohio law, like federal law, makes it a crime to intimidate anybody who is trying to cast a vote. It is a felony in Ohio for any person to “[a]ttempt by intimidation, coercion, or other unlawful means to induce [a] delegate or elector to register or refrain from registering or to vote or refrain from voting at a primary, convention, or election for a particular person, question, or issue.” R.C. 3599.01(A)(2).

ARMED INTIMIDATION

Ohio law also criminalizes engaging in menacing behavior with a firearm. It is illegal for any person to “cause another to believe that the offender will cause serious physical harm to the person or property of the other person,” R.C. § 2903.21(A), with an increased penalty if “the offender had a firearm on or about the offender's person or under the offender's control while committing the offense,” R.C. § 2941.141. Ohio also prohibits “inducing panic,” which means to “cause serious public inconvenience or alarm, by ... [t]hreatening to commit any offense of violence.” R.C. 2917.31.

UNAUTHORIZED MILITIA ACTIVITY

Like every other state, Ohio prohibits unauthorized militia activity. The Ohio Constitution provides that “the military shall be in strict subordination to the civil power.” Ohio Const. art. I, § 4. More information regarding unauthorized militias in Ohio is available [here](#).

INTIMIDATING ELECTION OFFICIALS AND DISRUPTING THE ELECTORAL PROCESS

Finally, Ohio law prohibits threats against election officials and interference with the electoral process. It is a felony for any person to “[a]ttempt to intimidate an election officer, or prevent an election official from performing the official’s duties,” or to “[i]nter in or about a registration or polling place during registration or the casting and counting of ballots so as to hinder, delay, or interfere with the conduct of the registration or election.” R.C. 3599.24.

If you have questions, please contact everytownlaw@everytown.org

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