AI Glasses in the Election Office

WHAT YOUR EXISTING RULES MAY COVER & WHAT'S ACTUALLY NEW



ELECTION SECURITY Exchange

This resource is meant to raise awareness and help election offices think through the practical issues that come with AI-enabled glasses as a less obvious recording device. Laws, regulations, and policies vary by jurisdiction, so check with your legal counsel about what applies to your office and how to handle it in practice.

Election offices know the value of transparency, and being recorded is nothing new for election officials. Someone standing in your lobby with a phone, a body camera, or a shoulder rig has been part of the landscape for years, and most offices already have rules that cover it. AI-enabled glasses don't create a new category of activity. They make recording easier, quieter, and much harder to notice. For most election offices, that makes this primarily an issue of awareness and preparation, rather than an entirely new operational challenge.

What's actually different? The form factor. AI glasses look like ordinary glasses and come from Ray-Ban, Oakley, Warby Parker, Gentle Monster frames, many available with prescription lenses. Because they appear as semi-ordinary glasses, it is not always clear that there is a camera. Unlike a phone or camera, these glasses show no obvious camera pointed at anyone.

A recording light is present on current mainstream models, but it's small and easy to miss. On some models, it’s possible for individuals to disable or cover up the recording light. Prototypes that record continuously with no clear indicator are already being discussed publicly.

These products are becoming increasingly mainstream and affordable. They are normal consumer products now, not novelties, so it is useful for election offices to be aware of and ready for this technology.

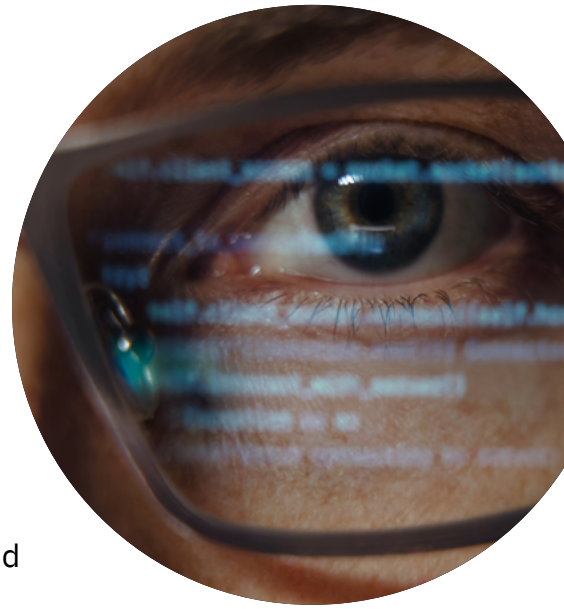
What they can do

AI-enabled glasses can take photos and video, even live-stream what the wearer is seeing. They have always-listening AI assistants, and some offer real-time transcription and translation. When pictures or video are taken, or the AI is asked questions through the glasses, that information is usually uploaded to the company's cloud to be analyzed and processed.

Who might be wearing them?

Election offices may encounter AI-enabled glasses worn by:

- **Content creators and citizen journalists** recording material for social media, sometimes to document interactions, sometimes to provoke a reaction they can post.
- **Individuals who record government offices and officials,** commonly described as First Amendment auditors, who visit public buildings specifically to record and test how staff react, then post the footage online.
- **Staff, pollworkers, observers or others participating in election activities,** raising potential internal policy and operational questions as well.
- **Members of the public** who simply own a pair of AI glasses and don't think of them as a "recording device" at all.



Understand the Landscape Before an Issue Arises

Photography and recording rules vary depending on the jurisdiction, location and activity involved. Public-facing areas of government buildings may raise different considerations than restricted areas, and polling places may be subject to specific requirements related to photography and recording, especially near ballots. Election officials need to be familiar with the rules, policies and guidance in their jurisdiction and communicate relevant expectations through pollworker training, procedures and signage in the polling place.

Considerations for Audio

AI glasses add another consideration because many devices also allow for discreet audio capture as well as video. State laws governing the recording of conversations vary, including when consent may be required and when a conversation may be treated as private.

These questions can become complicated quickly. Rather than expecting staff or pollworkers to resolve them in the moment, election offices may want to identify likely scenarios in advance and consult with legal counsel about how applicable law and existing policies should be handled.

The Ballot Selfie Example

The ballot selfie is a useful example. Most states already have a rule about whether a voter can photograph their own ballot. Some allow it, some ban it, and some bar cameras or recording devices anywhere near the polling place. AI glasses do not necessarily change the underlying activity. They just make the same photo easy to take without anyone noticing.

The ballot selfie is the clearest reminder that an election office's existing rules may already address the activity; what's new is the device being used to do it, and how much harder it may be to notice.

Other government institutions are beginning to consider wearable recording technology specifically. For example, New York banned camera- and microphone-equipped smart glasses inside its court facilities.

Practical Steps to Consider:

For many election offices, the most useful response to AI glasses is awareness and preparation:

- **Review your existing policies** regarding cameras, photography, cell phones, and recording devices in polling places and other election facilities. Consider whether the language clearly addresses camera- and microphone-equipped smart glasses or whether clarification or updates may be needed.
- **Assume you may be recorded.** Treat every public interaction as if it's on camera, because increasingly it is. Always remain professional and calm.
- **Train your staff and pollworkers to recognize the devices.** Show examples of what smart glasses can look like and explain their basic capabilities. The goal is consistent application of your office's rules, not confrontation.
- **Don't rely on a recording light.** Some services are available that will disable the recording light found on AI glasses, creating a "stealth mode" that allows for covert or hard-to-detect video capture in public settings. (See the video here for one example). This is an emerging risk area to review with your legal counsel.
- **Understand what your office policies are for staff and pollworkers.** Do your existing workplace or election-day policies address whether staff or pollworkers may wear camera- or microphone-equipped smart glasses while working or while voting is underway?
- **Post clear signage about recording in restricted areas** so the rule is visible and applied to everyone equally.
- **Focus on consistent implementation.** Whatever policies apply, staff should understand how to implement them consistently. The rules apply to a reporter's phone, an auditor's glasses, and a poll watcher's tablet.

What's changed is visibility. Recording technology can now be worn and may be much harder to notice. Raising awareness and preparing staff and pollworkers for that change can help election offices be ready on Election Day.

Resources for Learning More

Provided below are a couple of useful starting points for learning more about photography and ballots at the polls and audio recording laws. They are not comprehensive, and are not a substitute for reviewing the requirements that apply in your jurisdiction and consulting with your legal counsel.

Photography and ballots at the polls

- National Conference of State Legislatures, Secrecy of the Ballot and Ballot Selfies
- Provides a state-by-state overview of laws and guidance related to photographing marked ballots and ballot selfies.
- **ncsl.org/elections-and-campaigns/secrecy-of-the-ballot-and-ballot-selfies**

Audio recording and consent:

- Reporters Committee for Freedom of the Press, Reporter's Recording Guide
- Provides state-by-state information about recording laws, including in-person conversations, telephone and electronic communications, and other recording issues.
- **rcfp.org/reporters-recording-guide**

