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2008 WL 2043255 (Miss.A.G.)

Office of the Attorney General
State of Mississippi

 BEST

Opinion No. **2008-00136**

BEST 

April 4, 2008

Re: News Media in Polling Places

The Honorable Benton L. Sanford
Chairman
Jackson County Election Commission
Post Office Box 998
Pascagoula, Mississippi 39567

Dear Mr. Sanford:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

Issue

You ask if the news media with video cameras may maintain a presence in polling places during an election.

Response

The news media has no statutory right to maintain a presence in polling places. As indicated in your letter, we have informally advised that the presence of video cameras in a polling place can be intimidating to voters and should not be allowed on a continuing basis. However, we have also informally advised that a brief video recording of a polling place which would not be disruptive of an election should be

allowed.

Applicable Law and Discussion

Mississippi Code Annotated Section 23-15-245 (Revised 2007) establishes a space of thirty (30) feet in every direction from the polls, or the room in which the election is held, that shall be kept clear of all persons except certain election officials. However, common practice for many years has been to allow television crews to briefly tape voting at polling places to be used in reporting on elections.

Conclusion

We are of the opinion that the practice of allowing television crews to briefly tape the activities at polling places may continue, provided the personnel operating the cameras do not cause any intimidation or disturbance and limit such taping to only a few minutes.

Sincerely,

Jim Hood
Attorney General

By: Phil Carter
Special Assistant Attorney General
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