



North Carolina Association of Broadcasters

150 Fayetteville Street Mall
Post Office Box 627
Raleigh, North Carolina 27602
919-821-7300

Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
Counsel to NCAB
919-839-0300

L E G A L R E V I E W

April 29, 2008

**NORTH CAROLINA BOARD OF ELECTIONS ISSUES MEMO
REGARDING MEDIA COVERAGE OF VOTER LOCATIONS**

In advance of next week's primary elections, the North Carolina Board of Elections has issued the attached memorandum as a reminder to the news media of state law governing video recordation and photographic coverage of voter locations while voting is taking place.

You will wish to pass this along to your news personnel.

Please call us at (919) 839-0300 if you have any questions.

**BROOKS, PIERCE, McLENDON
HUMPHREY & LEONARD, L.L.P.**

Wade H. Hargrove
Mark J. Prak

Attachment

This Legal Review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

PRESS RELEASE

TO: North Carolina Media
FROM: Gary O. Bartlett
DATE: April 25, 2008
SUBJECT: Media Photography and Filming at Precinct and One-Stop Voting Sites

North Carolina General Statute § 163-166.4 limits activity within the electioneering buffer zone that may “hinder access, harass others...” These 50 foot buffer zones are set off at polling locations and one-stop voting locations, are clearly noticeable, and apply to media.

Also North Carolina General Statute § 163-166.3 limits media access in the voting enclosure as follows:

(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163-227.2. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site.

Based upon these statutory mandates, our agency has set out guidelines for use by election officials in dealing with the media at polling locations as follows.

Media Guidelines for Polling Places

- Members of the media have a First Amendment right to report on matters of public interest, including elections.
- Members of the media, if they enter the buffer zone or voting enclosure, should identify themselves to the chief judge.

- Members of the media must conduct media polls and interviews outside the buffer zone. By law, the buffer zone is set at 50 feet from the entrances of the building in which the polling location is located.
- Precinct officials may state to media the number of persons who have voted, but no opinions should be given as to the effect of such voting numbers.
- With the cooperation of election officials, members of the media may be briefly inside the voting enclosure to take a panoramic photograph or video of the voting place but are not permitted to use a zoom lens that could show the individual voter in the process of voting. Outside the buffer zone, the media is free to photograph or video in a non-disruptive manner.
- Members of the media should be positioned so that they will not interfere, obstruct, or disrupt the voting process. They are not allowed inside the enclosure unless they are there to vote or otherwise invited in by election officials. After the polls close the media and public are allowed inside the enclosure, but may not hinder the operations of the election officials.
- Members of the media should be treated with respect.
- Election officials are to report problems with media personnel to the board of elections office.

If issues arise at precincts, we encourage the media to share their concerns with the precinct Chief Judge. If concerns persist, media should contact the county board of elections office.