



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

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October 22, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 10301

TO: All County Clerks/Registrars of Voters

FROM:

Jana M. Lean

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Chief, Elections Division

RE: November General: Cameras At Polling Places

The issue of whether people can film or photograph their experiences at the polls on Election Day continues to be a subject of discussion both in California and around the country. The Secretary of State's office has historically taken the position that the use of cameras or video equipment at polling places is prohibited, though there may be circumstances where election officials could permit such use. For example, if a credentialed media organization wants to photograph or film a candidate voting at a polling place, this is something you may permit, provided you ensure such activity does not interfere with voting, is not intimidating to any voters or election workers, and that the privacy of voters is not compromised.

There are several laws that speak to the issue of whether people are allowed to film inside or adjacent to a polling place, most of which stem from the principle set forth in Article II, Section 7 of the California Constitution, which reads:

"Voting shall be secret."

It is also clear that, over the years, the Legislature and the Governor have sought to make the voting process private and free from any form of intimidation or coercion.

Elections Code section 14221 states:

"Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls."

Elections Code section 14291 states:

"After the ballot is marked, a voter shall not show it to any person in such a way as to reveal its contents."

Elections Code section 18370 states in part:

"No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office:

- (a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (d) Do any electioneering as defined by Section 319.5.

As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots.

Any person who violates any of the provisions of this section is guilty of a misdemeanor."

California Elections Code section 18540 states:

"(a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment in the state prison for 16 months or two or three years."

Elections Code section 18541 states:

"(a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

- (1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.
- (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.
- (3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

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(b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots.”

If you have any questions, please feel free to contact me at Jana.Lean@sos.ca.gov or (916) 653-5144. Thank you.