



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

Election Advisory #20-09

Regarding Press Access to Voting Locations

October 17, 2020

With voting already underway, we are writing to remind you of the laws and regulations regarding access to polling places, specifically for members of the news media.

Due to a high level of interest in this election, it is possible that members of the press will be visiting your polling places while voting is ongoing. You may also expect members of the media to visit early voting sites.

As is the case for all members of the public, members of the press are welcome to observe the election process. This includes the opening of the polls, the voting process during polling hours, and the counting of the ballots at the end of the night.

Where to Stand

Like all observers, members of the press must remain behind the guardrail. While many polling places are not equipped with a physical guardrail, the area within the "guardrail" encompasses the check-in table, the voting booths, and the ballot box. Only poll workers and voters should be within this area.

If your polling places do not have physical barriers to separate the voting area from the area where observers may stand, we recommend marking the area by putting masking tape on the floor. This will help both poll workers and observers know where to stand.

While campaign workers often wish to observe near the check-in table, members of the press may wish to move around the polling place, in order to get the best view. This is allowed, as long as they remain outside of the voting area.

Like all other observers, members of the press will need to maintain an appropriate distance from everyone else in the polling place, to ensure everyone's safety.

Interacting with Voters and Poll Workers

Members of the press, like all other observers in the polling place, may not interact with voters while they are in the polling place. Further, observers who have questions about where they should stand and what they are allowed to do while observing should be directed to speak to the warden. The warden may provide members of the press with information regarding their rights as observers. They may also provide the count on the ballot box, upon request.

State law prohibits poll workers from making any statement regarding the number of votes for any candidate or race, who has or has not voted, or any other statement regarding the state of the polls generally. Please be sure that your poll workers are instructed not to make any such comments to the press or anyone else.

Photography

Photography of the voting process in the polling place is permitted, though marked ballots may not be photographed. Photographers must be allowed inside the polling place to photograph the area from outside the guardrail. The warden may instruct the photographer not to take photos of any marked ballots.

Remember that voters should be offered secrecy sleeves at the check-in tables so their marked ballots are not visible to any observers as they walk between the voting booth, the check-in table, and the ballot box.

Video & Audio Recording

As with photography of the polling place, video recording of the polling place is allowed. Audio recording of the polling place is not permitted under state law. Anyone recording in the polling place must have the ability to record without capturing audio and should be instructed to do so by the warden. Those who are using electronic equipment may not use the electricity in the polling place to power their equipment.

Exit Polling

Exit polling and interviews of voters are permitted outside the polling place, even within 150 feet of the entrance to the polling place, but only those voters who are leaving the polling place should be stopped. Voter access to the polling place should not be impeded in any way.

Edison Research has informed us that they will be conducting exit polling in certain locations. Please make sure your poll workers are aware that the 150 foot rule does not apply to exit polls.

Tallying & Results

Members of the press may be visiting polling places at the end of the night to gather unofficial results. Please ensure that your poll workers are aware that the doors to the polling places must remain unlocked for anyone who wishes to observe the tallying or obtain unofficial results.