



REPORTER'S FIELD GUIDE

ELECTION DAY ACCESS

Reporter's Field Guide: Election Day Access

By Thadeus Greenson

Free and fair elections are the bellwether of a healthy democracy, and the news media plays a multi-faceted role in them, including by acting as a neutral observer of election processes.

In California, elections laws try to balance the right of every voter to cast a private ballot free from undue influence with the need for a transparent process that builds and maintains trust in the system. This balancing act takes center stage on and around Election Day, when the law allows for observation of voting and vote counting processes while restricting some activities near and around where ballots are being cast and counted.

This guide is designed to help reporters understand their access rights and limitations from the time voters begin marking ballots until the last one is counted. Additionally, it aims to explain the rights and restrictions placed on other elections observers and limitations placed on the public around polling locations, elections offices and ballot drop-boxes to help reporters discern when rights or rules are being violated.

Cover Photo: Voters cast their ballots in the Arcata Community Center on Nov. 5, 2024. Photo courtesy of Mark Larson.

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I. News Gathering Rights, Limitations

A. Polling locations

Access: [California Elections Code section 15004](#) grants a “bona fide association of citizens” and a “media organization” the right to have up to two representatives each present at all central counting places, which include polling locations where votes are cast and ballots are scanned and counted, to observe any or all phases of the election. The county elections office has the authority to limit the total number of such representatives at any central counting place to no more than 10 people, but must do so in a way that gives each media organization and “interested bona fide associations of citizens” an equal opportunity to participate. [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20873\(e\)](#) provides that this right of access extends to polling places before they are open to the public, during polling hours and after the polls close. However, no one other than the voter and elections workers are permitted to be within “the voting booth area before the closing of the polls,” per [Elections Code section 14221](#).

Reporting activities: Journalists and other observers have the right to ask questions regarding voting procedures and elections processes of the “precinct board,” meaning the poll workers assigned to a specific voting location, and receive answers so long as they do not interfere with the conduct of any part of the voting process, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20873\(j\)](#). Elections officials may designate a single member of the precinct board to answer questions. If questioning disrupts the execution of the duties of the precinct board, the precinct board may discontinue responding to questions from that observer. If a question cannot be answered immediately, “the election worker or elections official shall provide an answer as soon as is reasonably practicable.”

- Observers, including reporters, are **not allowed to do anything that would infringe on voters’ right to cast ballots secretly**, and are prohibited from entering voting booths prior to the close of polls.
- Observers, including reporters, have the right to inspect voter lists or rosters posted or otherwise available at the voting location so long as it does not impede, interfere with or interrupt the normal process of voting, per [Elections Code section 14223\(b\)](#).
- Observers, including reporters, are [prohibited](#) from touching or handling any ballots or voting equipment, touching elections officials or engaging in any electioneering activities, including wearing or displaying anything with a candidate’s name, likeness or logo or a ballot measure’s number, title, subject, or

logo. (Also, leave snacks outside, as observers are prohibited from eating or drinking inside a polling place.)

- Reporters and others are allowed to conduct exit polling and/or interviews about how a person voted outside of polling locations, though the Secretary of State's office recommends they do so **at least 25 feet away from the polling location entrance and out of earshot of anyone waiting to vote**, according to [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20878\(a\)\(8\)](#).

Photography and videography: While journalists have a statutory right to observe elections processes, **there is no right to photograph or record in polling locations**. It is common for journalists to photograph and broadcast images from polling locations in California, but local elections officials can set their own policies. Federal courts have upheld various types of restrictions on photography in polling locations. And California's Fourth District Court of Appeal in [Poniktera v. Seiler](#) upheld a local prohibition on photography in polling locations during voting hours, saying it could reasonably be argued that photography in polling places could dissuade some voters or have a disruptive effect on operations.

- Even if a county allows news photography and video recording in polling locations, it is generally required that it be done in a way that does not disclose how a person voted so as not to violate [California Constitution, article II, section 7](#), which holds, "Voting shall be secret."
- Outside polling locations, photography or videography or other lawful newsgathering should not be restricted. However, photography and recording of a person within 100 feet of the entrance with the "intent of dissuading another person from voting" is a crime, per [Elections Code section 18541\(a\)\(3\)](#).
- While the First Amendment protects lawful newsgathering activities such as photography from public areas like sidewalks, newsrooms should be aware of potential conflicts that could arise. For instance, the California Secretary of State's Office has [advised](#) that "no voter may be photographed, videotaped or filmed entering or exiting a polling place, or filmed inside the polling place, without their permission." If enforced, this guidance from the Secretary of State's Office could potentially be subject to First Amendment challenges.

Reporting tips:

- Prior to the opening of early voting, visit your local elections office to introduce yourself, meet local officials and staff, and inform them you'll be reporting on the

upcoming election. Ask about local rules for photography and videography at polling locations and the elections office's vote counting center.

- **Pro tip:** Under [Elections Code section 15000](#), elections offices have to perform logic and accuracy testing of all ballot-counting equipment to ensure it is recording votes accurately, and these tests must be noticed in advance and open to the public, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20876\(d\)\(2\)](#). These generally draw few if any attendees, and as such provide an excellent opportunity for a reporter to interface with elections officials, ask questions and convey they are serious about learning the process and reporting it accurately.
- If time allows, request to attend a poll worker training to gain a better understanding of election policy and procedure.
- When visiting polling centers, introduce yourself to the precinct board or elections staff working there. Ask about rules for photography/videography and, if applicable, tell them you've already been in touch with the main office.
- When approaching voters, understand casting a ballot is an inherently private act, and some will not wish to disclose how they voted.
- Although poll workers in California do receive compensation, the amount varies by county and remains modest given the extensive training, long hours and responsibility the role demands. For many, it's something they do because they are passionate about being a part of the democratic process. As such, they can make for excellent profiles or add color to an election story.
- Check your local elections office's website in advance to determine what polling and ballot drop box locations will be open in a given election.

B. Elections office

[California Elections Code section 15004](#) provides that each political party qualified to participate in an election, any "bona fide association of citizens" and "media organizations" can have representatives present to observe "any and all phases" of an election. This includes but is not limited to logic and accuracy testing of elections equipment, preparation of election equipment and materials, retrieval, handling and processing of vote-by-mail ballots, signature verifications, adjudication of hand-marked ballots, ballot counting, recounts and audits. The county elections office has the authority to limit the total number of such representatives at any central counting place to no more than 10 people, but must do so in a way that gives all media organizations and "interested bona fide associations of citizens" an equal opportunity to participate. If there are more observers than can be accommodated, the elections official shall

“provide for a rotation of observers or provide a random lottery-type drawing,” according to [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20874\(h\)](#).

Access: This right of observation begins when elections officials begin processing vote-by-mail ballots, continues through Election Day and until the elections official has certified the results of the election, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20873\(h\)](#).

Reporting activities:

- Under [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20873\(k\)](#), observers, including reporters, have the right to ask questions about elections processes of election officials, who may designate a member of their staff to respond, though the official may discontinue responding if “questioning disrupts the execution of [their] duties.”
- Observers shall have sufficiently close access to view the processing of vote-by-mail ballots and other activities, though elections officials have the right to limit where they stand based on a number of factors, including staffing levels, the physical space of the elections office and the need to maintain integrity of the vote-counting process, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20873\(c\)](#).
- Observers are prohibited from touching any ballot, ballot container or other election equipment without an official’s express permission, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20876\(c\)](#).
- Local election officials have the right to develop written observation rules and procedures, so long as they are consistent with [California Code of Regulations, Title 2, Division 7, Chapter 8.2](#) and the [Elections Code](#). They can also require observers to wear election official issued identification, per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20874\(b\)](#).

Reporting tips:

- Keep in mind that county elections offices on Election Day are the eye of the storm, and can be busy, hectic places, at times with staff taking an all-hands-on-deck approach to dealing with urgent issues. Be patient and read the room.
- As noted above, front-end work can pay big dividends. If you’ve already introduced yourself to the election official and done some homework to understand the local elections process, you’ll likely have better luck getting

questions answered and understanding what you're observing.

Photography/videography: The law does not grant any right of the press to photograph or record vote counting activities in county elections offices. That said, many elections officials do allow limited photography and videography of these procedures, so long as photographs and recordings do not capture voter signatures or other identifying information.

Reporting tips:

- Because photography and videography is discretionary, this is another area where taking the time to introduce yourself to elections staff prior to the start of the election can help build trust and get you what you need.
- Be respectful of any limitations placed on photography and videography. Not only is it the right thing to do to preserve voter rights, it also helps ensure you or other photographers/videographers will be given access in the future.

II. Election Observer Rights, Limitations

A. Polling locations

As noted above, representatives of qualified political parties and “bona fide associations of citizens” have a right to observe at polling locations as ballots are being cast, ask process questions of the precinct board and inspect voter lists or rosters. They cannot, however, be disruptive or do anything to put a thumb on the scales of the administration of a fair election or that could jeopardize election security.

- To that end, observers are prohibited from:
 - a) touching or handling ballots or election equipment
 - b) sitting at election officials' worktable or using their computers or cell phones
 - c) engaging in electioneering activities (including by wearing political party or campaign badges, buttons or apparel), soliciting votes for/against a candidate or measure, or distributing or displaying campaign related material
 - d) asking voters about or challenging their qualifications to vote, per [Elections Code section 14240\(b\)](#)
 - e) intentionally preventing other observers from observing
 - f) talking to or interrupting election workers when they are assisting voters
 - g) entering any areas of the polling location other than an identified observation area without the express permission of an elections official

- An observer — or any other interested party — can provide precinct board members a document or list challenging the voting qualifications of specific voters. If this occurs, per [Elections Code section 14240\(c\)](#), the precinct board member shall determine whether the document or list is accompanied by evidence that would constitute “probable cause to justify or substantiate a challenge.” Regardless of that determination, the board member shall immediately call the head local elections official, or a designated deputy, to determine next steps.

Reporting tips:

- Observe the observers. If someone seems to be overstepping the bounds of what’s allowed, try to figure out who they are and if they represent a specific campaign or political group. They may become a story.
- Similarly, if members of the precinct board or other poll workers seem to be infringing on the ability of a respectful observer to observe, take note and consider asking an official why.

B. Elections office

Similar to the press, observers have a right to monitor “any and all phases” of an election, per [California Elections Code section 15004](#). This includes but is not limited to logic and accuracy testing of elections equipment, preparation of election equipment and materials, retrieval, handling and processing of vote-by-mail ballots, signature verifications, adjudication of hand-marked ballots, ballot counting, recounts and audits. When voting is in progress, the same prohibitions placed on observers listed above for polling places extend to elections offices and vote counting centers.

C. Vote counting activity

When monitoring vote counting and ballot processing activities in a vote counting center, observers have a right to ask process questions of elections officials, but are not allowed to be disruptive or interfere with election workers. To that end, under [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20874\(a\)](#), the local election official has the discretion to determine the distance at which observers can monitor vote counting activities to maintain the “privacy and security of the ballot and the voter’s confidential information.”

- Per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20876\(a\)](#), the local elections official shall make available written rules and

procedures for observation of elections process on the elections office website, if any, and conspicuously post them at observation locations. These rules may include, but are not limited to, use of sign in sheets and ID badges, requirements they be silent other than to ask questions of officials, limitations on the use of cell phones, cameras and recording devices to protect voter privacy and “the security of the location where observation is taking place,” per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20876\(b\)](#).

- If an observer is not following the written rules, the elections official or their designee shall issue a written or verbal warning that includes an explanation of what rules are not being complied with. Per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20874\(f\)](#), if the observer continues to violate rules after a first warning, the elections official or their designee may require them to immediately leave the observation area or the premises, or both.
- [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20876\(c\)](#), meanwhile, gives the local election official the “discretion to determine what constitutes election observer misconduct or interference,” which may include “unauthorized touching of voting equipment or elections officials, obstructing ballot transportation and handling, threatening elections officials, election workers and voters, and attempting to view confidential voter registration information.” An observer accused of misconduct or interference can be immediately required to leave and, if a violation of state law is alleged, referred for criminal prosecution.
- Per [California Code of Regulations, Title 2, Division 7, Chapter 8.2, section 20879](#), election observers have the right to make challenges as elections staff process vote-by-mail identification envelopes, verify signatures and duplicate damaged or defective ballots. The burden “of establishing extraordinary proof” of the validity of the challenge rests with the challenger at the time the challenge is being made, and “any doubt in the interpretation of the Elections Code applicable to the challenge shall be resolved in favor of the challenged voter.” The elections official has the discretion to halt challenges from a person or group if they are deemed disruptive or frivolous and instead have them submit the challenges in writing to be reviewed at a later time.

Reporting Tips:

- Check your county’s elections website for observation rules and procedures before the election to get an understanding of what is and isn’t allowed under local policy.

- Watch for and monitor any disruptive behavior from other observers and how elections officials respond.
- If any observers are removed or asked to leave, try to ascertain the reason and vet whether their alleged behavior warranted the official action, remembering that observing vote counting is a statutory right.

III. First Amendment and Other Limitations Around Voting Centers

As noted above, California elections law is aimed at protecting the integrity of elections and the privacy of voters. As such, certain restrictions on First Amendment rights are imposed in and around places where voting is taking place, including ballot drop boxes, polling locations and county elections offices.

- Per [Elections Code section 18370\(a\)](#), it is a misdemeanor to do any of the following within 100 feet of a polling location, ballot drop box or elections office:
 - Circulate an initiative, referendum, recall or any petition
 - Solicit a vote or speak to a voter on the subject of marking the voter's ballot
 - Place a sign relating to voters' qualifications or speak to a voter about their qualification
 - Engage in visible or audible electioneering, which [Elections Code section 319.5\(a\)](#) defines as including:
 - * Displaying a candidate's name, likeness or logo
 - * Displaying a ballot measure's number, title, subject or logo
 - * Wearing or displaying buttons, hats, pens, pencils, shirts, signs or stickers containing electioneering information, or that which promotes or opposes a specific candidate or measure
- Under [Elections Code section 18540](#), it is a felony for anyone to use force, violence, threats, intimidation or coercion to compel another person to vote or refrain from voting, or to vote or refrain from voting for any particular person or measure, or to hire someone to do the same.
- Similarly, it is a misdemeanor to knowingly present false information about voter eligibility requirements, a voter's precinct or polling place, or how a voter can apply for, receive or return a vote-by-mail ballot under [Election Code section 18302](#).
- Under [Elections Code section 18544](#), it is a crime for anyone to possess a firearm within in "immediate vicinity" of a voting location, which [Election Code section 18546](#) defines as within 100 feet of a room in which voters are casting

ballots. It is also a crime for a uniformed peace officer, private guard or security personnel or any person wearing the uniforms thereof to station within 100 feet of a voting location without the written authorization of the appropriate city or county elections official, with the following exceptions:

- Unarmed uniformed guards or security personnel who are at the polling place to cast their vote
- Peace officers conducting official business in the course of their employment or who are at the polling place to cast their vote
- Private security hired or arranged for by an elections official or the owner or property manager of the facility in which a polling place is located

Reporting tips:

- Be aware of what's happening in and around the voting line. For example, if a car is circling the parking lot and flying a campaign flag and comes within 100 feet of the entrance to a polling location, that's a violation of the law. Similarly, a voter in line talking about their preferred candidate or playing a campaign video on their phone at high volume is out of bounds. Such instances may be worth noting in your reporting.
- View any law enforcement or security presence beyond someone waiting to vote or an officer obviously responding to a call for service nearby skeptically. If an officer or officers appear to be loitering or to have been stationed at a voting center, consider asking why they are there.

IV. Other Resources

- The California [Voter Bill of Rights](#)
- The California Secretary of State's [A Voter's Guide to Safeguard California's Election Process](#)
- The [California Elections Code](#)
- [Reporters Committee for Freedom of the Press Legal Guide on Elections](#)
- FAC's free [Legal Hotline](#)

V. Credits and Contacts

This guide was authored in August 2025 by Thadeus Greenson, press education specialist at the First Amendment Coalition, with contributions by Ginny LaRoe,

advocacy director for FAC, Paloma Esquivel, a press education specialist at FAC, and FAC Legal Director David Loy. Cover photo courtesy of Mark Larson.

If you have questions or would like to request a workshop on any of this or other press access and open government topics, contact [education \[at\] firstamendmentcoalition \[dot\] org](mailto:education@firstamendmentcoalition.org).