

October 30, 2020

To: Members of NJ-SPJ and NJ News Commons
From: Jennifer Borg, Esq.

TIPS FOR COVERING ELECTION DAY AT THE POLLS

PRESS PASS

You should wear a press pass (if you have one) and, if possible, introduce yourself as a journalist to a poll worker or the person in charge of the polling place.

“100 FOOT RULE”

You cannot stand within 100 feet of the outside entrance of a polling place or room to conduct an interview, seek comment or take photographs/video/film. This rule is not limited to “exit polling”. It also applies when voters are entering the polling place.

- Attorney General Grewal recently stated that ballot boxes are **not** polling places so the “100 foot rule” does not apply to areas surrounding ballot boxes.
- If there is no marker for the “100 feet”, ask a poll worker to identify the boundary for you.

EXCEPTIONS: photography/filming inside polling place

NJ has a history of allowing the photographing or filming of candidates voting inside the polling place. You must seek the prior permission of the county board of elections for this. If you can obtain permission, bring a copy of that permission (email etc.) with you so that you can show it to the person in charge of the polling place.

You may be able to get this permission on Election Day directly from the person in charge of the polling place but there are no guarantees.

BALLOT “SELFIES”

It is a criminal offense for anyone to photograph and share a marked ballot whether by “selfie” or other means.

INTERACTIONS WITH POLICE OR POLL WORKERS

If you are asked to disperse or leave or if you are arrested or detained, contact your employer or attorney and follow his or her instructions.

The Attorney General is staffing more than 200 Deputy Attorneys General (DAG) who will be assigned to provide timely legal advice to each county's Board of Election. He has also directed each county's prosecutors to assign an assistant prosecutor to act as a go-to for police officers on Election Day. If your newsgathering rights are being interfered with, you should consider asking that the DAG or assistant prosecutor be contacted to avoid any unnecessary escalation and to ensure your newsgathering rights are protected.

QUESTIONS

On or before Election Day, you may call Jennifer Borg, an attorney at Pashman Stein Walder Hayden at 201-280-5501.

AFTER THE ELECTION

NJ-SPJ and the Center for Cooperative Media will be compiling a list of any issues that journalists encountered while covering Election Day. To that end, please describe issues to any of the contacts listed below:

NJ-SPJ:

Miriam Ascarelli
Immediate Past President, NJ-SPJ
newjerseypj.feedback@gmail.com
862-576-1256

Center for Cooperative Media:

Info@centerforcooperativemedia.org
Joe Amditis (551) 265-1429 or Stefanie Murray (734) 780-1443.