

Lawson, Joshua

From: Lawson, Joshua
Sent: Monday, July 14, 2014 11:56 AM
To: 'jay@voterintegrityproject.com'
Subject: RE: Photos of voters

As references, see also the following:

§ 14-12.7. Wearing of masks, hoods, etc., on public ways

No person or persons at least 16 years of age shall, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, be or appear upon any lane, walkway, alley, street, road, highway or other public way in this State.

§ 14-12.8. Wearing of masks, hoods, etc., on public property

No person or persons shall in this State, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, or appear upon or within the public property of any municipality or county of the State, or of the State of North Carolina.

§ 14-12.10. Holding meetings or demonstrations while wearing masks, hoods, etc

No person or persons at least 16 years of age shall while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, hold any manner of meeting, or make any demonstration upon the private property of another unless such person or persons shall first obtain from the owner or occupier of the property his or her written permission to do so, which said written permission shall be recorded in the office of the register of deeds of the county in which said property is located before the beginning of such meeting or demonstration.

§ 14-12.11. Exemptions from provisions of Article

The following are exempted from the provisions of G.S. 14-12.7, 14-12.8, 14-12.9, 14-12.10 and 14-12.14:

- (1) Any person or persons wearing traditional holiday costumes in season;
- (2) Any person or persons engaged in trades and employment where a mask is worn for the purpose of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade or profession;
- (3) Any person or persons using masks in theatrical productions including use in Mardi Gras celebrations and masquerade balls;
- (4) Persons wearing gas masks prescribed in civil defense drills and exercises or emergencies; and
- (5) Any person or persons, as members or members elect of a society, order or organization, engaged in any parade, ritual, initiation, ceremony, celebration or requirement of such society, order or organization, and wearing or using any manner of costume, paraphernalia, disguise, facial makeup, hood, implement or device, whether the identity of such person or persons is concealed or not, on any public or private street, road, way or property, or in any public or private building, provided permission shall have been first obtained therefor by a representative of such society, order or organization from the governing body of the municipality in which the same takes place, or, if not in a municipality, from the board of county commissioners of the county in which the same takes place.

Provided, that the provisions of this Article shall not apply to any preliminary meetings held in good faith for the purpose of organizing, promoting or forming a labor union or a local organization or subdivision of any labor union nor shall the provisions of this Article apply to any meetings held by a labor union or organization already organized, operating and functioning and holding meetings for the purpose of transacting and carrying out functions, pursuits and affairs expressly pertaining to such labor union.

From: Lawson, Joshua
Sent: Monday, July 14, 2014 10:40 AM

To: jay@voterintegrityproject.com

Subject: Photos of voters

§ 163-166.3. Limited access to the voting enclosure.

(a) Persons Who May Enter Voting Enclosure. - During the time allowed for voting in the voting place, only the following persons may enter the voting enclosure:

- (1) An election official.
- (2) An observer appointed pursuant to G.S. 163-45.
- (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent necessary to announce that runner's presence and to receive the voter list as provided in G.S. 163-45.
- (3) A person seeking to vote in that voting place on that day but only while in the process of voting or seeking to vote.
- (4) A voter in that precinct while entering or explaining a challenge pursuant to G.S. 163-87 or G.S. 163-88.
- (5) A person authorized under G.S. 163-166.8 to assist a voter but, except as provided in subdivision (6) of this section, only while assisting that voter.
- (6) Minor children of the voter under the age of 18, or minor children under the age of 18 in the care of the voter, but only while accompanying the voter and while under the control of the voter.
- (7) Persons conducting or participating in a simulated election within the voting place or voting enclosure, if that simulated election is approved by the county board of elections.
- (8) Any other person determined by election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

(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.

(c) Photographing Voted Ballot Prohibited. - No person shall photograph, videotape, or otherwise record the image of a voted official ballot for any purpose not otherwise permitted under law. (2001-460, s. 3; 2005-428, s. 1(b); 2007-391, s. 23; 2008-187, s. 33(a).)



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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

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Executive Director

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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.