



MEDIA
FREEDOM &
INFORMATION
ACCESS CLINIC



Media Access Overview: Arizona

Polling Place Access

- Journalists cannot enter a polling place for newsgathering. [Ariz. Rev. Stat. § 16-562\(B\)](#).
- No one may take photos or video within 75 feet of a polling place. [Ariz. Rev. Stat. § 16-515\(G\)](#).
- Members of the media and persons conducting exit polls cannot be within 75 feet of the polling location. [Arizona Secretary of State, 2019 Elections Procedures Manual](#) (hereinafter “2019 Manual”), at 179.

Access to Vote Tabulation Processes

- “All proceedings at the counting center . . . shall be conducted . . . under the observation of representatives of each political party and the public.” [Ariz. Rev. Stat. Ann. § 16-621\(A\)](#).
- The public may be able to tour the central counting place, provided that public observance does not “interfere with or interrupt the normal ballot flow.” [2019 Elections Manual](#), at 195. *But see* “Potential Issues” (below). The public generally may not touch ballots, computers, or tabulation devices. [2019 Elections Manual](#), at 195.
- County election officials are to “provide for a live video recording” that “includes date and time indicators” of “the custody of all ballots while the ballots are present in a tabulation room in the counting center.” [Ariz. Rev. Stat. Ann. § 16-621\(C\)](#). The Secretary of State must make the video available for public viewing. *Id.*
- Disruptions to the live video feed of the tabulation of the ballots do not prevent the vote count from proceeding, though video coverage should be restored “as soon as is practicable.” *Id.*

Access to Information/Records

- No rules permit access to ballots during or after the vote count. *Cf.* [Ariz. Rev. Stat. Ann. § 16-624](#) (discussing the post-canvass ballot preservation and destruction process).
- Voter registration records are available for public inspection for news gathering purposes. [Ariz. Rev. Stat. Ann. § 16-168](#). They include “names, party preferences, dates of registration, residence addresses, occupations, ‘voting history for all elections in the prior four years,’” and “all data relating to permanent early voters and nonpermanent early voters, including ballot requests and ballot returns.” *Id.*
- The live video feed of the central counting center must exist “as a public record for at least as long as the challenge period for the general election.” [Ariz. Rev. Stat. Ann. § 16-621](#).
- The “officer in charge of elections” must “maintain records that record the chain of custody for all election equipment and ballots during early voting through the completion of provisional voting tabulation.” *Id.*

Potential Issues

- No guidance affirmatively states that journalists may engage in exit-polling and other forms of news-gathering once outside the 75-foot limit. But attempts to restrict journalists' activities outside of that limit probably would not survive a court challenge. *See Daily Herald Co. v. Munro*, 838 F.2d 380 (9th Cir. 1988) (striking down a Washington State ban on exit polling within 300 feet of a polling place).
- The language of the statutory provision about public observation of counting center proceedings is written in a manner that does not seem to envision the press or ordinary members of the public having a right to be physically present within the counting center. *See* [Ariz. Rev. Stat. Ann. § 16-621\(D\)](#). Nonetheless, this statutory language could provide a legal hook for seeking physical access to observe counting center proceedings if the live video feed available appears insufficient.

Contact the Reporters Committee Legal Hotline at 1-800-336-4243 or hotline@rcfp.org if you have questions about reporting on the general election or run into issues while covering the election.

- Access to live video feeds of counting center vote tabulation proceedings is “contingent on legislative appropriation.” [Ariz. Rev. Stat. Ann. § 16-621\(C\)](#). Thus, if the legislature appropriated insufficient funds to a county then there may not be any live video coverage available.

Key Resource

- An important source of legal authority is Arizona’s [2019 Elections Procedures Manual](#). See [Ariz. Rev. Stat. Ann. § 16-452](#); [Arizona Secretary of State, 2019 Elections Procedures Manual](#).