



MEDIA
FREEDOM &
INFORMATION
ACCESS CLINIC



Media Access Overview: Ohio

Polling Place Access

- Journalists are allowed “reasonable access” to polling places. Ohio Rev. Code (“RC”) § [3501.35](#) (B)(2). Reasonable access includes access to the inside of the polling station. RC § [3501.35](#) (B)(2).
- Exit polling is permissible within 100 feet of the entrance to a polling location (*i.e.*, within the area marked by the placement of two small U.S. flags).
- Photography appears to be permitted as long as it is not disruptive of the process and does not depict a marked ballot. RC § [3599.20](#) (statute neither provides an affirmative right to take photographs nor prohibits it).

Access to Vote Tabulation Processes

- Members of the media are not allowed to watch the counting of votes. Only precinct election officials, designated observers, and other specified officials are allowed in the room during the tabulation process. *Id.*; [Advisory 2008-03](#), at 4.

Access to Information/Records

- Records of the boards of elections are open to public inspection, but apparently only after the count and any recount are concluded. [Ohio Attorney General Opinion 2004-050](#), RC § [3501.13](#).
- During the canvass, the board must announce periodically to both the public and the Secretary of State the number of votes for each candidate. RC § [3505.27](#). The Secretary of State has determined that reporting should occur hourly. [Ohio Sec’y of State Guidance 2014-10](#).
- Ohio has “Sunshine Laws” that dictate access to public records. Under those laws, all public records responsive to the request must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. RC § [149.43 \(B\)\(1\)](#). All records are presumed to be public unless they are specifically exempted under RC § [149.43](#).

Potential Issues

- There has been some [speculation](#) that the authority of election officials to enforce “peace and good order” under RC § [3501.33](#) might allow them to stop journalists from taking photographs, though this issue does not appear to have been litigated yet.

Key Resources

- [Here](#) is the information regarding filing a complaint with the Ohio Elections Commission. Complaints must be filed by mail and must describe the alleged statutory violation. The Commission’s telephone number is (614) 466-2305.
- [Here](#) is the Election Official Manual. Each relevant section cites a corresponding part of the Ohio State Code. Many of the guidelines have been lifted directly from the statutes.

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.