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Media Access Overview: Pennsylvania

Polling Place Access

- When the polls are open, only poll watchers, peace officers, and up to ten persons waiting to vote may enter the polling place. 25 Pa. Stat. Ann. § 3060(a).
- Candidates and political parties may each authorize a certain number of “poll watchers” to be present in the voting room and challenge voters’ qualifications. 25 Pa. Stat. Ann. § 2687. Poll watchers cannot enter the “enclosed space” containing the voting booths or machines. *Id.*
- Journalists and the general public must remain at least ten feet away from the polling place while votes are being cast. 25 Pa. Stat. Ann. § 3060(a)-(d). Outside this buffer area, journalists should be able to engage in exit polling, *Penn. Democratic Party v. Republican Party of Penn.*, No. CV 16-5664, 2016 WL 6582659 (E.D. Pa. Nov. 7, 2016) and take photographs and videos. *See PG Pub. Co.*, 902 F. Supp. 2d at 739-40.

Access to Vote Tabulation Processes

- Pennsylvania has not recognized a general public right of access to the initial vote count or recount process. *See* Reporters Committee for Freedom of the Press, *2020 Election Legal Guide*. We could not find any statutory provisions authorizing the press or the general public to view the initial ballot count or any recount.
- Authorized representatives of candidates and political parties participating in the election may observe the vote count. 25 Pa. Stat. Ann. §§ 3146.8, 3031.14(b)(2).
- While the election count is ongoing at the central tabulation center, the county board of elections may “unofficially report the progress of the count.” 25 Pa. Stat. Ann. § 3031.14(e).
- Pennsylvania’s Department of State website displays election results starting on election night. *See* Reporters Committee for Freedom of the Press, *2020 Election Legal Guide* (citing *Election Results*, Pennsylvania Department of State).

Access to Information/Records

- Official voter registration applications, records of county boards of elections, and records of the Secretary of the Commonwealth are open to public inspection. 25 Pa. Stat. and Cons. Stat. Ann. § 1207; 25 Pa. Stat. Ann. §§ 2648, 2623.
- Records of the county boards of elections and records of the Secretary of the Commonwealth must be preserved for at least eleven months, 25 Pa. Stat. Ann. § 2649, and two years respectively. *Id.* § 2623. County boards of elections must retain official ballots and the contents of ballot boxes for at least four months. 25 Pa. Stat. Ann. § 2649.
- The contents of ballot boxes and voting machines are not open to public inspection. 25 Pa. Stat. Ann. § 2648.

Potential Issues

- Pennsylvania law authorizes only representatives of candidates and political parties to serve as poll watchers and be present at voting locations and vote count proceedings. However, some sources indicate journalists may be able to serve as poll watchers or otherwise observe the vote count. *See* Pennsylvania Newsmedia Association, “Legal Hotline: Press Access to Polling Places,” <https://panewsmedia.org/legal-hotline-press-access-to-polling-places/>.

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.



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- The Elections Code provision about access to county records, 25 Pa. Stat. Ann. § 2648 (West), appears to interpret the term “public inspection” narrowly as ‘inspection only by county electors.’ The provision’s language raises questions about the scope of “public inspection” rights discussed elsewhere in Pennsylvania’s Election Code.
- Observers have expressed serious concern about how long it may take to count ballots after polls close (especially if poll workers cannot begin counting mail-in votes in advance) and what effect delays may have on public confidence in the electoral process.

Key Resource

- The Pennsylvania Secretary of the Commonwealth’s Office can be reached at 717-787-1734.

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