



# CAMPAIGN REPORTING

## Getting on the Trail

**W**hen covering government officials and events, most reporters know they are entitled to access and information. They cannot be excluded from a press conference because of the stories they write. They know the rules governing access to official events. And they get much of the information they need from public affairs offices or through requests under open records laws.

But election campaigns pose a unique problem. Although the candidates all hope to become public officials — subject to state and federal rules of disclosure and accessibility — the campaign is generally a series of private or semi-public events.

Do reporters have a right to attend a fund-raising event, a debate, a party meet-

ing or a convention? Can they find out who is supporting and financing a campaign?

Answers are not always easy to come by, and are rarely uniform from state to state and election to election. Sometimes, rights of access are not clear until a reporter has been arrested and a court rules on the issue of whether the reporter had a right to attend an event — or even stand on a street as a parade passes by.

This guide is designed to address those issues and to alert journalists to their rights as they confront similar situations. And, as always, reporters faced with legal roadblocks when covering events or seeking information — whether related to campaigns or not — may call the Reporters Committee legal defense Hotline (800-336-4243) for assistance.

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# Access to Campaign and Election Events

The first question to answer in determining how to gain access to a campaign event concerns the nature of the forum. Whether the event occurs in a public forum, private forum or some hybrid of the two will often determine an individual's right to be at the event.

Private events, such as fundraisers, often take place on private property where the general public is not invited. Some private events are held on public property, such as televised debates or conventions in civic auditoriums, but access can still be limited. "Semi-public" events can also be held on private property, but the general public can be invited or included. Finally, even events held in an open public forum can present access problems if someone doesn't want a reporter around.

## Access to Private Places and Events

Gaining access to private events can be problematic. Property owners cannot be forced to allow a reporter to cover an event or interview an individual. However, in some states consent to enter will be "implied" if the property owner is silent or does not expressly order a reporter to keep out.

Because the question of access to private property usually concerns whether a reporter is illegally trespassing, it is important for journalists to understand that the act of newsgathering does not protect them from civil tort claims or criminal charges. Trespass claims arise when the media enter private property without the owner or resident's permission; permission from another person who has a right to enter is not always sufficient.

In 1981, a state trial court judge in Colorado found that the First Amendment requires that a reporter who trespasses on private property to gather news must have done so knowingly or with reckless disregard of the law to be held liable. However, this case concerned a property owner's civil suit against a television news reporter, not a criminal action for trespassing. (*Allen v. Combined Communications*)

But this First Amendment interest has not been recognized by courts elsewhere. Most have found that the right to gather news is not a defense to a trespass charge.

In July 2004, an Arizona superior court judge upheld a reporter's criminal trespass conviction for trying to interview a former police officer implicated in an unjustified shooting. *East Valley Tribune* reporter Bryon Wells, despite seeing a "no trespassing" sign, opened an unlocked three-foot gate in front of the officer's home and rang the front doorbell. The officer's wife answered the door and



New York Gov. George Pataki greets guests at a \$500-per-person state Republican Party fundraiser in May 2001 that raised more than \$3 million.

asked Wells to leave, and he promptly left. Nonetheless, Wells was later charged with criminal trespass.

In court, Wells argued that he lacked criminal intent when he approached the home and that his activities as a reporter were protected under the First Amendment. The court rejected those arguments.

"Reporters who are in violation of a criminal trespass statute are not exempt from prosecution simply because they are exercising a First Amendment right," the judge wrote. The case was on further appeal as of late July 2004. (*Arizona v. Wells*)

Some courts have held that an "official" invitation to private property can make entry legal. The Florida Supreme Court held in 1976 that reporters did not trespass when they entered the charred remains of a private home at the invitation of fire investigators and took photographs of a child's "silhouette" on the floor. After the child's mother sued the reporters for trespassing on private property, the Florida Supreme Court held that because the press' entry into the home was made only at the express invitation of the investigating officials and in accordance with accepted custom, it did not constitute unlawful trespass. (*Florida Publishing v. Fletcher*)

When invited by officials onto private property — even for something as seemingly innocuous as a candidate's solicitation of a homeowner's vote — reporters should be

aware of the rights of the property owner. If the owner knowingly talks to a reporter, a strong argument can be made that he or she is consenting to the reporter's presence. If the owner asks the reporter to leave, the reporter must comply. The level of intrusiveness also plays a role.

But how can a reporter tell what a truly "private" place or event is, especially when attended by or held in honor of highly public and newsworthy figures such as politicians? Two New York City reporters encountered this problem in April 1996 when they tried to gain entrance to a fundraiser for New York Gov. George Pataki.

The reporters from the *Village Voice* and the *New York Observer* were standing outside a Waldorf-Astoria Hotel ballroom watching who went in and out in order to report on who the governor's supporters were and where some of his campaign money came from.

Party officials insisted that the event was private, held by private citizens and hosted on private property. The reporters were soon told they could not wait by the ballroom, and the police were called. When the reporters refused to leave, they were arrested and brought to the basement of the hotel. The officer issued them court appearance tickets and released them. However, the charges were dismissed after a New York court found insufficient grounds for the allegations of trespassing.

## Access to Semi-Public Events and Places

Some events take place on public property that is used for a private purpose. Other forums may be on private property, but the general public or press has been invited. In both cases, access issues become more complicated.

Often, clear distinctions between a private or public place can be hard to make. Such distinctions can be critical, particularly in presidential or other high-profile campaigns where security is often tight. However, it is just as important that journalists not feel intimidated from gaining access to an area they have a right to enter.

There is not an automatic right of access to public buildings, including public auditoriums and sports arenas that have been leased for non-governmental functions. When municipally owned property is operated in a commercial rather than governmental capacity, the media have no special right of access beyond that afforded to the general public. A political convention held in such a forum would not necessarily constitute government control sufficient to create a right of public access.

In one case, NBC was denied access to the Miami Beach Convention Center during the July 1987 convention of the Communications Workers of America, at which several presidential candidates were scheduled to speak. A court found that the city's leasing of its convention center to a labor union that refused to admit the television broadcaster is not a "sufficiently intertwined, symbiotic relationship" to constitute state action that would therefore give rise to First Amendment protections. (*National Broadcasting Co. v. Communications Workers of America*)

But another federal judge found that a political convention held in a public arena does give rise to First Amendment issues. In 1987, a federal district court judge in Cleveland ruled that a state Democratic organization holding a convention in the Cleveland Civic Center could not discriminate among journalists, admitting some and barring others. The judge said that a private body leasing a government facility had the same constitutional obligations as the government. (*National Broadcasting Co. v. Ass'n of State Democratic Chairs*)

Politicians and government officials cannot completely control who may or may not cover a certain event. In 1981, for example, CNN sued the White House and the three major broadcast networks, claiming that the networks were given preferred status at "limited coverage" White House events. A notice had been posted indicating that such a "limited coverage" event was to take place, and that only five spaces for television media were available.

The media outlets were supposed to self-select who would attend, according to White House policy and custom, and then notify the press office. When no consensus was reached, the television media were excluded from the event. The federal district court found that the administration's refusal to find a better selection system, and to instead bar all video media, violated the First Amendment. The action infringed on the media's First Amendment right to gather the news, the court held. Specifically, if the television news crews were "totally excluded from White House pool coverage, the unique continuous visual element of television news coverage will be denied to the public and the press." (*Cable News Network v. ABC*)

But even in a limited public forum or in a nonpublic forum held on public property, the refusal of requests for press credentials or access to an event may be a violation of a reporter's First Amendment rights. Generally, reporters excluded from official press conferences must be given reasons and a chance to appeal to satisfy their First Amendment and due process rights under the Constitution. (*See, e.g., Times-Picayune Publishing Corp. v. Lee*)

Candidate debates are usually sponsored by private groups or held on private property, but the press and public are typically invited to attend the events. Yet access is not without its limits, and in the end a debate may be more similar to a private forum than a public one.

The U.S. Supreme Court weighed in on this issue in 1998, holding that a public television station was not required to allow an unpopular candidate to appear in a televised debate. While media access to the debate was not at issue, and in fact the group controlling access to the forum was a news organization that asserted its own First Amendment interests in restricting access, the Court's analysis of the nature of the forum will affect how access issues are decided in the future.

The Court ruled 6-3 that the state-owned Arkansas Educational Television Commission did not violate the First Amendment rights of candidate Ralph Forbes when it excluded him from participating in a televised debate between congressional candidates in 1992.

Because the commission allowed only "selective access" to the debate, it was not intended to be a public forum open to anyone who wished to participate, Justice Anthony Kennedy wrote for the court. The broadcaster should be allowed to limit access to avoid losing control of the event, he pointed out.

"Were it faced with the prospect of cacophony, on the one hand, and First Amendment liability, on the other, a public television broadcaster might choose not to air candidates' views at all," Kennedy wrote.

# Covering the Conventions

Although conventions are often considered "public events," credentials are still required for the news media to gain access to many of them. There are often different levels of credentials, allowing varying degrees of access for a given event.

In order to be credentialed for the Democratic or Republican National Conventions, a reporter typically must first be credentialed by one of the four accrediting press galleries of the U.S. Congress. The galleries are private organizations administered by elected members of the media, serving daily newspapers, radio and television, periodicals and photographers. The galleries have traditionally managed the initial credentialing of journalists for both parties' conventions, with almost no input

from the political parties themselves.

This year, the Democratic National Convention in Boston offered a limited number of press credentials to Web-loggers — commonly known as bloggers — who had to apply directly to the convention committee. Bloggers were chosen to receive credentials based on their readership and the originality and professionalism of their content, according to committee spokesperson Lina Garcia. An estimated 15,000 journalists, including bloggers, received press credentials to cover the Democratic National Convention in July 2004.

The Republican National Convention is also credentialing bloggers, although eligibility criteria were not yet available as of late July.

A press pass for a national party convention may not be equivalent to a press pass for all related events in the city. Crowd control regulations outside the convention halls themselves may limit accessibility. For the 2004 Republican National Convention, reporters needed credentials from the police department to cross police and fire lines.

State and local political parties also issue press credentials for various events. The procedure is generally informal. Some state parties have a specific official in charge of press relations, while others do not. A call to the state or local party is the best way to find out which credentials are necessary. The party will probably then ask for the accreditation request to be submitted on company letterhead. ♦



Because the debate was a nonpublic forum, the court held, the commission was free to select participants based on content-neutral criteria, such as popularity, chosen by broadcasters rather than mandated by the courts.

Justice John Paul Stevens dissented, joined by Justices David Souter and Ruth Bader Ginsburg. Describing the decision to exclude Forbes as “standardless,” Stevens said that the commission should have been required to use a more concrete standard than “political viability” to determine eligibility. (*Arkansas Educational Television Commission v. Forbes*)

On the national level, all presidential debates since 1988 have been organized and staged by the Commission on Presidential Debates, a private nonpartisan entity. The commission decides who will be admitted, who will ask questions and other format and access matters.

### Access to Public Events

There is a general right of the press and public to have access to public places. The government may, however, impose reasonable “time, place and manner” restrictions upon activities that take place in public forums or on public property. Reasonable restrictions must be content neutral, must be narrowly tailored to serve a significant government interest, and must leave open alternative channels of communication.

Many restrictions on public forum access, however, are created on the spot by police officers trying to control crowds. One of the biggest access challenges in recent years concerned media coverage of protests during the national political party conventions in 2000.

Stefan Zacklin, a photographer with *U.S. News and World Report*, was arrested while covering protests in Philadelphia during the Republican National Convention. Zacklin was photographing police officers arresting a group of protestors when officers or-

dered him out of the way. Despite moving to the point where he had his back up against a wall, Zacklin was ordered to the ground and was handcuffed. He was taken to the police station and charged with interfering with police activity.

Mark Egan, a reporter with the Reuters news service, rode in a van with a group of 17 demonstrators on their way to block off an intersection near the convention site. When police stopped the van they arrested everyone in it, including Egan.

Egan spent more than five hours in jail before he was released. He said officers also hounded him for three days afterward for information about the group of protestors he had been covering.

In Los Angeles a month later, several journalists reported assaults by police and at least two were arrested while covering protests outside of the Democratic National Convention.

Flynn McRoberts, a reporter for the *Chicago Tribune*, and Associated Press broadcast correspondent Brian Bland wound up in police custody while covering a bicycling event staged by protestors. Both were later released and the charges were dropped.

Lisa Teachey, a reporter for the *Houston Chronicle*, said she has never seen a situation as volatile as Los Angeles. Teachey was injured during the convention when a mounted LAPD officer knocked her over a concrete barricade. Officers then repeatedly refused to let her seek aid in the media area and told her to leave.

A lawsuit subsequently filed by the American Civil Liberties Union alleged that Los Angeles police officers deliberately shot at and clubbed credential-carrying journalists in an effort to prevent them from reporting on the protests. The suit, filed on behalf of seven journalists, claimed that officers fired rubber bullets directly at the reporters, hoping to drive them from the scene.

Freelance photojournalist Al Crespo was taking pictures of LAPD officers, wearing full riot gear, breaking up a protest by firing rubber

## Equal Time for Political Candidates

In September 2003, the Federal Communications Commission ruled that shock jock Howard Stern’s radio show qualified for an exemption from the equal time rule. As a “bona-fide news interview program,” the FCC said Stern’s program could interview then-gubernatorial candidate Arnold Schwarzenegger before California’s special election in October.

Infinity Broadcasting, owners of Stern’s home station, WXRK in New York, petitioned the commission for a declaratory ruling after concerns that an appearance by Schwarzenegger would have required his show to give equal time to the more than 130 other candidates.

Section 315(a) of the Communications Act of 1934, commonly referred to as the “equal time” rule, provides that if a licensee allows a legally qualified candidate for public office to use a broadcast facility, equal time must be provided to the candidate’s opponents.

Stern’s show was granted a “bona fide news interview program” exemption because it satisfied the requirements under 315(a)(2), the commission said. The program aired as a regularly scheduled show; Infinity controlled all aspects of the show;

Infinity based its decisions on format, content and participants on the show according to their newsworthiness; and guests were booked despite their candidacies for political office.

In its written ruling, the FCC Media Bureau cited a 1984 decision that qualified “The Phil Donahue Show” for the news exemption, saying that there should be more room for “less conventional interview formats” to increase news coverage of the political campaign process.

“It would be unsound to rule that a program involving a unique or innovative approach to interviewing its guests somehow lacks sufficient licensee control evident in traditional news interview programs like ‘Meet the Press’ or ‘Face the Nation,’” the commission stated in the Donahue ruling. “[To] do so would discourage programming innovation by sending a signal to broadcasters that to be exempt an interview program should adhere only to the format of certain programs mentioned by Congress over 25 years ago.”

The equal time provision resurfaced in December 2003, when NBC affiliates in 32 metropolitan markets in Missouri and Iowa declined to air an episode of “Saturday

Night Live” that featured a 25-minute guest appearance by then-Democratic presidential candidate Al Sharpton. Although federal law would have required all affiliate stations to grant equal time to the 10 other Democratic presidential candidates participating in those states’ primaries, some stations, including KOMU-TV in Columbia, Mo., aired the show by agreeing to allot equal time to any candidate who filed a request within the FCC-mandated time of seven days.

In May, Republican and Democratic candidates for Congress in the 8th Congressional District in Seattle threatened legal action for equal time when radio talk show host Dave Ross refused to step away from the microphone after publicly announcing his candidacy.

Station KIRO-AM denied the other candidates equal time after discovering that the rule takes effect only after an individual declares himself a legally qualified candidate through the filing of official paperwork. Ross, a Democrat, continued to host his three-hour show and remained within legal bounds by refraining from discussing his candidacy or issues specific to the 8th District. He voluntarily left the show in late July, after filing his paperwork. ♦

bullets at protestors. Crespo focused his camera on one officer, and suddenly realized the officer had aimed the barrel of the gun at him. He quickly snapped the photo and within seconds was peppered with rubber bullets. Crespo was shot three times, once in the head. At the time he was shot, Crespo was wearing two cameras and several brightly colored media passes.

Other journalists involved in the lawsuit claim they received similar treatment from police. Kevin Graf, a freelance television cameraman, was struck 10 times by rubber bullets, including twice in the head. Rebeka Rodriguez, a freelance photographer, underwent medical treatment for a cracked shoulder blade she sustained after she was reportedly struck by a police officer wielding a baton.

Police spokesman David Kalish denied claims of excessive force. "It would be ludicrous to imagine the LAPD would target members of the media," he said.

But one year later, the Los Angeles City Council agreed to pay \$60,000 to the seven journalists to settle the lawsuit. The settlement conditions require the police department to institute a policy that recognizes that the media has the right to cover public assemblies, even if they are unlawful. (*Crespo v. Los Angeles*)

Away from the intensity of conventions, many reporters seek to cover the area outside of the schools, churches and other buildings where voting actually occurs. But NBC's early call of the 1980 presidential election for Ronald Reagan using projections based on exit polls — two hours before polls closed on the west coast — touched off a 10-year debate on the media's right to question voters leaving the polls.

Arguing that voters were prompted to leave polling booth lines after hearing the results, many state officials proposed legislation to prohibit exit polling within 1,000 feet of the polling area. Without exit polls, the networks and wire services would be stopped from broadcasting results before the polls had closed.

In 1983, Washington passed the first exit poll legislation when both houses voted to ban polling within 300 feet of voting places. By the time a media coalition challenging the law got its case to the U.S. Court of Appeals in San Francisco (9th Cir.) in 1988, 24 states had prohibited exit polling to some degree. The appellate court found that the true motive for Washington's legislation was to prevent early election predications — a restriction on speech — and not to preserve peace at the polls, as the state had claimed. "It is not the business of the government to decide what we should and should not know about the political process," the court held. (*Washington Daily Herald v. Monroe*)

Many of the other restrictions were also challenged by media groups, and judges often ruled that the restrictions were "content-based" — meaning they outlined what a reporter may and may not ask when interviewing. A content-based statute that regulates speech is only constitutional if it is narrowly tailored to accomplish a compelling government interest.

Many states still have polling-place restrictions on the books. In contesting their validity, the key question to be answered is whether



Gaining access to polling places isn't always easy, yet the press is routinely invited to cover candidates as they cast their vote. Democratic gubernatorial candidate Cruz Bustamante submits his ballot in California's special election for governor in October 2003.

AP PHOTO, STEVE YEATER

the restriction is meant to limit newsgathering and speech. If there are no restrictions on the types of communications involved, and if the intent is to preserve the safety and orderliness of the election process, reasonable restrictions — like a 25-foot limit on access — will generally be allowed.

Members of Congress also attempted after the 1980 elections to prevent the networks from broadcasting election results before all polls had closed, but the measures were never enacted. Similar bills have since been introduced, but none have made it through the legislative process.

The issue made headlines again after the 2000 presidential election, when the infamous Florida debacle led networks and wire services to call the election for one side or the other, and then rescind those calls. In February 2001, Rep. W. J. "Billy" Tauzin (R-La.) scolded network executives during a congressional committee hearing about the their election night coverage.

Executives from CBS, CNN, Fox, NBC, The Associated Press and Voter News Service appeared before the committee to discuss myriad accusations against the media over election coverage.

The networks' First Amendment rights became the first subject of debate, as network executives said Congress was attempting to meddle in their business. Louis Boccardi, president and chief executive of The Associated Press, acknowledged the networks' mistakes, but said fixing them is a job for the nation's editors and not its legislators.

"What we report and when we report it are matters between us and the audience we try to serve, not matters between us and our congressman," Boccardi said during his opening statement. "To put it more plainly, we believe that such an official government inquiry into essentially editorial matters is inconsistent with the First Amendment values that are fundamental to our society."

Tauzin reiterated his promise that there was no intention to infringe upon the networks' rights, but stood by his opinion that serious problems plague the nation's news coverage.

"I will fight to the death to protect your right to do it wrong if you want to continue to do it wrong," he said.

The hearings did not result in a legislative attempt to control how the networks cover elections. ♦

# Stumping for Records

While few people are still talking about the “hanging chads” at the center of the disputed 2000 presidential election in Florida, a national debate rages on regarding the integrity and reliability of voting systems.

The federal Elections Assistance Commission reports that approximately 30 percent of voters will use paperless electronic voting machines in the November 2004 national election. If a recount is necessary, or if the integrity of the voting software is compromised, no paper trail will exist to allow election officials and independent watchdogs to verify results.

Such problems have already arisen in local, state and national elections, prompting editors at *Fortune* magazine to dub paperless touch-screen systems, formally known as Direct Recording Electronic machines, “the worst new technology of 2003.” Since Congress passed the Help America Vote Act of 2002, which provided states \$3.9 billion to upgrade their voting systems, 10 states have reported problems with paperless machines.

Although the root of those problems may be ascertained through diagnostic testing of the voting software, the lack of verifiable paper trails has left journalists unable to effectively question and review election results.

In the 2002 general election in North Carolina, a glitch in the iVotronic touch-screen voting system caused 436 ballots to be deleted from six paperless machines in two counties. Election Systems & Software, the manufacturer of the machines, said a software bug made the system believe its memory was full, prompting it to stop tabulating votes cast.

Although the North Carolina debacle was the first verifiable instance of a system failure, critics of the paperless machines said it's likely other problems had already occurred throughout the country. Without paper receipts, they say, there is no way to compare voter intent with the results tabulated by the computer.

In a January 2004 special election for a seat in Florida's legislature, ballots cast by 134 people who used paperless voting systems indicated no vote cast — the race was the only one on the ballot. Because no paper receipts existed, neither poll workers nor the voting system's manufacturer, again Election Systems & Software, could determine why.

Ellyn Bogdanoff, a Republican, won the race by 12 votes. All of the candidates were Republican; nearly 11,000 votes were cast.

“All of this just underscores the need for voting machines to have a paper trail,” Stanford University computer science professor David Dill told *Wired News* magazine. Dill is director of Verified Voting, an organization working to get legislators to require all voting machines to provide a voter-verified paper ballot.

Certain states, like California, have already taken action. After learning that Diebold Election Systems, the industry leader in the electronic ballot market, secretly used uncertified software in its paperless systems, Secretary of State Kevin Shelley banned 14,000 of the machines in four counties. He further required all electronic voting machines to dispense receipts by July 2006.

Other states are waiting for the federal government to take the lead.

In May 2003, Rep. Rush Holt (D-N.J.) introduced the Voter Confidence and Increased Accessibility Act (H.R. 2239), which would require all electronic voting machines to produce a paper receipt to allow for recounts and independent review of ballots cast. Sens. Hillary Rodham Clinton (D-N.Y.), Bob Graham (D-Fla.) and Barbara Boxer (D-Calif.)

have since proposed similar legislation; however, none of the measures will likely be passed in time to affect the November 2004 election.

## Florida's Follies

In 1997, the *Miami Herald* won a Pulitzer Prize for a series of stories on voter fraud in that year's mayoral election in Miami. The newspaper used voter registration lists to reveal widespread corruption, including the sale of absentee ballots.

One year later, the state legislature passed a bill that limited public access to voter information. The law granted candidates for office and officials of political parties and political committees access to voter rolls, including the right to receive copies of such records. But while the public and press were allowed to view voter registration information, they were not permitted to receive copies of it.

The *St. Petersburg Times* and the *Miami Herald* brought suit, arguing that the prohibition was unconstitutional. U.S. District Judge Susan C. Bucklew dismissed the lawsuit in March 2000, saying the media have “full freedom to publish any information they obtain as a result of viewing the voter rolls and registration information.”

CNN rekindled the legal battle in June 2004, suing the Florida Division of Elections for access to a list of approximately 48,000 al-

leged felons to be struck from the state voter rolls. Florida is one of seven states that prohibits those who have ever been convicted of a crime from voting.

State officials said the privacy of those on the list should be protected, even while acknowledging that the list likely contains the names of people who should not be removed from the voter registry. According to an investigative report by BBC correspondent Greg Palast in 2001, thousands of Florida residents were erroneously taken off the state voter rolls prior to the 2000 presidential election; George W. Bush won Florida by 537 votes.

On July 1, Judge Nikki Ann Clark of Circuit Court in Tallahassee ruled that the elections reform law was unconstitutional. The state constitution, she held, grants every person the right to inspect and copy public records. “The right to inspect without the right to copy is an empty right indeed,” Clark wrote.

Within weeks of receiving the purge list, the media uncovered widespread errors in the list — including the near-complete absence of Hispanics, who represent approximately 12 percent of the state's electorate. Cuban-Americans, who make up 60 percent of the Hispanic population in Florida, largely vote Republican. Florida Secretary of State Glenda Hood immediately announced that the errors were unintentional and that the list would be scrapped.

Ohio has a similar law, passed in 2003, restricting the public from receiving copies of election records. Public inspection of voter registration records must be conducted in front of a board of elections employee.

However, such laws are the exception rather than the rule nationwide. Virtually every state grants public access to election records, from voter registration information to results. Just this year, a law was passed in Indiana that requires absentee ballot envelopes — which must be signed by the voter — to be saved for public inspection long after recount periods have ended. Those records, among others, had previously been destroyed.

Lawmakers in Indiana said independent inspection of the records could help improve the accuracy of future elections. ♦



Protesters sing about the problems of paperless voting machines in California. Secretary of State Kevin Shelley has required that all voting machines provide a receipt by July 2006.

AP PHOTO, RICH PEDRONCELLI

# STATE-BY-STATE ACCESS GUIDE

## ALABAMA

**Access to Voter Registrations:** Ala. Code §17-4-252 (2003): The Secretary of State shall ensure that all applicants obtain requested voter lists in a timely manner. There shall be a uniform charge for the production of voter lists. Access to the lists and voter history information contained on the central computer in the Office of the Secretary of State is accessible to anyone. Social security numbers are not to be released.

**Access to Polling Places:** Ala. Code §17-7-18 (2003): Except for voters, election officials, the sheriff or his deputy, the inspectors, returning officer, clerks of elections and election observers,

no person is allowed within 30 feet of a polling place. §17-7-19 (2003) Any person who loiters for the purpose of discouraging qualified electors from entering the voting place or voting shall be guilty of a misdemeanor and fined upon conviction.

**Campaign Finance Reporting:** Ala. Code §§17-22A-8 (2003): The treasurer of each principal campaign committee or other political committee shall file with the Secretary of State reports of contributions and expenditures in any year in which an election is held — including 45 days before the election and again between 10 and five days before the election.

All candidates, political committees, and elected state and local officials covered under the provisions of this chapter shall annually file with the Secretary of State or judge of probate, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before Jan. 31 of the succeeding year.

## ALASKA

**Access to Voter Registrations:** Alaska Stat. § 120 (2003): A master list of all registered voters must be maintained by the director of the Division of Elections. Alaska Stat. §15.07.125 (2003): The director shall prepare an official registration list for each election consisting of the names of (1) all voters whose registrations are active; and (2) all voters whose names are required to be placed on the list.

**Campaign Finance Reporting:** Alaska Stat. §15.13.040 (2003): Each candidate shall make a full report, upon a form prescribed by the commission listing: (A) the date and amount of all expenditures made by the candidate; (B) the total amount of all contributions, including all funds contributed by the candidate; (C) the name, address, date and amount contributed by each contributor; and (D) for contributions in excess of \$250 during a calendar year, and the principal occupation and employer of the contributor. Upon request of the commission, the information required under this chapter shall be submitted electronically.

Alaska Stat. §15.13.070 (2003): (b) An in-

dividual may contribute no more than (1) \$1,000 per year to a non-group entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party; (2) \$10,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates. (c) A group that is not a political party may contribute no more than (1) \$2,000 per year to a candidate, or to an individual who conducts a write-in campaign as a candidate; (2) \$2,000 per year to another group or a non-group entity; or (3) \$4,000 per year to a political party. Alaska Stat.

§15.13.110 (2003): Each candidate and group must make regular full reports of contributions. All reports shall be kept open to public inspection.

## ARIZONA

**Access to Voter Registrations:** Ariz. Rev. Stat. Ann. §16-162 (2004): The county recorder shall provide a means of retaining registration forms and records of cancellation of registration.

Ariz. Rev. Stat. Ann. §16-161 (2004): When the registration form is filled out, signed by the elector and received by the county recorder, it shall constitute an official public record of the registration of the elector. §16-163 (2004): The county recorder shall provide the Arizona state library, archives and public records office with a copy of the revised county register.

**Access to Polling Places:** Ariz. Rev. Stat. Ann. §16-515 (2004): With the exception of voters, one representative of each political party, the challenger and election officials, no person is permitted within 75 feet of a polling place.

**Campaign Finance Reporting:** Ariz. Rev. Stat. Ann. §16-913 (2004): Each political committee must file campaign finance reports outlining the committee's receipts and expenditures. Ariz. Rev. Stat. Ann. §16-916 (2004): Most statements, designations and reports required to be filed by candidates concerning contributions and expenditures will be filed in the office of the Secretary of State.

## ARKANSAS

**Access to Voter Registrations:** Ark. Code Ann. §7-5-109 (Michie 2003): County clerks may reproduce the registered voter list maintained by his or her office in any format the office is capable of providing. Upon request, every county clerk who maintains on computer the list of registered voters within the county shall provide the list on computer disk or tape.

**Campaign Finance Reporting:** Ark. Code Ann. §7-6-207 (Michie 2003): Candidates for state offices must report contributions each month during campaigns. One week before any election, candidates must file a pre-election report of all contributions received and expenditures made between the period covered by the previous monthly report and 10 days before the election. Thereafter, quarterly supplemental reports must be filed.

All reports must include the total amounts of contributions and identify the name and address of any person whose contribution is in excess of \$50. The reports must itemize all expenditures more than \$100. The Secretary of State is to keep a file of these reports for eight years and make it available for public inspection. After eight years, the reports must be filed with the Arkansas History Commission and made available for public inspection.

Ark. Code Ann. §7-6-210 (Michie 2003): Any personal loan made to a candidate by a financial institution that is applied toward a candidate's campaign shall be reported as a campaign contribution. Ark. Code Ann. §7-6-214 (Michie 2003): All campaign reports are public records and shall be available within 24 hours of the reporting deadline to all interested people and the news media. Similar reporting and public disclosure requirements exist for expenditures and contributions on referendum and ballot issues under Ark. Code Ann. §7-9.

## CALIFORNIA

**Access to Voter Registrations:** Cal. [Elec.] Code §2194 (2004): Voter registration card information is confidential and is not routinely available to the public at county election officials' offices. However, the information may be provided to a candidate or political committee, or to any person for election, scholarly, journalistic, political or government purposes as determined by the Secretary of State.

**Access to Polling Places:** Cal. [Elec.] Code §18370 (2004): No person on election day shall, within 100 feet of a polling place or an elections official's office, circulate petitions, solicit a vote or speak to a voter on the subject of marking his or her ballot.

## COLORADO

**Access to Voter Registrations:** Colo. Rev. Stat. Ann. §1-2-227 (2004): All voter registration books are kept by the county clerk and recorder, and are public records subject to examination and duplication during regular office hours.

**Access to Polling Places:** Colo. Rev. Stat. Ann. §1-5-105 (2004): No election-related





activity, except for the casting of ballots, shall be conducted within 100 feet of any building in which a polling place is located.

**Campaign Finance Reporting:** Colo. Rev. Stat. Ann. §1-45-105 (2004): Ten days after filing as a candidate for statewide office, a candidate must file a report disclosing any contributions received prior to his or her candidacy. Colo. Rev. Stat. Ann. §1-45-106 (2004): Every political committee supporting or opposing a candidate or statewide ballot issue shall file a statement of organization no later than 15 days after creation. Colo. Rev. Stat. Ann. §1-45-108 (2004): The candidate or campaign treasurer shall file reports of all contributions received and all expenditures made by or on behalf of a candidate or political committee.

Colo. Rev. Stat. Ann. §1-45-110 (2004): Each person who spends more than \$100 in support of or in opposition to any candidate or issue, other than by a direct contribution to a candidate or political committee, must file an individual report of the expenditure.

Colo. Rev. Stat. Ann. §1-45-113 (2004): The Secretary of State must immediately make available for public inspection and copying reports and statements filed with his or her office. Information copied from such reports and statements cannot be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

## CONNECTICUT

**Access to Voter Registrations:** Conn. Gen. Stat. Ann. §9-20 (2004): All voter registration forms must be filed with county registrars and kept as public records. Each registrar of voters and town clerk will also maintain a copy of the elector's oath in braille, large print, video sign language and audio form.

**Access to Polling Places:** Conn. Gen. Stat. Ann. §9-236 (2004): On election day, no solicitation for candidates, loitering, peddling or offering of advertising materials may take place within 75 feet of any outside entrance to a polling place or in any corridor, passageway or other approach leading from an outside entrance to the polling place.

**Campaign Finance Reporting:** Conn. Gen. Stat. Ann. §9-333j (2004): Candidates and other political committees must file quarterly reports including the full name and complete address of all individuals who contribute more than \$30. Information about an individual's employment and employer must be reported for individuals contributing more than \$100. Reports are treated as public records for five years from the date of filing. Candidates and committees do not have to file the reports until they receive or spend more than \$1,000.

## DELAWARE

**Access to Voter Registrations:** Del. Code Ann. tit. 15, § 1305 (2003): Registration records will be open during normal business hours for inspection by anyone desiring to examine them. Anyone may also make copies of all or parts of the lists.

**Access to Polling Places:** Del. Code Ann. tit. 15, §4933 (2003): No person, other than

election officials, people in the process of actually voting and one challenger from any political party representing a candidate is permitted within the voting room or within 50 feet of its entrance.

**Campaign Finance Reporting:** Del. Code Ann. tit. 15, §§8002-8032 (2003): No person (other than a political party) can contribute more than \$1,200 during an election period to any candidate for statewide office, or more than \$600 to other offices. No person shall make any contributions that will cause the total amount of such person's contributions to a political party to exceed \$20,000 during an election period. No political party shall make any contribution to any political action committee. Each candidate and every treasurer shall be responsible for filing with the Commissioner reports of contributions and expenditures on forms prescribed by the Commissioner for every reporting period during which a political committee is in existence.

All reports made to the Commissioner and all rulings made by the Commissioner are public and shall be made immediately available for inspection and copying at a reasonable cost to the requestor. However, the identity of the candidate or committee that requested a ruling shall not be disclosed without the candidate or committee's consent.

## DISTRICT OF COLUMBIA

**Access to Voter Registrations:** Not mentioned in D.C. law.

**Access to Polling Places:** D.C. Code Ann. §1-1101.10 (2004) No person shall canvass, electioneer, circulate petitions, post any campaign material or engage in any activity that interferes with the orderly conduct of the election within a polling place or within a 50-foot distance from the entrance and exit of a polling place.

**Campaign Finance Reporting:** D.C. Code Ann. §1-1102.11 (2004): The treasurer of each political committee supporting a candidate and each candidate shall file with the director of elections, and with the applicable principal campaign committee, reports of receipts and expenditures on forms to be prescribed or approved by the Director of Elections. Each political committee shall file with the Director a statement of organization within 10 days after its organization.

D.C. Code Ann. §1-1131.03: Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount of \$50 or more within a calendar year shall file with the Director a statement containing the information.

## FLORIDA

**Access to Voter Registrations:** Fla. Stat. §98.095 (2004): Voter registration books are public records. Every citizen is permitted to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies. (A circuit court judge in Tallahassee ruled in July 2004 that restrict-

ing the public's right to copy public records violates the Florida Constitution.)

The supervisor shall furnish at cost lists of the registered electors of the county only to the courts, municipalities, other governmental agencies, candidates to further their candidacy, registered political committees and parties for political purposes only, and incumbent office holders to report to their constituents, and only if they will not permit others to use any information for purposes that are not related to elections, political or governmental activities, voter registration, or law enforcement. Such information shall not be used for commercial purposes.

**Campaign Finance Reporting:** Fla. Stat. Ann. §§106.03-106.35 (2004): Each person who makes an independent expenditure with respect to any candidate or issue in excess of \$100 must file periodic reports of those expenditures in the same manner as a political committee supporting or opposing the candidate or issue.

The report shall contain the full name and address of the person making the expenditure; the full name and address of each person to whom and for whom each such expenditure has been made; the amount, date and purpose of each expenditure; a description of the services or goods obtained by each expenditure; the issue to which the expenditure relates; and the name, address and office sought by each candidate on whose behalf such expenditure was made.

Each political committee that anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$500, or that seeks the signatures of registered electors in support of an initiative, must file a statement of organization within 10 days after its organization.

Each committee in continuous existence must file an annual report with the division of elections each January, and must file regular reports with the division of elections at the same time that reports are required of candidates. Reports must contain the full name, address and occupation of each person who has made one or more contributions during the reporting period, with the amounts and dates of the contributions.

## GEORGIA

**Access to Voter Registrations:** Ga. Code Ann. §21-2-225 (2004): Voter registration applications shall not be open for public inspection except upon court order. All information collected and kept on registered voters will be available for public inspection with the exception of the social security numbers and the locations at which the electors applied to register to vote.

**Access to Polling Places:** Ga. Code Ann. §21-2-414 (2004): No person may solicit votes, nor distribute campaign literature, nor conduct any exit poll or public opinion poll with voters on any primary or election day within 150 feet of the outer edge of any building within which a polling place is established, within any polling place, and within 25 feet of any voter standing in line to vote at any polling place.



**Campaign Finance Reporting:** Ga. Code Ann. §21-5-31 (2004): Any person who accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates is subject to the same disclosure requirements as a candidate, except that contributions from individuals made directly to a candidate or his campaign committee do not require separate reporting.

Ga. Code Ann. §21-5-34 (2004): The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office shall sign and file with the Secretary of State the required campaign contribution disclosure reports. Any person or campaign committee which accepts contributions or makes expenditures shall file a campaign contribution disclosure report with the Secretary of State 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the year in which the election is held.

## HAWAII

**Access to Voter Registrations:** Hawaii Stat. §11-14 (2003): The clerk of each county shall register all the voters in the clerk's county in the general county register. The register shall contain the name and address of each voter unless such address is deemed confidential. The clerk shall keep the original or photographic copy of the affidavit of registration. The general county register shall be available for election or government purposes. A voter's full name, district/precinct designation, and voter status shall be public; but all other personal information, as provided on the voter registration affidavit, shall be confidential except for election or government purposes.

The affidavits filed and the general county register may be copied, and the clerk may release voter lists and tabulating cards or computer tapes containing data furnished in the affidavit; provided that information furnished in the affidavits, register, voter lists, cards, or tapes, shall be copied or released for election or government purposes.

**Access to Polling Places:** Hawaii Stat. §11-132 (2003): Admission to the polling place is limited to election officials, official watchers, candidates, and voters actually engaged in voting.

**Campaign Finance Reporting:** Hawaii Stat. §11-194- 216 (2003): Each candidate, committee, or party shall file an organizational report within 10 days from the date a candidate or candidate committee receives any contributions or makes any expenditures, the aggregate amount of which is more than \$100. The report must include the name and address of the group or person filing, as well as other information about its members and financial arrangements. The campaign spending commission is responsible for overseeing the campaign finance provisions of the law.

## IDAHO

**Access to Voter Registrations:** Idaho Code §34-437 (2003): Each county clerk shall

supply to any requester a current list of the registered electors of the county and their addresses. The county clerks shall prepare an original of the list from the state voter registration system at county expense, and shall assess individual requesters an amount which will compensate the county for the cost of reproducing a copy. No person who obtains a list may use any information from the list for commercial purposes.

**Access to Polling Places:** Idaho Code §34-1105 (2003): An election constable shall have the power to make arrests for disturbance of the peace, and will permit no one in the voting area except those who go to vote.

## Campaign Finance

**Reporting:** Idaho Code §67-6607 - 6612 (2003): Candidates, political committees and organizations that contribute more than \$1,000 to a political committee must file information with the Secretary of State on all contributions and expenditures three times before and once after all elections. Individuals who donate more than \$50 must also file a statement.

Every newspaper, broadcasting station, periodical, direct mailing company printer, and advertising agency that accepts expenditures from any political treasurer is required to keep a current public record of the amounts paid and services rendered.

State party committees must also file expenditure reports. Reports must identify all contributors who gave more than \$50.

## ILLINOIS

**Access to Voter Registrations:** 10 ILCS 5/4-11 - 20 (2004): The original registration records are held permanently in the office of the county clerk. The duplicate registration record cards shall constitute the official registry of voters for all elections and shall be filed by precincts and townships. Prior to the opening of the polls for other elections, the county clerk shall transmit or deliver to the judges of election of each polling place a corrected list of registered voters. At other times such list, currently corrected, shall be kept available for public inspection in the office of the county clerk.

10 ILCS 5/4-33: Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded. No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

**Access to Polling Places:** 10 ILCS 5/6-31 (2004): No one may, at any precinct registration or re-registration, do any elec-

tioning or soliciting of votes or engage in any political discussion within 30 feet of any precinct registration place.

10 ILCS 5/17-29: No judge of election, poll watcher, or other person shall, at any primary or election, do any electioneering or soliciting of votes or engage in any political discussion within any polling place or within 100 feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching within 100 feet of any polling place for the purpose of voting.

**Campaign Finance Reporting:** 10 ILCS 5/9-1 - 17 (2004): The treasurer of

every state political committee and the treasurer of every local political committee shall file with the State Board of Elections, and the treasurer of every local political committee shall file with the county clerk, reports of campaign contributions, and semi-annual reports of campaign contributions and expenditures on forms to be prescribed or approved by the board. The treasurer of

every political committee that acts as both a state political committee and a local political committee shall file a copy of each report with the board and the county clerk.

Every person who receives a contribution in excess of \$20 for a political committee shall report the amount, the name and address of the person making such contribution, and the date on which it was received. Data on donations and expenditures must be filed in a semi-annual report.

Every state political committee and every local political committee shall file with the State Board of Elections, and every local political committee shall file with the county clerk, a statement of organization within 10 business days of the creation of such committee, except any political committee created within the 30 days before an election shall file a statement of organization within five business days. Reports of campaign contributions must include the identity of all contributors of a total of more than \$150 and the total amount of money made through fund-raising efforts.

All statements and reports with the board or county clerk shall be available for examination and copying by the public at all reasonable times.

## INDIANA

**Access to Voter Registration:** Ind. Code Ann. §3-7-26-9 (2004): The state elections commission is not required to provide direct public access to the statewide voter registration file over the Internet. Ind. Code Ann. §3-7-26-12 (2004): A person who requests a compilation of the information contained in the statewide voter file from the election division must execute an agreement with the election division on a form prescribed by the commission. The form must state that the person receiving information under this chap-



ter may not (1) use the compilation obtained from the commission to solicit merchandise, goods, services, or subscriptions; or (2) sell, loan, give away, or otherwise deliver the information obtained by the request to any other person. Ind. Code Ann. §3-7-26-14 (2004): the election division shall charge each recipient a reasonable fee not to exceed two hundred dollars (\$200) per county included in the statewide voter file to recover the cost of obtaining and providing the compilation.

**Access to Polling Places:** Ind. Code Ann. §3-6-11-1 (2004): A political party, civic association, or other organization may, at any time before an election, take a poll of voters qualified to vote at the election. Ind. Code Ann. §3-6-10-1 (2004): Each daily, weekly, semiweekly or triweekly newspaper, news service, radio and television station operating in the county where an election is held may appoint one watcher for each precinct.

**Campaign Finance Reporting:** Ind. Code Ann. §3-8-2 - 3-8-5.5 (2004): All political committees and any person who donates money must file information with the state election board on all contributions and funds spent once a year, once before any election, and once after a convention.

All candidates must file a declaration of candidacy form and each political committee must file a statement of organization. Each report by a committee must include the identification of all people or political action committees who make a total contribution of more than \$100 a year or more than \$200 to a regular party committee and the total sum or expenditures made by the committee during the reporting period and the amount and nature of the expenses and obligations incurred by or to the committee.

## IOWA

**Access to Voter Registrations:** Iowa Code Ann. §48A.34 (2004): Voter registration records are available to the public for inspection during reasonable hours at the office of the county commissioner.

**Access to Polling Places:** Iowa Code Ann. §39A.4 (2004): No loitering, congregating, electioneering, posting of signs or soliciting votes is permitted on the voting premises nor within 300 feet of the outside door of any polling place on election day.

**Campaign Finance Reporting:** Iowa Code Ann. §§68A.401 (2004): Candidates and committees which receive contributions or make expenditures more than \$500 a year must file information on each donation and expenditure once per year in non-election years with the Iowa ethics and campaign disclosure board.

Statements of organization are filed by every committee that takes donations or makes expenditures of more than \$500 overall, or \$250 in a single year. Each finance report must include the identification of every contributor of \$200 or more in one year for a national party or state political committee, \$100 for any congressional candidate, and \$50 or \$25 for other state offices.

Iowa Code Ann. §§68A.201 Every committee shall file a statement of organization within 10 days from the date of its organization.

## KANSAS

**Access to Voter Registrations:** Kan. Stat Ann. §25-2320 (2003): The county election officer shall allow access to any person at any time during regular business hours, under supervision of the county election officer for the purpose of examining the voter registration books, active voter lists and other lists of voters required to be kept. Any person may make a written request for a copy of the registration books at any time except on any election day. The registrar must provide the copies within 10 days. The expense of making such copies shall be paid by the person requesting them.

**Campaign Finance Reporting:** Kan. Stat. Ann. §§25-4145 - 4149, & §§25-4173-4176 (2003): The chairperson of each party committee and each political committee which anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the Secretary of State not later than 10 days after establishment of such committee.

All candidates, political committees, party committees and people spending \$100 or more on a particular campaign must file details on all donations and expenses once before every election and every year on Jan. 10. The Commission on Governmental Standards and Conduct is responsible for monitoring the state's campaign finance law.

Each candidate, party and political committee which believes it will receive donations and make expenditures in the name of a campaign must file the names of campaign officials with the Secretary of State or appropriate county election official. Each verified report to the Secretary of State must include the identification of each person who has contributed more than \$50, plus occupation and address of those donating more than \$150, during an election period. Such reports also must include total amount of anonymous contributions, the amount of funds received from the sale of political materials and the total funds raised.

## KENTUCKY

**Access to Voter Registrations:** Ky. Rev. Stat. Ann. §116.095 (2004): The county clerk shall permit any citizen, at all reasonable hours, to inspect or make copies of any registration record, without any fee. He shall, upon request, furnish to any person a copy of the registration records, for which he may charge necessary duplicating costs not to exceed fifty cents (\$0.50) per page.

**Campaign Finance Reporting:** Ky. Rev. Stat. Ann. §§121.170-.180 (2004): All candidates, campaign committees, political party executive committees, and permanent committees must report details about all donations and expenditures. Political party executive committees must file a single post-

election report, candidates and campaign committees must file two pre-election and one post-election report, and permanent committees must file quarterly reports. The Registry of Election Finance monitors campaign finance law.

Committees organized under the state's campaign financing provisions must file an official notice with the registry, identifying the committees officers, candidates and purposes. Campaign and committee treasurers must report to the registry anything of value donated by any source, as well as the identity of the contributor. Treasurers' submissions also must include the business name of each contributor of more than \$100, totals of proceeds from fundraising events, and total gross receipts.

For each contribution of any amount made by a permanent committee, the report must include the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee.

Any committee, except a federally registered out-of-state permanent committee, shall register with the registry, by filing official notice of intention at the time of organization, giving names, addresses, and positions of the officers of the organization and designating the candidate or candidates supported.

Any candidate or political issues committee shall be exempt from filing any pre-election finance reports if the candidate, slate of candidates, or political issues committee chairman files a form prescribed and furnished by the registry stating that contributions will not be accepted or expended in excess of \$3,000 in any one election to further a candidacy or to support or oppose a constitutional amendment or public question which will appear on the ballot.

## LOUISIANA

**Access to Voter Registrations:** La. Rev. Stat. Ann. §18:154 (2004): The records of each registrar are public records and at all times during office hours shall be open to inspection.

**Access to Polling Places:** La. Rev. Stat. Ann. §1462 (2004): A law stating that no person may remain within a 600-foot campaign-free zone around polling places, except when exercising the right to vote, after having been directed in writing by a law enforcement official to leave the premises, was ruled unconstitutional as vague and overbroad as it concerned political speech. *State v. Stilley*, 416 So. 2d 928 (1982); *State v. Schirmer*, 646 So. 2d 890 (1994).

**Campaign Finance Reporting:** La. Rev. Stat. Ann. §§18:1483-1495 (2004): All candidates for major or district office, political committees and non-candidates giving donations or spending must file information in four pre-primary reports and one report before and one after a general election.

Each committee shall file a report with the supervisory committee of the full name and

address of each person from whom the committee has received and accepted a contribution, loan, or transfer of funds during such period in excess of the following amounts: a committee participating in the election of a candidate for any major office, \$500; a committee participating in the election of a candidate for district office, \$250; a committee participating in the election of a candidate for any other office, \$250.

Details of finance reporting must include all contributions and expenditures, as well as an itemized list of all transactions. The state Supervisory Committee on Campaign Finance Disclosure oversees campaign reporting procedures. Committee organization statements are required of all election committees, including identification of officers.

## MAINE

**Access to Voter Registrations:** Me. Rev. Stat. Ann. tit. 21-A, §165 (2003): The registrar may require a deposit but shall furnish a certified copy of the voting list to any person within 10 business days after a request and the payment of a reasonable price determined by the municipal officers.

**Campaign Finance Reporting:** Me. Rev. Stat. Ann. tit. 21-A, §§1016-1017 (2003): Each treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes. A person who receives a contribution in excess of \$10 for a candidate or a political committee shall report to the treasurer within five days of receipt of the contribution, the amount of the contribution, the name and address of the person making the contribution and the date on which the contribution was received. Reports must be filed six days before and 42 days after each election. The Commission on Governmental Ethics and Election Practices oversees campaign finance filings.

A treasurer shall obtain and keep a receipted bill, stating the particulars, for every expenditure in excess of \$50 made by or on behalf of a political committee or a candidate and for any such expenditure in a lesser amount if the aggregate amount of those expenditures to the same person in any election exceeds \$50.

## MARYLAND

**Access to Voter Registrations:** Md. Code Ann., [Elections] § 3-506-507 (2004): For the purpose of public inspection, original voter registration records shall be available at all times when a local board is open; and may not be removed from the office of the local board. Each request for a registration list or a supplement shall be accompanied by a statement, under oath, that the list is not intended to be used for purposes of commercial solicitation or any other business purpose.

**Campaign Finance Reporting:** Md. Code Ann., [Elections] §13-304 - 316 (2004): From the date of its organization until its termination under the provisions of this title, a campaign finance entity, except a political club, shall file a campaign finance report. The re-

port must be filed once preceding the primary election, once preceding the election, and on or before the third Tuesday after a general election.

Candidates and their non-permanent committees and slates must file with the board with which the candidate filed his or her statement of candidacy. Party central committees and all continuing committees file with the State Administrative Board of Election Laws. Other reports which must be filed include designation of campaign chair and treasurer and a statement of purpose.

## MASSACHUSETTS

**Access to Voter Registrations:** Mass. Gen. Laws Ann. ch. 51, §40 (2004): All voter registrars will conduct their duties in open session and their records will be open to public inspection.

**Campaign Finance Reporting:** Mass. Gen. Laws Ann. ch. 55, §§2-25 (2004): All candidates and political committees must file reports including itemized lists of names and residential addresses of each person who has made a contribution and or expenditure, in an amount or value in excess of \$50 in a reporting period.

The Secretary of State keeps filings for state elective office candidates, judicial offices and all political party committees. County clerks monitor filings for local candidates for local office. The State Court Administrator monitors filings for special reports for judicial office candidates.

Each political committee shall organize by filing with the director or, if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization.

## MICHIGAN

**Access to Voter Registrations:** Mich. Comp. Laws Ann. §168.502 (2004): The master file and the precinct files (i.e. registration cards) shall at all times remain in the custody of the township, city or village clerk, as the case may be, except that the precinct files shall be delivered on election day to the inspectors of election in the several precincts who shall have custody of the same during any election or primary election and who shall return such files to the clerk immediately thereafter.

§168.522 A clerk of a city, township, or village who maintains a computerized file of registered voters and who does not have direct access to the qualified voter files shall make, certify, and deliver to any person, upon request, a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of the city, township, village, school district, ward, or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

§168.516 The registration record shall be open for public inspection under rules and regulations prescribed by the clerk.

§168.522a A person making a request under the freedom of information act to the clerk is not permitted to receive a copy of a portion of a voter registration record which contains the birth date of an elector other than the year of the elector's birth.

**Campaign Finance Reporting:** Mich. Comp. Laws Ann. §169.215-.233 (2004): Candidates and other political committees must file campaign finance reports. The report should include the total amount of contributions and expenditures received and made during the period covered by the campaign statement and the cumulative amount of those totals.

Other reports that must be filed include a committee organizational statement, out-of-state contribution report and candidate committee designations with designation of treasurer.

The Secretary of State is in charge of collecting campaign finance reports of candidates for state office, judicial office and all political party committees. County clerks are responsible for monitoring the reporting of candidates for local office.

The Secretary of State shall develop and implement an electronic filing and Internet disclosure system that permits com-

mittees that are required to file statements or reports under this act with the Secretary of State to file those statements or reports electronically and that provides Internet disclosure of electronically filed statements or reports on a Web site.

## MINNESOTA

**Access to Voter Registrations:** Minn. Stat. §201.091 (2004): Each county

auditor must make available for inspection a public information list containing the name, address, year of birth and voting history of each registered voter in the county. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement.

**Access to Polling Places:** Minn. Stat. §204C.06 (2004): No one except an election official or an individual who is waiting to register or to vote shall stand within 100 feet of the entrance to a polling place. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place only while voting or registering to vote.

**Campaign Finance Reporting:** Minn. Stat. §211A.02 - 211A.14 (2004): A committee or a candidate who receives contributions or makes disbursements of more than \$750 in a calendar year shall submit an initial report to





the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than \$750.

A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$300 in an election year for the office sought and \$100 in other years.

The Ethical Practices Board monitors campaign finance reporting. Other reports that must be made include an organization statement for political committees, designation of a principal campaign committee, a termination statement, candidate agreement form and lobbyists asking or soliciting certain contributions.

## MISSISSIPPI

**Access to Voter Registrations:** Miss. Code Ann. §23-15-114 (2003): Each application for registration shall be the legal document of voter registration and shall be retained in the office of the county registrar. Such application may be placed on microfilm or computer optical imaging equipment.

§23-15-135: The registration books of the several voting precincts of each county shall be delivered to the registrar of the county, and they shall be records of his office. There is no provision making them exempt from disclosure.

**Campaign Finance Reporting:** Miss. Code Ann. §23-15-801-809 (2003): All candidates and political committees must file campaign finance reports. The reports must include an itemized list of all contributions and expenditures more than \$500 for candidates for statewide office and Supreme Court district-level office. Candidates for other offices and all committees must include an itemized list of all expenditures more than \$200.

The Secretary of State monitors reporting for candidates for statewide offices, state district or legislative office. The county circuit clerk oversees reporting requirements for all other offices. Other required reports include a statement of organization of political committee once at least \$200 has been donated or spent.

## MISSOURI

**Access to Voter Registrations:** Mo. Rev. Stat. §115.157 (2003): The election authority shall make available electronic media or print-outs showing voters' identification numbers, names, dates of birth, addresses, townships or wards and precincts. Mo. Rev. Stat. §115.158 (2003): Any information contained in any state or local voter registration system shall not be used for commercial purposes.

**Access to Polling Places:** Mo. Rev. Stat. §115.409 (2003): Members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage may enter the polling place, provided that such coverage does not disclose how any voter cast his or her ballot.

**Campaign Finance Reporting:** Mo. Rev.

Stat. §§130.016-.072 (2003): All committees, candidates spending or receiving more than \$1,000 and individuals who spend \$500 or more on a campaign must file finance reports. Reports must include itemized information concerning all contributions and expenditures of more than \$100. All information is required on actual expenditures, rather than simply reporting an amount paid to a consultant.

The Missouri Ethics Commission monitors filing requirements for statewide office candidates and committees, and candidates for the supreme or appellate courts. Candidates for legislative office, circuit court and county clerk file with the Secretary of State and election authority of the candidate's place of residence. There are varying requirements for other candidates.

Other required reports include an organization statement, appointment of campaign treasurer and campaign committee, and special report of large contributors attempting to influence executive branch decisions.

An Attorney General's opinion (Op. Atty. Gen. No. 119, Kirkpatrick, 8-29-83) held that records of the campaign reporting division of the secretary of state's office are open to the public.

## MONTANA

**Access to Voter Registrations:** Mont. Code Ann. §13-2-122 (2003): Upon written request, the registrar shall provide copies, at actual cost, of elector lists and mailing labels to any elector for non-commercial use.

**Access to Polling Places:** Mont. Code Ann. §13-35-211 (2003): No person may conduct an exit poll within the polling place.

**Campaign Finance Reporting:** Mont. Code Ann. §13-37-201 - 231 (2003): All candidates and political committees must file campaign finance reports. The reports must include information concerning donations, expenditures, loans, debts and obligations. An itemized list of total donations of \$35 or greater is necessary. A list detailing transfers of funds, loans, obligations owed to political committees and candidates, proceeds from fundraisers, expenditures and obligations owed by political committees and candidates must also be filed. Other necessary reports include certification of the campaign treasurer and their deputies, political committee statements of organizations and business disclosure statements.

The Commissioner of Political Practices and election administrator of a county where a candidate is a resident or political committee has its headquarters monitors the filing of campaign finance reports.

## NEBRASKA

**Access to Voter Registrations:** Neb. Rev. Stat. §32-330 (1998): The voter registration register shall be a public record. Any person may examine the register at the office of the election commissioner or county clerk, but shall not be allowed to make copies of the register. The election commissioner or county clerk shall withhold information in the register designated as confidential.

**Access to Polling Places:** Neb. Rev. Stat. §32-1525 (1998): No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference, within 20 feet of the entrance of any polling place or within 100 feet of any polling booth.

**Campaign Finance Reporting:** Neb. Rev. Stat. §§49-1413-1469 (1998): All candidate committees, political party committees, independent committees and ballot question committees, after raising or spending more than \$2,000 in one year, must file finance reports. The reports by non-party committees must include itemized lists of contributions more than \$100. Party committees must include information concerning donations and expenditures, including an itemized list of all donations more than \$100 and all expenditures.

## NEVADA

**Access to Voter Registrations:** Nev. Rev. Stat. Ann. §293.503 (Michie 2002 & Supp. 2003): All books, documents and papers pertaining to registration are official records of the office of the county clerk. Except for information relating to where a person registers to vote, all records maintained by the county clerk must be available for public inspection.

**Access to Polling Places:** Nev. Rev. Stat. Ann. §293.730 (Michie 2002 & Supp. 2003): A person may not remain in or outside of any polling place so as to interfere with the conduct of the election. One may not ask a person inside a polling place for whom he or she intends to vote, his name, address or political affiliation.

Nev. Rev. Stat. Ann. §293.740 (Michie 2002 & Supp. 2003): It is unlawful inside a polling place to speak to a voter on the subject of voting, to do any electioneering or to ask any person to solicit a vote.

**Campaign Finance Reporting:** Nev. Rev. Stat. Ann. §294A.120 - .370 (Michie 2002 & Supp. 2003): All candidates must file reports of campaign finance. Reports must be filed by people, businesses or other organizations that make candidate-related independent expenditures of more than \$100. Ballot question advocacy individuals and groups whose expenditures are greater than \$100 must file.

Candidate filings must include information concerning campaign donations and expenditures, including an itemized list of donations more than \$100. Other required filings include the registration of committee for political action and candidate financial disclosure statements.

The Secretary of State monitors filings for candidates for statewide or multi-county district offices. The county clerk oversees filings for candidates for state senator or assemblyman voted on in a single county, county or township office. The city clerk monitors filings by candidates for city office.

## NEW HAMPSHIRE

**Access to Voter Registrations:** N.H. Rev. Stat. Ann. §654:31 (1996 & Supp. 2003):

The voter checklist is open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. A reasonable fee may be charged.

**Access to Polling Places:** N.H. Rev. Stat. Ann. §659:37 (1996 & Supp. 2003): No person may attempt to interfere with any voter in the voting area or try to get any voter to tell how he or she will vote.

**Campaign Finance Reporting:** N.H. Rev. Stat. Ann. §664:3-18 (1996 & Supp. 2003): Candidates for governor, councilor, state senator, representative to general court and county office who spend more than \$500, and political committees whose receipts or spending exceeds \$500 must file finance reports with the state. The reports must include details on all receipts and expenditures, including an itemized list of donations more than \$25 and all spending. The Secretary of State monitors all filing.

Other reports that must be filed with the state include non-party political committee registration statements.

## NEW JERSEY

**Access to Voter Registrations:** N.J. Stat. Ann. §19:31-18.1 (West 1999 & Supp. 1995): Each county clerk must furnish to any voter a copy of the list for 25 cents per page. The clerk will also furnish the information electronically where available. A 2001 decision in the New Jersey Superior Court's Appellate Division held that voters must be allowed to declare an alternative party affiliation on their voter registration records.

**Access to Polling Places:** N.J. Stat. Ann. §19:34-6 (West 1999 & Supp. 2004): No person may tamper, deface or interfere with any polling booth or obstruct the entrance to any polling place, or obstruct or interfere with any voter, or loiter, or do any electioneering within any polling place or within 100 feet of any polling place.

**Campaign Finance Reporting:** N.J. Stat. Ann. §19:44A-1 - 44, 19:44B-1 - 10 (West 1999 & Supp. 2004): All candidate committees, joint candidates committees, political committees, continuing political committees, political party committees and legislative leadership committees need not file periodic reports if total expenditures are less than \$2,000. However, total donations beyond \$200 from one source still would have to be reported. Reporting exemptions are provided for political committees and continuing political committees.

The reports must include information about loans, paid services, and other things of value donated, as well as monies spent. This includes an itemized list of all donations in excess of \$200.

The New Jersey Election Law Enforcement Commission oversees filing requirements.

Other reports that must be filed include a certificate of organization of the candidate committee, registration for a political committee, candidate financial disclosure statement for certain offices, and reports of authorized solicitation with new proceeds more than \$200. Candidates who file a sworn statement that the amount spent in pursuit of office won't exceed \$2,000 per individual candidacy and \$4,000 for joint candidates are not required to submit campaign treasurer reports.



## NEW MEXICO

**Access to Voter Registrations:** N.M. Stat. Ann. §1-5-24 (Michie 1978 & Supp. 2003): The county clerk will furnish statistical data, voter registration data, mailing labels or special voter lists only upon written request to the county clerk, except that social security numbers, codes used to identify agencies where voters have registered, birth dates and telephone

numbers will not be released. Each requester must sign an affidavit that the voter data will be used for governmental or election and election campaign purposes only and will not be used for unlawful purposes.

**Access to Polling Places:** N.M. Stat. Ann. §1-20-16 & 17 (Michie 1978 & Supp. 2003): No electioneering is allowed within 100 feet of the polling building. Obstructing the polling place includes approaching nearer than 50 feet from any polling place during the conduct of the election unless the person is a voter, appointed watcher or election official.

**Campaign Finance Reporting:** N.M. Stat. Ann. §1-19-26 - 37 (Michie 1978 & Supp. 1995): All candidates or the treasurers of their campaign committees and treasurers of political committees must file campaign finance reports, unless the candidate will spend less than \$1,000. These reports must include an itemized list of all contributions and expenditures. Candidates must file itemized reports for all contributions and expenditures of \$250 or more.

The Secretary of State monitors filings for statewide elective offices, multi-county state legislative offices, judicial offices, multi-county district offices, and political committees. The county clerk monitors filings for county elective offices, magistrates and single-county state legislative offices.

## NEW YORK

**Access to Voter Registrations:** N.Y. [Elec.] Law §5-602 (McKinney 1998 & Supp. 2004): At least five copies of registration records must be kept at all times at each main office of the board of elections for public inspection. Copies of registration lists must

be sold at the cost of producing copies.

**Campaign Finance Reporting:** N.Y. [Elec.] Law §14-102 - 124 (McKinney 1998 & Supp. 2004): All candidates and political committees must file finance reports. However, exceptions to the need for filing are granted to candidates or their political committees that spend less than \$50 per year or less than \$1,000 in an election cycle, before an uncontested race, or if the election is taking place in a city or town with fewer than 10,000 residents (unless contributions and expenditures exceed \$1,000).

The reports must include details of donations and expenditures. An itemized list of donations of \$100 or more, as well as of expenditures of \$50 or more, must be submitted as part of the required reports as well.

Candidates must submit reports to the State Board of Elections if they are running for the office of presidential elector, state executive or legislative office, supreme court justices, constitutional convention delegates and multi-county party positions. Other offices, except village offices and party positions in a single county or New York City, must file with the appropriate city or county board of elections. Political committees must file with the State Board of Elections unless it is a committee only taking part in an election of a candidate to fill a local board of elections, in which case they would file with the local board. County political committees must file with the county board.

Other reports that must be filed include candidate or authorized committee statement on receipts and expenditures, designation of a political committee treasurer and political committee authorization statement.

## NORTH CAROLINA

**Access to Voter Registrations:** N.C. Gen. Stat. §163-66 (2003): It is the duty of the county board of elections, on application of any candidate, or the county chairman of any political party, or any other person, to provide a list of all registered voters in the county or in any of its precincts. Persons who request a "selective list" of a certain categorical cross-section must reimburse the board for any costs incurred in their compilation.

**Access to Polling Places:** N.C. Gen. Stat. §163-147 (2003): No loitering or electioneering is allowed within 50 feet of a polling place.

**Campaign Finance Reporting:** N.C. Gen. Stat. §§163-278.6-.40I (2003): All candidates, political committees, referendum committees and individual contributors or spenders of more than \$100 must file campaign finance reports. Exemptions are given, however, to town and county offices in cities and counties of fewer than 50,000. Candidates and political party committees whose donations and spending will be less than \$1,000 may also be exempted from reporting.

Reports must include information on donations, loans and expenditures, including an itemized list of contributions more than \$100, media expenses, and non-media expenses more than \$50.

The State Board of Elections monitors filings by political committees, and individuals donating or spending more than \$100 on state and multi-county races, as well as statewide referenda. County Boards of Elections monitor the filing of candidates, political committees and individuals who donate or spend more than \$100 on races for single count district, county and municipal offices.

Other documents which must be filed include the organizational reports of candidates, political committees and referendum committees and reporting exemption certification.

#### **NORTH DAKOTA**

**Access to Voter Registrations:** North Dakota does not have voter registration.

**Access to Polling Places:** N.D. Cent. Code §16.1-10-06 (2004): No one may question, solicit or in any way try to induce or persuade any voter on election day.

§16.1-10-06.2: No person may, within 100 feet of a polling place, attempt to sell, solicit for sale, advertise for sale or distribute any merchandise, product, literature or service.

**Campaign Finance Reporting:** N.D. Cent. Code §§16.1-08.1-01 - 07 (2004): All candidates for statewide or legislative office who receive donations totaling more than \$200 per year must file reports, as must political parties that get more than \$200 and donate money to a statewide or legislative office candidate in excess of \$200. Political committees and people who receive donations of more than \$200 a year for statewide referenda questions must also file reports.

Candidates' reports must include an itemized list of contributions in excess of \$100. Political parties must submit an itemized list of contributions and expenditures more than \$100. Political committees must submit an itemized list of contributions more than \$200 and expenditures more than \$100. Also, referendum committees must file an itemized list of contributions more than \$100.

Filings of most state candidates, committees and parties are monitored by the Secretary of State. State legislative candidates file with the county auditor in the candidate's county of residence. Other reports that must be filed include political committee registration and candidate statements of financial interests.

#### **OHIO**

**Access to Voter Registrations:** Ohio Rev. Code Ann. §3503.13 (Baldwin 1996 & Supp. 2003): Except as otherwise provided by state or federal law, the registration records shall be open to public inspection at all times when the office of the board is open for business, as long as all inspections of the records are done in the presence of an employee of the board.

**Campaign Finance Reporting:** Ohio Rev. Code Ann. §§3517.01 - .18 (Baldwin 1996 & Supp. 2003): All committees and political parties must file campaign finance reports. Reports must include itemized lists

of donations and expenditures, unless the contribution is less than \$25 from a person at one social or fundraising activity.

The Secretary of State monitors filings for statewide and state board of education offices, state political committees, and state and national political parties. The County Board of Elections oversees offices in county and multi-county districts, county political committees and county political parties.

Other reports that must be filed include statements of no contributions and expenditures from a candidate's campaign committee, candidates personal financial disclosure statements and termination of a candidate's campaign committee or political committee.

#### **OKLAHOMA**

**Access to Voter Registrations:** Okla. Stat. Ann. tit. 26, §4-115 (West 1997 & Supp. 2004): The secretary of each county election board will maintain the card of every registered voter in the county in a central registry in alphabetical order.

**Access to Polling Places:** Okla. Stat. Ann. tit. 26, §7-108.1-108.5 (West 1997 & Supp. 2004): Anyone who wants to conduct an exit poll within 300 feet of any ballot box must notify the secretary of the county. Any such pollster must display identification prescribed by the State Election Board at all times. Prohibitions against electioneering in §7-108 tit. 26 applies to any pollster. No pollster may be allowed within 50 feet of any ballot box while an election is in progress. Pollsters may only approach voters who have finished voting. Pollsters are limited to written polling. Any oral interviews of voters or recording by electronic means shall be no closer than 150 feet to any ballot box.

**Campaign Finance Reporting:** Okla. Stat. Ann. tit. 74, §4249-4258 (West 1997 & Supp. 2004): All candidates, candidate committees and other committees accepting contributions or making expenditures must file finance reports. Included in the report must be an itemized list of donation and expenditure details of donations totaling more than \$50. An itemized list must be included of all non-candidate committee donations of more than \$50 to other committees.

The State Ethics Commission oversees county and state candidates and their committees and other non-local committees. The clerk of a political subdivision town and school board candidates and committees supporting and opposing committees.

#### **OREGON**

**Access to Voter Registrations:** Or. Rev. Stat. §247.945 (1999): The county clerk, upon request prior to 45 days before an election or primary, will deliver to any person a list of electors for a price of the actual cost of creating the list. A record of all people who request a list of electors will be kept by the county clerk. Or. Rev. Stat. §247.955 (2003): No person may use a list of electors, or any information within that

list, for commercial purposes.

**Campaign Finance Reporting:** Or. Rev. Stat. §§260.005-.083 (1999): Candidates, campaign committees, political committees, and chief petitioners for an initiative must file finance reports including an itemized list of aggregate donations of more than \$50 (\$100 for a statewide office candidate) and expenditures of \$100 or more.

The Secretary of State monitors statewide offices, as well as state and congressional district offices. The county clerk is in charge of filings by candidates for non-city offices within a county, as well as for multi-county district offices if the officer is located in that county. The chief city election officer oversees filings for city office candidates.

Other reports that must be filed include certification that neither total donations nor aggregate expenditures will exceed \$500, a statement of organization for political committee treasurer and a statement of economic interest.

#### **PENNSYLVANIA**

**Access to Voter Registrations:** 25 Pa. Cons. Stat. Ann. §2622 (1994/04): The records of the Secretary of the Commonwealth and all returns, nomination petitions, certificates and papers, other petitions, accounts, contracts, reports and other documents and records in his custody are open to public inspection and may be inspected and copied by any qualified elector of the state during ordinary business hours. However, inspection must be done in the presence of the secretary or an employee.

**Access to Polling Places:** 25 Pa. Cons. Stat. Ann. §3060 (1994/04): Until the polls are closed, no person shall be allowed in the polling place outside of the enclosed space at any primary or election, except the watchers, voters and officers. No distribution of printed material is permitted within the polling place.

**Campaign Finance Reporting:** 25 Pa. Cons. Stat. Ann. §§3241-3260 (1994): Candidates and political committees must file reports if the amount donated or spent or debts incurred is more than \$250 during a reporting period. The reports must include an itemized list of donations in excess of \$50, all expenditures and all debt information.

A candidate report is filed with the office where the candidate originally filed the nomination materials. Other reports which must be filed include statement of registration by political committee, report of independent expenditures more than \$100 and candidate statements of financial interest.

#### **RHODE ISLAND**

**Access to Voter Registrations:** R.I. Gen. Laws §17-9.1-14 (2003): Except as otherwise provided, registration cards are public records and are open to public inspection and copying at reasonable times. The cards are kept in the custody of the local elections boards.



**Access to Polling Places:** R.I. Gen. Laws §17-23-15 (2003): No person may conduct any poll of voter opinion within 50 feet of the entrance to a building in which voting is being conducted.

**Campaign Finance Reporting:** R.I. Gen. Laws §§17-25-7 - 15 (2003): All candidates, political action committees and state and town party committees that receive contributions of more than \$100 from one source or spend more than \$1,000 in a year must file reports that itemize total contributions more than \$100 and expenditures more than \$100. Other reports that must be filed include appointment or campaign treasurer, notice of formation of committees and independent expenditures more than \$100.

The reports are filed with the State Board of Elections.

## **SOUTH CAROLINA**

**Access to Voter Registrations:** S.C. Code Ann. §7-5-410 (1976 & Supp. 2003): The official registration records are public records open to the inspection of any citizen at all times and will not be removed from the office by anyone but the board of registration.

**Campaign Finance Reporting:** S.C. Code Ann. §§8-13-920 - 1352 (1976 & Supp. 2003): All candidates and committees must file reports that include itemized lists of all donations in excess of \$100 and all expenditures.

The State Ethics Commission oversees the filings of all non-legislative candidates and non-legislative committees, while the state senate or house ethics committees monitor filings of candidates and caucus committees.

Other required reports include committee statements of organization, candidate statements of economic disclosure and lobbyists' expenditure reports.

## **SOUTH DAKOTA**

**Access to Voter Registrations:** S.D. Codified Laws Ann. §12-4-9 (1995 & Supp. 2003): The list of registered voters in each county auditor's office is available for public inspection during regular office hours. Access to social security numbers and driver license numbers is restricted.

**Campaign Finance Reporting:** S.D. Codified Laws Ann. §§12-25-1 - 19 (1995 & Supp. 2003): Reports must be filed by state executive, legislative and county candidates and their committees, as well as political action committees. Political party committees and ballot question organizations must also file reports. The reports must include valuable donations, debts or expenditures, including itemized lists of all those more than \$100.

The Secretary of State oversees most filings, except those for county offices, their committees and persons and committees involved in non-statewide ballot question. Other important filings include candidate statements of financial interest and the state executive office holder's yearly statement of donations and expenditures.

## **TENNESSEE**

**Access to Voter Registrations:** Tenn.

Code Ann. §2-2-127 (1999/04): Permanent registration records are public records and are available for public inspection in the office of the election commission.

**Access to Polling Places:** Tenn. Code Ann. §2-7-103 (1995/04): The press is permitted in the polling place during elections. No one else is allowed in the polling place during elections except for election officials, voters, people properly assisting voters and appointed poll watchers.

**Campaign Finance Reporting:** Tenn. Code Ann. §§ 2-10-102-107 (1994 & Supp. 1995): All candidates

and political campaign committees must file finance reports with the state. The reports must include donation and expenditure details, such as itemized lists of all donations, in-kind contributions and spending of funds more than \$100. If total donations are less than \$1,000, detailed reporting is not required.

Other required filings include certification of political treasurers, candidate financial interest disclosures and yearly reports of registered lobbyists disclosing donations made.

State office candidates and their campaign committees file with the Registry of Election Finance. All others file with the appropriate county election commission.

## **TEXAS**

**Access to Voter Registrations:** Tex. [Elec.] Code Ann. §18.008 (2003 & Supp. 2004): The registrar must furnish a copy of any list prepared under the voter registrations laws to any person requesting it.

**Access to Polling Places:** Tex. [Elec.] Code Ann. §§61.001 & .003 (2003 & Supp. 2004): Bystanders may not be in the polling place during the election proceedings. Electioneering and loitering are forbidden within 100 feet of the polling place.

**Campaign Finance Reporting:** Tex. [Elec.] Code Ann. §§251.001 - 255.008 (2003 & Supp. 2004): All candidates, officeholders, specific-purpose political committees and most general-purpose political committees must file finance reports. The reports must include information on loans, contributions and expenditures, as well as itemized lists of all total contributions, loans and expenditures more than \$50. Other required reports include reports of contributions to parties from corporations or labor unions, declaration of intent not to exceed \$500 aggregate donations and candidate financial statements.

State-wide candidates and committees file with the Texas Ethics Commission, county candidates and committees file with the county clerk, and local candidates and committees file with the clerk or secretary of the county sub-division.

## **UTAH**

**Access to Voter Registrations:** Utah Code Ann. §20A-2-308 (2003): The lieutenant governor will preserve registration records and make the names and addresses of registered voters open to inspection. Copies of registration lists will be made available at a reasonable cost.

**Access to Polling Places:** Utah Code Ann. §20A-3-501 (2003): No electioneering, petition solicitation, disruptive acts or obstruction of voters is allowed within 150 feet of a polling place on election day.

**Campaign Finance Reporting:**

Utah Code Ann. §20A-11-101-§20A-11-803 (2003): Most state, county and city office candidates, candidate committees, political action committees or corporations who expend more than \$750 a year in contributions must file finance reports.

Candidates for state executive office must include information on donations and expenditures and itemized lists for contributions in excess of \$50 and all expenditures. County candidates must include itemized lists of all contributions more than \$50 and all expenditures. Political action committees must itemize all contributions more than \$150 and all expenditures. Issues committees must itemize all total contributions and expenditures more than \$50.

Newspapers must file a statement of ownership with the county clerk prior to printing any materials that could influence any voting at an election.

The lieutenant governor monitors most filings, except county office candidates who register with the county, and city candidates who register with the city.

## **VERMONT**

**Access to Voter Registrations:** Vt. Stat. Ann. tit. 17, §2141 (2002 & Supp. 2003): Copies of voter registration lists are available free to political parties and at cost to all other individuals through the local clerk's office.

**Campaign Finance Reporting:** Vt. Stat. Ann. tit. 17, §2801 - 2832 (2002 & Supp. 2003): All state executive and legislative candidates, local office candidates and political committees accepting contributions or spending in excess of \$500 must report all donations and expenditures, including itemized lists of all contributions in excess of \$100. Financial reports are filed with the Secretary of State.

Other required reports include designation of a treasurer and registration of political committees making or receiving more than \$500 per year.

## **VIRGINIA**

**Access to Voter Registrations:** Va. Code Ann. §24.2-405 (Michie 2003 & Supp. 2004): The state Board of Elections must give a



district-based list of registered voters at a reasonable price to courts, election candidates, political party committees, incumbent officeholders, and nonprofit organizations promoting voter participation. Registration lists cannot include the social security numbers of voters. Va. Code Ann. §24.2-444 (2003): Registration records are open to the general public when the office is open for business.

*Mahan v. National Conservative Political Action Committee*, 315 S.E. 2d 829 (Michie 2003 & Supp. 2004): The Equal Protection clause of the Fourteenth Amendment forbids the legislature from making the voting lists available to some political advocates and not others.

**Campaign Finance Reporting:** Va. Code Ann. §§24.2-900-930 (Michie 2003 & Supp. 2004): All candidates, campaign committees, political committees and inaugural fund committees must file finance reports with the state. Certain state, county and city political committees are exempted from reporting requirements. The reports must contain information concerning donations, spending and loans, as well as an itemized list of all total contributions in excess of \$100 and all expenditures. The state Board of Elections monitors all statewide office races, political committees and individuals.

The electoral board where a candidate resides monitors all candidates for general assembly and local office.

Other required reports include appointment of campaign treasurer, committee statements of organization and candidate statements of economic interest.

## WASHINGTON

**Access to Voter Registrations:** Wash. Rev. Code Ann. §29.07.130 (West 2000 & Supp. 2004): Registration cards are kept on file with the office of the Secretary of State and each county auditor. Most identifying information is available for public inspection and copying.

Wash. Rev. Code Ann. §29.04.110 (West 2000 & Supp. 2004): Any voter information given on computer file or disk may not be used for advertising or solicitation of money, but only for a political purpose.

**Campaign Finance Reporting:** Wash. Rev. Code Ann. §§42.17.010-.245 (West 2000 & Supp. 2004): All political campaign and lobbying contributions and expenditures in state and county campaigns must be fully disclosed to the public. Political committees must file a statement of organization.

Reports must be filed with the county or elections auditor on a monthly basis, but twice in the month preceding the election and again 10 days after the election. Reports must include the names and addresses of each indi-

vidual and group who contributed to the campaign, and the name and address of each person upon whom at least \$50 was expended during the period covered by the report.

All businesses accepting commercial advertisements must maintain records open to the public for at least three years for each person from whom it accepted political advertising and the extent and nature of services rendered.

## WEST VIRGINIA

**Access to Voter Registrations:** W.Va. Code §3-2-30 (Michie 2002 & Supp. 2004): Registration records are open to the public during clerk office hours but may not be used for commercial purposes.

**Access to Polling Places:** W.Va. Code §3-9-6 (Michie 2002 & Supp. 2004): No person may enter the polling place except to vote or perform an officially sanctioned duty. Also, no person may remain within 300 feet of the entrance of the polling place.

**Campaign Finance Reporting:** W.Va. Code §§3-8-2-9 (Michie 2002 & Supp. 2004): All candidates, party committees, and organizations endorsing or opposing a candidate must file finance reports with the state. The reports must have itemized lists of donations and spending, including the names of every donor and the amount donated.

The Secretary of State monitors statewide and multi-county races for office. All other filings are overseen by the clerk of the county commission. Other required reports include designation of political committee treasurer, candidate financial disclosure and notices of existence for political action committees.

## WISCONSIN

**Access to Voter Registrations:** Wis. Stat. Ann. §6.45 (West 2004): All registration lists, including supplemental lists, are open to public inspection at all times through the office of the local clerk.

**Campaign Finance Reporting:** Wis. Stat. Ann. §§11.01-11.70, 11.265 (West 2004): Candidates, campaign committees, political committees, and individuals who spend money on a campaign issue must file finance reports. The reports must include information concerning donations and spending, with itemized lists of donations and expenses in excess of \$20.

The state elections board oversees filings for state candidates, parties, political committees and individuals involved in statewide office races or referenda. City and county clerks monitor filings of local office candidates and committees.

Other required filings include independent candidate disbursements, registration termination and suspension reports and conduit reports.

## WYOMING

**Access to Voter Registrations:** Wyo. Stat. §22-3-109 (2003): The county clerk must post voter registration lists in a prominent place in the county courthouse.

**Access to Polling Places:** Wyo. Stat. §22-26-113 (2003): There is no electioneering permitted within 100 yards of the polling place on the day of the election. This does not include exit polling by the news media.

**Campaign Finance Reporting:** Wyo. Stat. §§22-25-101-115 (2003): All candidates, campaign committees, political action committees, state and county political party committees and organizations for referendum questions must file finance reports with the state. The reports must include itemized lists of all donations of \$25 or more, as well as spending and debt information.

The secretary of state monitors statewide office candidates, state and county political committees, state legislative and district judge candidates and their committees. County clerks monitor all other filings.

Candidate campaign committees and political action committees must file statements of formation. ♦

## CITATIONS

*Allen v. Combined Communications*, 7 Med. L. Rptr. 2417 (Colo. Dist. Ct. 1981)

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*National Broadcasting Co. v. Communications Workers of America*, 860 F.2d 1022 (11th Cir. 1988)

*Times-Picayune Publishing Corp. v. Lee*, 15 Med.L.Rep. 1713 (E.D. La. 1988)

*Washington Daily Herald Company v. Munro*, 838 F.2d 380 (9th Cir. 1988)

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