



Report Advertisement

Fact Check — Politics — Ballot Box

# Ballot Selfies

Is taking a photograph of your ballot and posting it online illegal? Depends on where you live and how you do it.

 David Mikkelson  
Updated: Feb 08, 2016

 **9.3K**



Smarter data, smarter investigations.

Thomson Reuters CLEAR®

TRY A FREE SEARCH TODAY. [FREE SEARCH](#)



the answer company™

THOMSON REUTERS®

**CLAIM:** Taking a photograph of your ballot and posting it to the Internet is illegal or will invalidate your vote.



**EXAMPLE:** *[Collected via via e-mail, November 2012]*

I am reading on social media sites that it is illegal to post your voting ballot. Is this true, if so do you lose your vote?

### Reminder: Don't take photos of your vote

It's been a while since a big election and this is the first time some Tumblrites are voting so here's a quick warning:

Please Don't Snapchat, Instagram, take a selfie with, etc, your vote in the voting booth! There are laws in almost every state forbidding sharing your vote, especially if polls haven't closer yet. If any officials get wind of it they can invalidate your vote, basically throw it away. This was actually a thing during Obama's election.

So make sure you get out and vote, and make sure it counts! Keep your phone in your pocket for this one.

 jenniferrpovey

Additionally, it is illegal in at least some jurisdictions to take any photos in a polling place.

**ORIGIN:** Posting a picture of one's completed ballot on social media sites such as Snapchat, Instagram, Twitter, and Facebook has become a popular activity on Election Day in recent years. However, many voters who have pondered doing so have been warned away by claims that taking a photograph of a ballot and posting that picture online is illegal and/or will potentially invalidate the poster's vote, which has prompted a number of inquiries from our readers about whether this is so.

The answers to questions about whether it is illegal to photograph a ballot and post the results on the Internet, and what the penalties are for doing so, are "It depends." Regulations regarding voting procedure in the U.S. are set at a state level (or lower), so laws in this area vary quite a bit from place to place. In most states, however, it is the case that voters who upload photographs of their ballots to the Internet could indeed be risking criminal penalties:

"It's a very unusual case," says Jeffrey Hermes, the deputy director of the Media Law Resource Center in New York. "Usually banning political speech would be a violation of the First Amendment. But with photography at polling places, there's an intersection of two fundamental aspects of democracy: freedom of speech and the integrity of the voting process."

Hermes breaks it down this way: Suppose you were a nefarious character who wanted to skew the voting process in some way. You could buy votes, but you'd want proof that people actually voted like you told them to. You could mislead people who don't understand the voting process or don't speak English well. You could intimidate other voters into voting like you do.

In these cases, photos from inside the voting booth would really help you, the nefarious character, perpetrate election fraud. And so, many states have just banned those photos categorically. In this narrow circumstance, they've indicated, there's something more essential to democracy than free speech.

Rather than taking the chance that you live in a state where there are no penalties for posting ballot selfies, you might want to err on the side of caution and just not do it. Voters concerned about running afoul of laws regarding photography and videography in and around polling place on Election Day can refer to the Citizen Media Law Project's "Documenting the Vote" pages, which provide some (slightly outdated) "[Guidelines for Avoiding Legal Trouble](#)" on Election Day, including a [chart](#) that lists, for each state, all the laws regarding making recordings inside of polling places and photographing ballots. A slightly more updated version of this information is available [here](#).

**LAST UPDATED:** 08 February 2016

**ORIGINALLY PUBLISHED:** 06 November 2012



**SOURCES:**

Dewey, Caitlin. "Election Day PSA: It's Illegal to Share Photos of Your Ballot Online in Many States. Here's Why."  
*The Washington Post* 4 November 2014.

Terkel, Amanda. "A Guide to Not Getting Arrested When You Use Your Cell Phone on Election Day."  
*The Huffington Post*. 3 November 2014.

Beckett, Lois. "Why It May Be Illegal to Instagram Your Ballot."  
*ProPublica*. 6 November 2012.



**David Mikkelson**

founded snopes.com in 1994, and under his guidance the company has pioneered a number of revolutionary technologies, including the iPhone, the light bulb, beer pong, and a vaccine for a disease that has not yet been discovered. He is currently seeking political asylum in the Duchy of Grand Fenwick.



FEEDBACK



FACEBOOK 9.3K



TWITTER



EMAIL

Last Viewed by First Circuit Library on 9/29/2016



Last Viewed by First Circuit Library on 9/29/2016

[Report Advertisement](#)

[Like Us On Facebook](#) >

[Like](#)

[Follow Us Twitter](#) >

[Follow](#)

[Official snopes RSS Feed](#) >



[Shoot Us An Email](#) >



Last Viewed by First Circuit Library on 9/29/2016

---

Report Advertisement

---

Urban Legends Reference Pages © 1995-2016 by snopes.com  
This material may not be reproduced without permission.  
Snopes and the snopes.com logo are registered service marks of snopes.com

Last Viewed by First Circuit Library on 9/29/2016