



COMMONWEALTH OF KENTUCKY
OFFICE OF THE SECRETARY OF STATE
MICHAEL G. ADAMS

April 23, 2020

The Honorable Andy Beshear
Governor, Commonwealth of Kentucky
Kentucky State Capitol, Suite 100
Frankfort, KY 40601

Dear Governor Beshear:

Pursuant to the authority granted to me, Secretary of State of the Commonwealth of Kentucky and its chief election official, by the Kentucky General Assembly and enacted at Kentucky Revised Statutes section 39A.100(1), I hereby recommend that you declare by executive order that the manner of the Democratic and Republican primary elections, special elections and local option elections now scheduled to be held on June 23, 2020, be conducted consistent with the following procedures:

1. The Governor will take such action as is necessary to match \$1,293,541 in state funds against, and in order to secure, the maximum matching federal funds available for pandemic-related election costs.
2. The State Board of Elections by emergency regulation shall provide that it defines the term "medical emergency," undefined by Kentucky Revised Statutes section 117.077, to include "a reasonable fear of infection or transmission during a state of public health emergency declared by the Governor."
3. The State Board of Elections by emergency regulation shall provide that, notwithstanding Kentucky Revised Statutes section 117.077, an application for an absentee ballot due to a medical emergency a) shall not require the applicant to state that the emergency condition occurred within 14 days of the election, b) need not be notarized, and c) shall entitle the applicant, upon verification of the application, to vote absentee, by mail or in person, if otherwise a lawful voter.
4. The State Board of Elections by emergency regulation shall adopt a new version of current SBE 45, Medical Emergency Application for an Absentee Ballot, with such form to no longer a) require the applicant to state that the emergency condition occurred within 14 days of the election, or b) be notarized. The new form shall be titled "Medical Emergency Application to Vote Absentee" and upon verification shall entitle the applicant to vote absentee, by mail or in person, if otherwise a lawful voter.

5. The State Board of Elections by emergency regulation shall empower all county clerks to conduct in-person absentee voting on June 8-13, 2020, June 15-20, 2020, and June 22, 2020. This provision shall not prevent any county clerk with the ability to offer in-person absentee voting at an earlier date to do so, nor shall it require a county clerk to conduct in-person absentee voting on a Saturday if the county clerk deems it infeasible. Voters shall be prioritized by appointment. The location(s) of the in-person absentee voting may be outside of the county clerk's office, but must be in secured area(s) monitored by law enforcement. County clerks, with assistance from the State Board of Elections and Secretary of State, shall publicize the location(s) where in-person absentee voting shall occur. In the conduct of in-person absentee voting, appropriate precautions shall be taken consistent with Centers for Disease Control guidance, and the State Board of Elections shall provide materials to assist in proper sanitization. The State Board of Elections by emergency regulation shall instruct county clerks to implement in-person absentee voting procedures that limit direct contact between individuals, whether poll workers or voters. Such procedures shall promote a method of voting, such as drive through voting, whereby poll workers do not come into contact with voters.
6. The State Board of Elections by emergency regulation shall empower all county clerks to reduce the number of sites for in-person voting on June 23, 2020. The State Board of Elections is directed to consider 2020 Regular Session House Bill 596, Sections 1 and 5, for guidance, but is not limited to its terms. Voters shall be prioritized by appointment. County clerks, with assistance from the State Board of Elections and Secretary of State, shall publicize the location(s) where in-person voting shall occur. Such location(s) must be in secured area(s) monitored by law enforcement. In the conduct of in-person voting, appropriate precautions shall be taken consistent with Centers for Disease Control guidance and the State Board of Elections shall provide materials to assist in proper sanitization. The State Board of Elections by emergency regulation shall instruct county clerks to implement in-person voting procedures that limit direct contact between individuals, whether poll workers or voters. Such procedures shall promote a method of voting, such as drive through voting, whereby poll workers do not come into contact with voters.
7. Notwithstanding the statutory deadline established by Kentucky Revised Statutes section 117.045(1), as tolled by Governor's Executive Order 2020-236, each county board of elections shall have additional time, up to a deadline to be established in emergency regulation by the State Board of Elections, beyond the otherwise applicable deadline of April 24, 2020, to appoint precinct election officers for each voting location.
8. The State Board of Elections by emergency regulation shall provide that county clerks are permitted to utilize as precinct election officials voters who are registered as independent. The State Board of Elections is directed to consider

2020 Regular Session House Bill 596, Section 4, for guidance, but is not limited to its terms.

9. The State Board of Elections by emergency regulation shall provide that county clerks are permitted to utilize poll workers in shifts of less than 12 hours.
10. The State Board of Elections shall ensure that each county is provided access to a sufficient number of scanners capable of counting paper ballots in order to enable each county to complete a count of all ballots cast by June 30, 2020.
11. The State Board of Elections shall send via U.S. mail a non-forwarding postcard to each registered voter notifying same of the ability, and the process, to vote absentee in the June 23, 2020 elections. The postcard also shall advise voters that they make an appointment with their county clerk in order to vote in-person absentee or in person on election day. The postcard shall have a return address of the State Board of Elections, and any postcard returned as undeliverable or with a forwarding address will be tracked and the process for list maintenance established in KRS 116.112 shall be followed.
12. The State Board of Elections shall establish a secure online portal for the request of an absentee ballot by a registered voter. The requester shall provide personally identifiable information in order to request the absentee ballot. The secure online portal shall transmit the request to the county clerk of the county in which the requester is registered to vote. The county clerk shall be responsible for determining if the request is valid. The county clerk shall transmit a valid absentee ballot to the registered voter within seven (7) days of receipt but no later than seven (7) days before the election. Notwithstanding the availability of this secure online portal, a registered voter may request an absentee ballot using a traditional method of request.
13. The State Board of Elections shall establish a process for tracking absentee ballots requested, sent, and received.
14. Absentee ballots must be received by the county clerk of the voter's county of registration no later than 6:00 p.m., local time, on June 23, 2020, except that an absentee ballot postmarked on or before June 23, 2020 may be accepted until 6:00 p.m., local time, June 26, 2020. Each county board of elections shall appoint a counting committee composed of an equal number of registered Democrats and registered Republicans, to assist in counting the absentee ballots. The counting committee may begin processing absentee ballots on June 1, 2020.
15. Prior to processing an absentee ballot, the signature on the absentee ballot envelope shall be verified to match the voter's signature of record. The State Board of Elections shall establish a process for a voter to cure a mismatch

between the signature on the voter's absentee ballot envelope and the voter's signature of record, with such process to conclude on June 26, 2020.

16. The State Board of Elections by emergency regulation shall permit, and establish a process for, observation of absentee ballot counting, to be conducted consistent with Centers for Disease Control guidance.
17. The counting of ballots must be completed by June 30, 2020.
18. No person shall make public any partial election results prior to 6:00 p.m. local time, on June 23, 2020.
19. The State Board of Elections shall repeal the regulation promulgated at 31 KAR 4:160, section 7, subsection 4(c), insofar as it states: "Voting on the rescheduled election day shall be accomplished by physically appearing at the voting place. The time set by law for casting or canvassing a military, absentee, or special presidential ballot shall not be extended by the executive order rescheduling the election."
20. The State Board of Elections by emergency regulation shall establish a process for individualized contact of registered voters on its inactive voter list which prompts such voters to confirm in writing to the State Board of Elections if they have moved out of Kentucky and are no longer eligible to vote in Kentucky. Such process shall include a pre-addressed letter for the voter's benefit which includes an affirmation of intent to be removed from the voter file. By July 10, 2020, the State Board of Elections shall complete the necessary mailing.
21. The State Board of Elections by emergency regulation shall provide that the deadline for a candidate to seek a recanvass, whether for a primary election or special election to be held for June 23, 2020, shall be extended to 4:00 p.m., Eastern Standard Time, July 7, 2020.
22. The State Board of Elections is empowered to promulgate by emergency regulation any provision needed to give effect to this prescription of manner for the June 23, 2020 elections.
23. The State Board of Elections by emergency regulation shall provide that any existing regulation promulgated by the State Board of Elections that conflicts with any provision of the afore-mentioned prospective emergency regulations is suspended in pertinent part for the June 23, 2020 elections.
24. The State Board of Elections shall state in the foregoing emergency regulation(s) that no election statute or regulation is or shall be deemed as suspended, in whole or in part, unless it contradicts one or more of the foregoing terms.

This recommendation is limited to the manner of conducting the June 23, 2020 elections. To be effectuated, it must be agreed to by the Governor in the form of an executive order, and promulgated by the State Board of Elections in one or more administrative regulations, with such regulations to be approved by the Governor and Secretary of State by respective executive orders.

Any additional recommendation I may make pursuant to Kentucky Revised Statutes section 39A.100(l) will follow by separate correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Michael G. Adams". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Michael G. Adams