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April 2, 2020

*VIA ELECTRONIC MAIL*

Hon. Andy Beshear  
Governor of Kentucky  
Office of the Governor of Kentucky  
700 Capital Ave., Ste. 100  
Frankfort, KY 40601

Hon. Michael G. Adams  
Kentucky Secretary of State  
Office of the Kentucky State of State  
700 Capital Ave., Ste. 152  
Frankfort, KY 40601  
michaelg.adams@ky.gov

Jared Dearing  
Executive Director  
Kentucky State Board of Elections  
140 Walnut Street  
Frankfort, KY 40601  
jared.dearing@ky.gov

*Re: June Election Recommendations*

Dear Governor Beshear, Secretary Adams, and Mr. Dearing:

We write this letter to offer best practice recommendations for the upcoming June election.<sup>1</sup> Pursuant to the recently passed HB 351, your offices, when enacted, will have the collective power to change the “manner” and procedures for the upcoming June election. As our state strives to continue protecting Kentuckians’ health through this pandemic, it is essential that we also ensure all eligible voters can safely and easily exercise their constitutional right to vote.

Throughout the country, state and local officials are facing unprecedented challenges from the constant changes of this public health emergency. We must enact specific measures to ensure that Kentucky’s state and local officials are prepared, staffed, and resourced to run elections smoothly, efficiently, and safely. This will

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<sup>1</sup> On March 30, 2020, before passage of HB 351, which amended KRS 39A.100(1), we sent a similar letter to Mr. Dearing recommending he implement the same recommendations.



require temporarily revising current regulations and processes to find the right balance between public safety and access to the ballot box, while also safeguarding the integrity of the voting process.

To ensure elections are able to proceed during the COVID-19 pandemic, we recommend the following procedures be established regarding the manner in which the upcoming election will take place, pursuant to KRS 39A.100(l):

**1. No-excuse mail-in absentee voting for all voters**

We urge Kentucky to expand access to voting by mail, by allowing eligible voters to vote-by-mail without needing an excuse. This expansion will minimize person-to-person contact while making certain all eligible voters have the opportunity to vote without fear of spreading or contracting the novel coronavirus.

No-excuse absentee mail-in voting should allow:

- i. Every voter offered a no-excuse mail in ballot
- ii. Multiple methods of requesting an absentee ballot, such as online, at a county clerk's office, or in conjunction with voter registration services
- iii. Ballots postmarked by Election Day to be accepted and counted
- iv. Ballots to include a pre-paid and self-sealing return envelope
- v. Absentee ballots to be processed prior to Election Day

Currently, our absentee voting law (KRS 117A.010) is narrow and does not yet allow for these procedures. Therefore, we urge you to establish sufficient procedures to allow for it pursuant to KRS 39A.100(1), to ensure free, fair, and safe elections during this pandemic and state of emergency.

**2. Minimum early voting period of 14 days, including at least one Saturday and one Sunday.**

We also urge the State Board of Elections to establish emergency procedures to allow early in-person voting, including on at least one Saturday and one Sunday. In-person voting is fundamental and remains necessary for voters who have disabilities, have limited English proficiency, do not have access to postal services, or who register to vote after mail-in ballots have been sent to those who request them. While our state continues to follow the public health



recommendations of the CDC and Governor Beshear, we should allow in-person voting opportunities as permitted, while still minimizing crowding and wait times at polling locations.

### **Conclusion**

Although we are in extraordinary times, we believe adopting these best practices for the June election would ensure that every registered Kentucky voter will have the opportunity to safely and easily cast a ballot. While we work together to protect people's health and safety, we must also make every effort to protect our elections and ensure that Kentuckians can vote.

Thank you for your attention to this urgent matter. We are anxious to hear what plans you will implement for the upcoming primary and general elections; please let us know these plans as soon as possible. We are interested and willing to work with you to ensure that voters' rights are protected and kept safe during this difficult time. Should you have any questions or concerns, please feel free to contact us at [corey@aclu-ky.org](mailto:corey@aclu-ky.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Shapiro". The signature is fluid and cursive, with a long horizontal line extending to the right.

Corey M. Shapiro  
Legal Director

Cc: Morgan Eaves, [morgan.eaves@ky.gov](mailto:morgan.eaves@ky.gov)  
Dorsey Ridley, [dorsey.ridley@ky.gov](mailto:dorsey.ridley@ky.gov)