ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-296
April 24, 2020

STATE OF EMERGENCY RELATING TO KENTUCKY ELECTIONS

Background

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

To prevent the spread of disease, the Centers for Disease Control and Prevention (CDC) and the Kentucky Department for Public Health have recommended that everyone practice social distancing, meaning staying home as much as possible and otherwise maintaining six feet of distance from other individuals, to minimize the spread of the disease. Where people congregate unnecessarily, or fail to follow adequate social distancing practices, they are spreading the disease, creating scenes of an emergency.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 16, 2020, pursuant to KRS 39A.100(1)(l), I issued Executive Order 202-236, which delayed the primary election scheduled for May 19, 2020, until June 23, 2020, upon the recommendation of Secretary of State Michael G. Adams.

By letter dated April 23, 2020, Secretary of State Adams has now recommended a different manner for holding the 2020 primary election now scheduled for June 23, 2020, pursuant to KRS 39A.100(1)(l). This Executive Order accepts that recommendation, to ensure that Kentuckians can exercise their right to vote while remaining healthy at home.

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Order

I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me by the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct as follows:

1. All Kentuckians should utilize absentee voting by mail for the June 23, 2020 primary election if they are able to do so.

2. The State Board of Elections shall promulgate emergency regulations to provide for such expanded absentee voting by mail. The State Board of Elections shall, among other changes, create a secure online portal that will allow voters to request that the absentee ballot be mailed to them. The State Board of Elections shall send a postcard to each registered voter informing voters of the ability, and the process, to vote absentee by mail in the June 23, 2020 primary election.

3. The State Board of Elections shall take all reasonable steps to ensure the safety of county clerks and poll workers when direct voting (not by mail) is necessary, including, but not limited to:

    a. permitting in-person absentee voting to begin June 8, 2020;

    b. directing clerks to prioritize such voters by appointment;

    c. providing adequate personal protective equipment (PPE) and materials to assist in proper sanitization to clerks and poll workers; and

    d. instructing county clerks to implement 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.

4. The State Board of Elections shall promulgate such additional emergency regulations as are necessary to ensure that Kentuckians can safely exercise their right to vote in the June 23, 2020 primary election, while protecting the safety of Kentucky's county clerks and poll workers. The additional regulations shall be consistent with the April 23, 2020 recommendations of Secretary of State Adams, which are incorporated by reference herein. The regulations shall be subject to further approval as required by law.

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GOVERNOR

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This Order is effective April 24, 2020.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State