ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-688
August 14, 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. Pursuant to those powers, Secretary of State Michael Adams recommended a different manner for conducting the primary and special elections held on June 23, 2020.

Now, by letter dated August 14, 2020, Secretary of State Adams has recommended a different manner for holding the 2020 general election on November 3, 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 protecting themselves and their families from COVID-19.

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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 who are concerned about contracting or spreading COVID-19 may vote via absentee ballot for the 2020 general election, consistent with the expanded definition of excused absentee provided in the August 14, 2020 recommendations of Secretary of State Adams.

2. The State Board of Elections shall promulgate emergency regulations to provide for 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, and shall purchase and make available to county clerks secure dropboxes for voters to return their ballots. County clerks shall ensure dropboxes are placed in a secure location and continuously supervised.

3. The State Board of Elections shall require all clerks to conduct early in-person voting beginning October 13, 2020. In-person voting shall be available during regular business hours, and at least four hours on the three Saturdays before November 3, 2020. Voters who feel safe voting in person are encouraged to vote before November 3, 2020, to ensure appropriate social distancing can be maintained.

4. The State Board of Elections shall take all reasonable steps to ensure the safety of county clerks, poll workers, and voters for all in-person voting.

5. Counties may reduce the number of sites for in-person voting on November 3, 2020, subject to the approval of the State Board of Elections, Secretary of State, and the Governor. Each county shall establish at least one (1) site for in-person voting on November 3, 2020, which is capable of permitting any voter from that county to vote.

6. Consistent with the August 14, 2020 recommendations of Secretary of State Adams, the State Board of Elections shall promulgate emergency regulations providing that voters who are unable to obtain photographic identification because of COVID-19 are able to vote.

7. 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 2020 general election, while protecting the safety of Kentucky's county clerks and poll workers. The additional regulations shall be consistent with the August 14, 2020 recommendations of Secretary of State

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Adams, which are incorporated by reference herein. The regulations shall be subject to further approval as required by law.

This Order is effective upon filing with the Secretary of State.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State