



IDAHO
SECRETARY OF STATE
LAWRENCE DENNEY

March 27, 2020

Hon. Brad Little
Governor of Idaho
PO Box 83720
Boise, ID 83720

Dear Governor Little,

In consultation with Idaho's 44 County Clerks and in consideration of the extreme state of emergency that we now find ourselves in, I have serious concerns regarding the administration of the May 19, 2020 Primary Election. The recommendations by federal, state, and local public health authorities to limit public interactions makes the use of traditional polling places on Election Day extremely hazardous if not logistically impossible. As a result, we are considering alternative means within Idaho Code to be able to conduct this election and maintain public health and safety. ***We are specifically requesting an order to delay the election to no earlier than June 16th, providing every registered voter the opportunity to request an absentee ballot, in addition to requesting the closing of all polling locations.***

The use of polling places presents a particular challenge in light of the danger we now face as a result of the coronavirus. Election Day regularly serves as the largest public event held in Idaho. On any given Election Day hundreds, if not thousands, of voters, from all walks of life, come and go sharing common materials and space in over 900 polling places across our state. Each of these voters having close interaction with those serving as poll workers. Many of these workers have reached out to their Clerks expressing concerns for their health and the health of their voters. Similarly, Clerks are being informed by many facilities commonly used as polling places that they are not, or may not, be available for the May election. As a result, many Clerks have informed us they would need to co-locate polling locations for this election, which will only increase the number of people gathered in any one location.

Due to these concerns, we see Idaho's absentee voting process as a safer means to conduct this election under this declaration of emergency. As you know, absentee voting is not my preferred way to conduct an election. Idaho has a strong history of voting at the polls on Election Day. However, given the current circumstances, it seems prudent to take advantage of this process in order to protect our voters. A one-month delay in the election would provide the needed time to inform voters, parties, candidates and others about the changes in this process. My office is actively working with the Clerks to develop an extensive voter outreach program and ensure all registered voters have access to an absentee ballot request form. This allows all registered voters the opportunity to make the needed ballot selection and will provide them the ability to vote safely at home.

While a May Election may not feel imminent to some, it is to Idaho's County Clerks. Ballots are already being printed and efforts to prepare for the election are well underway. The federal and state deadline to mail the first absentee ballots, particularly to military and overseas voters, is April 3rd, with many other deadlines occurring shortly thereafter. If we are going to make any changes to the election process in light of the emergency declaration, we need to do so immediately. A decision of this magnitude will affect



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everyone involved in the election. I am requesting that you consult with the public health officials advising you and determine whether it is warranted to exercise your emergency powers within Idaho Code §46-1008 to make these modifications to the elections process. As the chief election officer for the State, I have consulted with the Attorney General's Office and reviewed my authority under the law and believe only you have the authority to make these changes.

I recognize that elections and politics are inherently intertwined and that some have already politicized this issue. Please know that the desire among my office and the county clerks to ensure the safety of voters is a bi-partisan one. It is my strong desire to return to our standard election practices as soon as this state of emergency subsides.

Thank you for your consideration of this unprecedented request. The Clerks and I stand ready to work with you and your team of experts to find the most appropriate method to conduct a safe, secure and accurate election.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Denney".

Lawrence Denney
Secretary of State