



IDAHO

Secretary of State's Office

May 22, 2020

To Idaho's 44 County Clerks,

In light of tonight's decision by Judge B. Lynn Winmill, U.S. Courts, District of Idaho, Idaho's deadline for the return of a request for absentee ballot to the respective county clerks of Idaho has been extended to May 26, 2020 at 8 p.m.

While we regret the additional expense and tremendous logistical strain this will place on the clerks, staff, and counties of Idaho, this is nonetheless a court-issued decision with which we will comply. I know that this is a holiday weekend, that in many cases you have given your staff time to be with their families, and that making this happen will be very difficult.

Within the decision, a scenario was presented for consideration that may have limited the scope of the reopening to only those who had tried to use the online system and failed to successfully do so. Knowing that determining this would add complexity to an already challenging situation, we did not see a means to accomplish this in a timely manner.

We also were concerned that only reopening to those with online access would provide less than equal access to ballot requests by those in our state who do not have internet access. This likewise would be unacceptable to Idahoans.

As a result, we have decided to fully reopen the absentee ballot request process to all transmission means allowed by statute through May 26, 2020 at 8 p.m. local time in each of your respective counties.

As Secretary of State, this is what I am respectfully asking of you:

1. As you have been doing, please continue to provide accessibility accommodations, including assistance in requesting a ballot, to disabled voters as requested;
2. If you received a paper ballot request following the deadline of May 19 at 8 p.m. from a registered Idaho voter and bearing the signature of that voter, accept that request and issue a ballot to that voter;
3. If prior to May 26, 2020 at 8 p.m. in your local time zone, you receive a new, complete paper ballot request from a registered Idaho voter and bearing the signature of that voter, issue a ballot to that voter;
4. If you receive a request through the Idaho online absentee ballot request application prior to May 26 at 8 p.m., issue a ballot to that voter; and
5. If a request is received from a voter that was not registered prior to 8 p.m. on May 19, 2020, do not issue a ballot.

Acceptable methods of transmission of the request for absentee ballot, as per Idaho statute, include physical delivery to the county, postal delivery, fax or electronic delivery including via email (with digital image of complete application and signature clear enough to verify), or via the ISVRS system from the online application. Regardless of the method of transmission, the

properly completed request MUST be received by your office by 8 p.m. local time on May 26 for a ballot to be issued.

We are requesting that at this point the only application that be utilized be the standard application form attached here. Again, if an applicant fails to properly complete the application or is not registered, you are not to issue a ballot.

While I also recognize that this order may mean that additional ballot materials may need to be ordered to accommodate this court decision, I am requesting that you contact your vendors immediately to try to make arrangements to that end. Notwithstanding your best efforts to get these ballots out quickly, I also recognize that some of these ballots may not arrive in time for the voter to return it to you in a timely manner. This however is beyond your control, and you are to issue the ballot regardless.

Judge Winmill was clear in that his order was not in any way to be construed as to extend the deadline for returning these additional ballots, so please reinforce in your communications the importance of timely return by June 2, 2020, by 8 p.m. local time in order to be counted. It is likely that in order to meet this timeline, most voters utilizing this extension will find themselves having to physically deliver their ballot on June 2 rather than placing it in the mail.

Again, while we regret that this is the situation we find ourselves in, I thank you and your staff members for their continued and tireless commitment to the people of Idaho and to administering elections with the highest regard to fairness and accuracy.

With my deepest appreciation,

A handwritten signature in black ink, reading "Lawrence Denney". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Lawrence Denney
Idaho Secretary of State