



*The Office of the Governor*

*Executive Department  
State of Idaho*

## ***Proclamation***

*State Capitol  
Boise*

*WHEREAS, I issued a proclamation on March 13, 2020, declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19); and*

*WHEREAS, President Trump issued a proclamation on March 13, 2020 declaring a national emergency due to the outbreak of COVID-19 in the United States and in order to implement additional measures to successfully contain and combat the virus in the United States; and*

*WHEREAS, by proclamation dated March 25, 2020, I amended my proclamation dated March 13, 2020 and declared a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to the increasing occurrence and threat to public health and safety arising from the effects of COVID-19; and*

*WHEREAS, each of those proclamations remain in effect today; and*

*WHEREAS, on March 25, 2020, at my direction and in order to slow the spread of COVID-19, the Director of the Idaho Department of Health and Welfare issued a statewide Order directing all residents of Idaho to stay home and all businesses to close, with certain exceptions for Essential Activities, Businesses, and Government Functions; and*

*WHEREAS, that Order remains effective today; and*

*WHEREAS, federal, state, and local public health authorities continue to strongly recommend limited interaction between individuals in order to reduce the spread of COVID-19; and*

*WHEREAS, citizen participation in the act of voting is essential to our republic; and*

*WHEREAS, the Idaho Secretary of State and Elected Clerks of Idaho's forty-four counties are currently preparing for the upcoming May 19, 2020 Primary and Consolidated Elections; and*

*WHEREAS, it takes approximately two (2) months to properly prepare for and execute an election; and*

*WHEREAS, Chapters 3 & 11, Title 34, Idaho Code, set out important requirements ensuring the establishment and conduct of elections via the use of polling places; and*

*WHEREAS, voting in polling places on May 19, 2020 (referred to hereafter as "Election Day") causes the mixed gathering of thousands of Idaho voters and poll workers, and poses a real and unacceptable risk to the lives of Idaho voters and poll workers and the spread of COVID-19 to other citizens; and*

*WHEREAS, the recommendations to limit interactions with others during this state of emergency has significantly decreased the availability of possible polling locations and willingness of poll workers to serve on Election Day; and*

*WHEREAS, according to the official information provided by the Idaho Department of Health and Welfare, as of the date of this proclamation, 525 Idahoans have tested positive for COVID-19 and 9 Idahoans have died due to COVID-19; and*

*WHEREAS, it is crucial to the health and safety of all Idahoans that the spread of COVID-19 be reduced so that the state's healthcare capacity is not overwhelmed by large number of cases arising simultaneously; and*

*WHEREAS, cases of COVID-19 have continued to increase in Idaho, necessitating additional measures to contain and combat the virus while protecting the constitutional rights of all Idahoans; and*

*WHEREAS, the Center for Disease Control and the State of Idaho Department of Health and Welfare have determined that individuals over the age of sixty-five (65) and individuals who are immunocompromised are more vulnerable to serious illness due to COVID-19; and*

*WHEREAS, I am informed by the Secretary of State that on average approximately 1,000 poll workers help carry out a primary election like this and that over sixty-five percent (65%) of those poll workers were over the age of sixty (60) as of 2019; and*

*WHEREAS, there is a real risk of virus spread at traditional polling places under normal election circumstances where a single precinct can see over 2,000 voters in a single day; and*

*WHEREAS, the equipment and supplies necessary to protect poll workers at traditional polling locations from COVID-19—such as face masks, face shields, gowns, hand sanitizer, and disinfectants—are in high demand and are needed in hospitals and health care facilities to keep*

*Idaho's health care workers safe, healthy and able to continue protecting and treating Idahoans at this time; and*

*WHEREAS, utilizing the existing statutory procedures for absentee voting by mail allows Idahoans to exercise their constitutional right to vote while keeping the public safe from the threats presented by the presence of COVID-19 in Idaho; and*

*WHEREAS, in addition to the use of paper application forms, the Secretary of State has already set up a website where Idaho voters can register to vote and request an absentee ballot electronically;*

*WHEREAS, I have worked with the Secretary of State and the elected County Clerks to ensure Idahoans have every opportunity to exercise their constitutional right to vote safely without risking exposure to COVID-19; and*

*WHEREAS, for all of the reasons stated herein and many others, I am convinced that the actions set out in this proclamation, including voting by mail, are necessary to protect the liberty, constitutional right to vote, lives and property of Idahoans, and to ensure necessary action to cope with the existing emergency is not prevented, hindered or delayed.*

*NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and the laws of this State, including Sections 46-601 and 46-1008, Idaho Code, do hereby find and therefore proclaim, declare, and order that:*

- 1. The proclamations I issued on March 13, 2020 and March 25, 2020 are hereby amended to incorporate this proclamation.*
- 2. This proclamation is issued in furtherance of and compliance with the Order issued at my direction by the Director of the Department of Health and Welfare on March 25, 2020.*
- 3. The requirements of the following sections of Idaho Code are suspended entirely for the duration of the 2020 Primary and Consolidated Elections:*
  - a. 34-302. DESIGNATION OF PRECINCT POLLING PLACES,*
  - c. 34-1006. COUNTY CLERKS SHALL PROVIDE ONE OR MORE "ABSENT ELECTORS' VOTING PLACE,"*
  - d. 34-1012. ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING – EARLY VOTING,*
  - e. 34-1101. OPENING AND CLOSING OF POLLS*
  - f. 34-1107. MANNER OF VOTING*
- 4. In lieu of the use of polling places on Election Day, the May 19, 2020 Primary Election and Consolidated Elections shall be conducted in accordance with the existing absentee voting by mail process set out in Chapter 10, Title 34, Idaho Code except those provisions of*

*Chapter 10 that are suspended as outlined in paragraph two (2) above or as otherwise set out herein.*

*5. The twenty-four (24) day requirement for the closing of the register of electors in section 34-408(1), Idaho Code, is suspended to provide for continuous registration up to and including Election Day. This is to maintain compliance with Federal election law while allowing voters maximum time to register prior to requesting an absentee ballot under section 34-1002(7), Idaho Code.*

*6. For the duration of the May 19, 2020 Primary Election and Consolidated Elections, the statutory requirement in section 34-1002(7), Idaho Code, below,*

*“...The application for a mail-in absentee ballot shall be received by the county clerk not later than 5:00 p.m. on the eleventh day before the election.”*

*is suspended and amended to read:*

*“...The application for a mail-in absentee ballot shall be received by the county clerk not later than 8:00 p.m. on election day.”*

*7. For the duration of the May 19, 2020 Primary and Consolidated Elections, the statutory requirement in section 34-1005, Idaho Code, below,*

*“...that an absentee ballot must be received by the issuing officer by 8:00 p.m. on the day of election before such ballot may be counted.”*

*is suspended and amended to read:*

*“...that an absentee ballot must be received by the issuing officer by 8:00 p.m. on Tues. June 2, 2020 before such ballot may be counted.”*

*8. The statutory requirement in section 34-1003(3), Idaho Code, requiring that all absentee ballot requests received prior to forty-five (45) days before an election be sent not later than forty-five (45) days prior to the election is suspended for the duration of the May 19, 2020 Primary and Consolidated Elections.*

*9. If any additional statutory requirements within Title 34, Idaho Code, conflict with orders or directives under the current state of emergency, those statutory requirements may be suspended by a directive of the Secretary of State as Idaho’s chief elections officer.*

*10. All other requirements related to the administration of elections pursuant to Title 34, Idaho Code, and any other titles, remain intact and are not impacted by this action.*

*11. The Secretary of State and County Clerks are encouraged to take diligent steps to make all Idaho registered voters aware of these changes and ensure that every eligible Idahoan has ample opportunity to exercise his or her right to vote.*

12. For the May 19, 2020 Primary and Consolidated Elections, the Canvass of votes, along with the counting of votes under Title 34, Chapter 12, may be delayed by a period not to exceed two additional weeks after the deadline for an absentee ballot to be received by the county clerk, at the discretion of and by directive of the Secretary of State.

13. Accordingly, the following deadlines for the May 19, 2020 Primary and Consolidated Elections apply:

- a. May 19, 2020, 8 p.m.: Deadline to register to vote.
- b. May 19, 2020, 8 p.m.: Deadline for county clerk to receive a request for absentee ballot by mail or by in person delivery.
- c. May 19, 2020 – 8 p.m.: Deadline for requesting an absentee ballot online.
- e. June 2, 2020 – 8 p.m.: Deadline for absentee ballots to be received by the county clerk.
- f. June 2, 2020 – 9 p.m. Mountain – Earliest time for results to be posted for May 19 Primary Election.

14. These actions are necessary to protect the liberty, constitutional right to vote, health and safety of voters, poll workers, and all citizens from COVID-19 and to ensure the necessary actions being taken to cope with the existing emergency is not prevented, hindered, or delayed and by reducing the sharing of materials and space caused by the conduct of elections in polling places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1<sup>st</sup> day of April in the year of our Lord two thousand and twenty.



*Lawrence Denney*

Lawrence Denney

SECRETARY OF STATE

Brad Little

GOVERNOR