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## **Kentucky's Inaction to Use Primary Election's Same Successful Vote by Mail Rules for November Draws Lawsuit**

### **Fair Elections Center Files Complaint on Behalf of 4 Kentucky Plaintiffs**

FRANKFORT, Ky. – Despite the success of expanded, no-excuse absentee in Kentucky's June primary election – which garnered praise from Kentucky Secretary of State Michael Adams and support of Gov. Andy Beshear – state officials have not taken action to use the same rules to make voting safe for the November general election during the COVID-19 pandemic. In response to this inaction, Fair Elections Center, Kentucky Equal Justice Center, and Kaplan Johnson Abate & Bird LLP filed a case in state court to force the state to use the same successful process and ensure a safe election in November.

As stated in the complaint:

This is an action ... to require Kentucky's election officials to extend the status quo permitting no-excuse absentee voting in the 2020 primary elections through the upcoming general election. This relief is necessary and appropriate to permit the citizens of the Commonwealth to safely vote for local, state, and national leaders during a pandemic that has required massive changes to their daily lives. By delaying Kentucky's primary until June 2020, and allowing for no-excuse absentee voting, Defendants have conceded the necessity of the relief requested. And as the best available science shows that concerns regarding COVID-19 transmission will be at least as serious in November 2020 as they are today, that relief is necessary.

“Section 6 of the state constitution provides: ‘All elections shall be free and equal,’ said Fair Elections Center Counsel Cecilia Aguilera. “Without the same rules for no-excuse absentee voting, the November general election cannot be ‘free and equal’ because voters will be forced to choose between their health and their family's health, and their fundamental right to vote.”

All four of the plaintiffs – Margaret Sterne of Calloway County, Helen LeMaster of Calloway County, Fred Mozenter and Debra Graner of Franklin County – live with health conditions that put them at increased risk of severe illness or even death from COVID-19. Ms. Graner is also concerned about the health of her husband, Mr. Mozenter, who is undergoing treatments for cancer and lives with other serious health conditions.

Ms. Sterne, Ms. LeMaster, and Mr. Mozenter all need to vote by mail to protect their health, and Ms. Graner needs an option such as vote by mail or early in person voting that allows her to

avoid long lines and precinct crowding on Election Day. Without these protections, they and other Kentucky voters will be deprived of their right to free and equal elections.

“Being in a household of 3 people with underlying health conditions and at high risk of contracting COVID-19, voting by mail, or by some other remote voting option, is necessary for us to be able to exercise our right to vote,” Ms. Sterne said. “Based on CDC guidelines, our local public health officials and our personal doctors say we should stay home and avoid any contact with others. I am terrified and will be unable to participate in the voting process if I am required to go to a polling station.”

In May, Gov. Beshear issued an executive order to hold Kentucky's June 23 primary predominantly by mail. Under the administrative rule subsequently adopted by the Board of Elections, every registered Kentucky voter qualified to vote by mail. If they wanted to vote in person early or on Election Day, they had to make an appointment with their clerk's office. In the days before Election Day, Secretary of State Michael Adams issued an executive order clarifying that people who did not receive their absentee mail-in ballot could vote in person.

The plaintiffs argue that these same rules should apply for November's general election.

Read the complaint [here](#).

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*Fair Elections Center is a national nonpartisan and non-profit voting rights and election reform organization based in Washington, DC whose mission is to use litigation, public education, and advocacy to remove barriers to registration and voting, and to improve election administration.*