

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

No. 3:17-cv-00094-GFVT

JUDICIAL WATCH, INC.,

Plaintiff

V.

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

V.

MICHAEL ADAMS in his official capacity

as Secretary of State, *et al.*,

Defendants

STATUS REPORT

** ** *

Comes Michael Adams, in his official capacity as Kentucky Secretary of State (“Secretary Adams”), by counsel, and submits the following Status Report regarding his views of the pending matter and status of compliance under the Consent Decree.

Secretary Adams, during his campaign to become the Commonwealth’s chief elections official, utilized the following slogan: “Let’s make it easy to vote and hard to cheat.” Indeed, cleaning up the voter rolls was one of the primary issues on which Secretary Adams ran. Following a change of leadership on January 6, 2020, the Office of Secretary of State is committed to legally compliant voter rolls, and specifically to remediation of the lack of list maintenance over the prior eight years. In order to decrease confusion regarding the marking of the voters who are sent the National Voter Registration Act (“NVRA”) Section 8(d)(2) notice in the Voter Registration

System, Secretary Adams recommends that the State Board of Elections mark these voters within the Voter Registration System at the time of mailing of the notice.

While Secretary Adams applauds the work done by the State Board of Elections to come into NVRA compliance over time, he has taken independent action to more promptly effectuate the cleanup of Kentucky's voter rolls. In his bipartisan agreement with Governor Andy Beshear for the conduct of the June 23 elections, as incorporated by an emergency regulation promulgated by the State Board of Elections to implement the agreement, Secretary Adams won the following concessions:

The State Board of Elections shall send a non-forwarding postcard to every registered voter of the Commonwealth to inform them of the changes being made to the June 23, 2020 elections as a result of the COVID-19 pandemic, as well as the steps the voter must take to request an absentee ballot through the SBE secure online portal or by calling their County Clerk. . . . The postcard shall have a return address of the State Board of Elections, and *any postcard returned as undeliverable, or with a forwarding address, will be tracked and the process for list maintenance established in KRS 116.112 shall be followed.*

No later than July 31, 2020, the State Board of Elections shall send via United States Postal Service, to every registered voter on its inactive voter list, written correspondence from the Secretary of State that prompts such inactive voter to confirm in writing to the State Board of Elections whether the inactive voter has moved out of Kentucky and is ineligible to vote in Kentucky. The mailed correspondence shall include for the inactive voter's benefit a return letter pre-addressed to the State Board of Elections which includes an affirmation of intent, to be attested to by the voter's signature, to be removed from the voter file. The State Board of Elections immediately remove from the voter file the registration of any voter who consents in writing to such removal.

(31 KAR 4:191E, attached hereto as Exhibit A, at sections 4 and 15). Thus, in addition to compliance with the Consent Decree, the Commonwealth now is taking proactive steps to get its

voter rolls as clean as possible in advance of the earliest NVRA-permissible purgation following the November 2022 election.

Secretary Adams will work with the parties to this action, and anyone else, to ensure compliance with federal and state law, and improve public confidence in Kentucky's elections.

Respectfully submitted,

/s/ Michael R. Wilson

Michael R. Wilson (michael.wilson@ky.gov)

Deputy General Counsel

Office of the Secretary of State

700 Capital Avenue

State Capitol, Suite 152

Frankfort, KY 40601

(502)782-7439

*Counsel for Michael G. Adams, in his official
capacity as Secretary of State of Kentucky*

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of the electronic filing to all counsel of record.

/s/ Michael R. Wilson
*Counsel for Defendant Michael G. Adams,
in his official capacity as Secretary of State*