

Mr. Chairman, members of the committee, good afternoon.

I'm Michael Adams, Kentucky's Secretary of State. I was sworn in January 6<sup>th</sup> of this year. This is my first testimony before Congress, and my first election year as Kentucky's chief elections official. Talk about hazing the new guy. Despite the challenges we've faced this year, Kentucky has a good story to tell and I'm honored to have the opportunity.

On March 6<sup>th</sup>, Kentucky diagnosed its first case of COVID-19. In the days immediately following, the biggest challenge in election administration I thought I faced was in getting enough Lysol and hand sanitizer to our approximately 3,700 election precincts.

Then, virtually overnight, the world changed. The second week of March, we in Kentucky knew this crisis was real when college basketball was canceled. Just 10 days after our first COVID-19 case, our Governor, Andy Beshear, a Democrat, and I, a Republican, jointly agreed to delay Kentucky's primary election from May 19<sup>th</sup> to June 23<sup>rd</sup>, the maximum five weeks allowed by law.

Kentucky is not unique in allowing public officials to delay an election during a state of emergency. September 11<sup>th</sup>, 2001, was primary election day in New York City, and since 9/11 many jurisdictions now have these laws. However, Kentucky is very unique in the following respect.

Our legislature, at my request, broadened the Governor's and my joint authority to alter the time or place of an election, adding to those the ability to jointly act to alter the manner of an election. It was obvious in early April, right before our part-time legislature adjourned, that flexibility in our election system was needed. In our state usually 98% of voters vote in person on election day. That traditional model was not well-suited to today's challenges. However, our legislature did not have time before constitutionally mandated adjournment by April 15<sup>th</sup> to conceive, debate and pass a new election code. Even if they had, an election plan designed in early April might not have met the needs of late June.

Our legislature came together across party lines and expanded the emergency powers of a Democratic Governor and Republican Secretary of State – but only if we acted together. To make a change, we must both turn the key.

Kentucky had the good fortune to vote after several other states, and we learned a lot from their experiences, positive and negative. This flexibility gave us time to monitor these developments. The biggest benefit, though, of legislators of both parties giving executive branch officials of both parties the ability to make changes was that the new rules were fair, and seen as fair. We avoided the brinkmanship you've seen in other states; we fashioned fair and clear rules, well in advance of the election, and consistently messaged the new procedures in order to both inform and reassure voters. Bipartisanship not only led to a better product, with concerns on both sides accommodated; it also showed voters on both sides that our new election rules were legitimate.

To be sure, there were those outside our state who thought they knew better how to run our election than we did. Whether in Hollywood, New York, or here in Congress, they put out false

and hateful tweets that riled up citizens of other states to jam our phones with obscene calls and even death threats. Everything they accused us of, and everything they predicted would happen, was just flat wrong, and they should all be ashamed. Turns out Kentucky knows best what is best for Kentucky, and I would urge you to let Kentucky be Kentucky, let Michigan be Michigan, and respect the laboratories of democracy that lead to innovation in a decentralized election system. Although I'm grateful for the CARES Act funding Congress gave us to reduce our costs, I would rather you give us no funding at all if it means you're going to tell us how to run our elections.

In our state, we found that what made the most sense for June was no-excuse absentee voting, as we had a severe drop-off in the number of available poll workers and voting locations. For November, with turnout expected to more than double from the primary, we are tightening the absentee voting standard somewhat, preserving it for those who need it due to age or health concerns, but also not overwhelming our infrastructure – our county clerks, who process the ballots, and our postal system. In both elections, we've utilized an absentee ballot request portal linked to our drivers' license database so we can verify voter identity. We also track ballot envelopes with bar codes and signature-match every single one before the ballot is counted.

Both for our primary and general election, we've offered weeks of early in-person voting. I've found that Kentuckians of both parties want to vote in person if they can, and as we showed in June, we know how to conduct in-person voting safely. Although I support absentee balloting for those who need it, early voting is a far less expensive and labor-intensive way to conduct an election, and it takes the pressure off election day voting sites, where we face the challenge of finding both the locations and the poll workers. Having more election days also spreads out the crowds and facilitates social distancing.

One silver lining of our pandemic primary is that it prompted an upgrade of voting equipment in some of our counties whose prior voting equipment did not allow for a paper trail. This was possible due to HAVA dollars you appropriated in December. We used those funds strategically alongside CARES Act dollars to help counties get new scanners and other equipment usable for processing absentee ballots, which of course are paper ballots. For me, the gold standard is paper ballots counted electronically, so we get the speed of a quick count but the security of a paper trail. Whether you're concerned about vote hacking by foreign powers, or domestic actors tampering with voting machines, or even just the ability to perform a reliable recount, paper ballots counted electronically makes sense. It was a goal of mine over the decade to introduce paper balloting to every Kentucky county, but it now won't take nearly that long.

We have our work cut out for us. I'm grateful to Congress for coming together to appropriate funds we states could use to run our elections in a difficult time. I would encourage you to do so again, but not at the expense of any strings attached, red tape, or direction in how to run the elections that, under our federal Constitution, are tasked to the states, and us, their election officials. Thank you.

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