

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Benson
Governor



Mike Cooney
Lt. Governor

TO: Montanans, all officers and agencies of the State of Montana
FROM: Governor Steve Benson
DATE: March 25, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to implement the 2020 law primary election safety

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-5-104(2)(a), MCA, authorizes the Governor, during a state of emergency, to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or within or under of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary actions in coping with the emergency or disaster." Further, it authorizes the Governor to "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Section 10-3-104(2)(c), MCA, Montana's public health laws also authorize the Department of Public Health and Human Services (DPHHS), acting under the Governor's direction, to "take within orders for correction" of "conditions of public health importance," to "prevent and mitigate conditions of public health importance" through measures including "isolation and quarantine" and "abatement of public health nuisances." Section 10-1-202, MCA, The Department, under the Governor's direction, may also take action to correct public health deficiencies in "buildings or facilities where people congregate." Section 10-1-203, MCA. See also, § 10-1-206, MCA (isolation and quarantine measures authorized).

As the number of cases of COVID-19 continues to grow across the United States, the Centers for Disease Control and Prevention has urged states to "[p]rovince voters to use voting methods that minimize direct contact with other people and reduce crowd size at polling stations." Other jurisdictions have also identified traditional election procedures as posing an enhanced risk to public health and human safety. Unfortunately, these factors are present in Montana's typical election procedures as well: election workers, many of whom are aged 60 or older, in close proximity to one another, large crowds or lines congregating in a limited number of locations, and the exchange of papers, pens, and other possible vectors for infection.

Before an election, county election administrators, the Secretary of State, and others must follow a range of strict deadlines that begin months before voting. In Montana, some of these deadlines have passed, while other substantial deadlines related to election procedures are imminent. Thus, while voting in the primary election in Montana will end in two months, the first ballots—in Montana's civilian and military voters—will be sent in just a few weeks.

With election deadlines rapidly approaching, I have consulted with representatives for county clerks and county election administrators, the Secretary of State, and political leaders from both parties, including the Speaker of the House and the President of the Senate, about how to conduct the upcoming June 2 primary election in a manner that protects public health and minimizes the spread of