

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 18-342

(Executive Order of Suspension)

**WHEREAS**, Brenda Snipes is presently serving as the Supervisor of Elections for Broward County, Florida, having been reelected by the voters of Broward County in 2016 for a four-year term; and

**WHEREAS**, on November 6, 2018, Florida voters cast ballots in the 2018 General Election; and

**WHEREAS**, in the hours and days following the 2018 General Election, Supervisor Snipes demonstrated repeatedly that she was unable to accurately respond to basic requests from candidates, news media, and the general public regarding the number of ballots that had been cast, the number of ballots that had been counted, and the number of ballots remaining to be canvassed; and that Supervisor Snipes was unwilling to permit the inspection of public records containing this information; and

**WHEREAS**, a judge of the Seventeenth Judicial Circuit held that Supervisor Snipes had improperly failed to produce public records containing information that the court found “should be a matter of record at this time and immediately available,” in violation of Florida law; and

**WHEREAS**, Supervisor Snipes improperly permitted her staff to open unverified provisional and vote-by-mail ballots that had not been canvassed by the county canvassing board, in violation of Florida law; and

**WHEREAS**, Supervisor Snipes failed to ensure that ballots accepted and rejected by the county canvassing board were appropriately segregated, thereby permitting the commingling of

more than 200 valid and invalid ballots in a manner that precluded subsequent actions to ensure that only valid ballots were counted, in violation of Florida law; and

**WHEREAS**, based on the results of the First Unofficial Returns, Florida's Secretary of State ordered a statewide recount of the votes cast with respect to the offices of United States Senator, Governor, and Commissioner of Agriculture; and

**WHEREAS**, the statutory deadline for each county to file the Second Unofficial Returns reflecting the results of the recount was 3 p.m. on Thursday, November 15, 2018; and

**WHEREAS**, the Broward County Canvassing Board completed its recount and announced the results of the recount and the Second Unofficial Returns for Broward County before the statutory deadline; and

**WHEREAS**, after the results of the recount were known, Supervisor Snipes failed to file the Second Unofficial Returns for Broward County to the Department of State until after the statutory deadline, in violation of Florida law; and

**WHEREAS**, following the recount, Supervisor Snipes reported that more than 2,000 ballots cast in Broward County had been lost, misplaced, or misfiled between November 6 and November 15, but that the missing ballots were allegedly somewhere "in the building," and has subsequently provided no explanation for the unexplained disappearance of thousands of ballots; and

**WHEREAS**, Supervisor Snipes has a history of violating the election laws of this state; and

**WHEREAS**, in the 2016 Primary Election, Supervisor Snipes posted the results of early voting and some vote-by-mail ballots thirty minutes before the polls closed at 7 p.m., in violation of Florida law; and

**WHEREAS**, in the 2016 General Election, Supervisor Snipes mailed vote-by-mail ballots to voters that omitted a constitutional amendment, in violation of Florida law; and

**WHEREAS**, in the 2016 General Election, Supervisor Snipes authorized the opening of vote-by-mail ballots before they had been canvassed by the county canvassing board, in violation of Florida law; and

**WHEREAS**, a judge of the Seventeenth Judicial Circuit has concluded that in 2017 Supervisor Snipes improperly authorized the destruction of ballots cast in the 2016 Primary Election, in violation of state and federal law; and

**WHEREAS**, on November 18, 2018, Brenda Snipes submitted a letter requesting the acceptance of her resignation from her office as Supervisor of Elections for Broward County, Florida; and

**WHEREAS**, the requested effective date of the resignation was January 4, 2019; and

**WHEREAS**, the duties of a Supervisor of Elections continue throughout her entire term of office; and

**WHEREAS**, Supervisors of Elections must carry out their duties in a manner consistent with state and federal law to preserve public confidence in the integrity of the elections process and the competence of elections officials; and

**WHEREAS**, Supervisor Snipes has repeatedly failed in her duties as Broward County Supervisor of Elections; and

**WHEREAS**, Supervisor Snipes has contravened her oath of office as set forth in Article II, section 5, of the Florida Constitution, to "...faithfully perform the duties" of Supervisor of Elections of Broward County, Florida; and

**WHEREAS**, due to her demonstrated misfeasance, incompetence, and neglect of duty, Supervisor Snipes can no longer demonstrate the qualifications necessary to meet her duties in office; and

**WHEREAS**, it is in the best interests of the residents of Broward County, and the citizens of the State of Florida, that Supervisor Snipes be immediately suspended from the public office, which she now holds;

**NOW, THEREFORE, I, RICK SCOTT**, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby find, determine, and for the purposes of Article IV, section 7, of the Florida Constitution, allege as follows:

A. Brenda Snipes is, and at all times material was, the Supervisor of Elections for Broward County, Florida.

B. The office of Supervisor of Elections is within the purview of the suspension powers of the Governor, pursuant to Article IV, section 7, of the Florida Constitution.

C. The actions and omissions of Brenda Snipes referenced above constitute misfeasance, incompetence, neglect of duty—or all of these—for the purposes of Article IV, section 7, of the Florida Constitution.

D. If, after execution of this suspension, additional facts are discovered that illustrate further misfeasance, incompetence, or neglect of duty—or other constitutional grounds for suspension of Supervisor Snipes—this Executive Order may be amended to allege those additional facts.

**BEING FULLY ADVISED** in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective immediately:

Section 1. Brenda Snipes is hereby suspended from the public office that she now holds, to wit: Supervisor of Elections for Broward County, Florida.

Section 2. Brenda Snipes is hereby prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from the effective date hereof, until a further executive order is issued, or as otherwise provided by law.

Section 3. As of the signing of this executive order, the Florida Department of Law Enforcement, assisted by other law enforcement agencies as necessary, is requested to: (i) assist in the immediate transition of Brenda Snipes from the Broward County Supervisor of Elections Office, with access only to retrieve her personal belongings; (ii) ensure that no files, papers, documents, notes, records, computers, or removable storage media are removed from the Broward County Supervisor of Elections Office by Brenda Snipes or any of her staff; and (iii) allow Florida Department of State employees immediate access to all files within the Broward County Supervisor of Elections Office for review, analysis, and copying for any and all purposes.

Section 4. I hereby appoint Peter Antonacci as the Supervisor of Elections for Broward County, Florida, effective immediately.



ATTEST:

  
SECRETARY OF STATE

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 30<sup>th</sup> day of November, 2018.

  
RICK SCOTT, GOVERNOR

FILED  
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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA