

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-234 (Emergency Management/Elections—Hurricane Ian)

WHEREAS, on September 28, 2022, Hurricane Ian made landfall off the coast of Fort Myers as a category 4 hurricane with sustained winds of approximately 150 miles per hour, traveled across the peninsula, and exited the state near Cape Canaveral on September 29, 2022; and

WHEREAS, Hurricane Ian significantly affected communities across Florida, resulting in loss of lives, evacuation of families from their homes, widespread destruction and damage to homes and businesses, significant disruption in utilities and telecommunications, and substantial physical damage to roads, highways, bridges, and other infrastructure; and

WHEREAS, the effects of Hurricane Ian described above have had a uniquely significant impact—continuing to this day—on the coastal counties where the hurricane made landfall, Charlotte, Lee, and Sarasota Counties (the “Affected Counties”); and

WHEREAS, the Supervisors of Elections in the Affected Counties have reported to the Department of State that a significant number of early voting sites or polling locations have been damaged or otherwise rendered unusable, that a significant number of voters have been displaced, and that a significant number of poll workers may be unavailable; and

WHEREAS, for example, the Supervisor of Elections for Lee County informed the Department of State that “there remain few viable Election Day polling locations post-storm,” that “[s]everal established polling locations no longer exist,” that the hurricane “has displaced countless Lee County voters and poll workers from their homes,” and that “[s]ecuring a sufficient number of poll workers to staff ninety-seven (97) voting sites will be problematic”; and

WHEREAS, the Supervisor of Elections for Charlotte County joined in Lee County’s request and further reported to the Department of State that “approximately one-third of our voting locations ...have been damaged”; and

WHEREAS, the Supervisor of Elections for Sarasota County informed the Department of State that “the hurricane caused immense damage in the southern part of Sarasota County” and is expected to “affect the viability of some polling locations,” “result in a shortage of poll workers,” and “disrupt the delivery of some vote-by-mail ballots by the [U.S. Postal Service] to voters who are unable to receive mail or who have been displaced by the storm”; and

WHEREAS, the General Election (the “Election”) is scheduled for November 8, 2022, vote-by-mail balloting is already in progress, optional early voting begins on Monday, October 24, 2022, and the mandatory early voting period begins on Saturday, October 29, 2022; and

WHEREAS, Supervisors of Elections in the Affected Counties have reported to the Florida Secretary of State that they anticipate continuing challenges and hardships in meeting upcoming deadlines, in providing the usual number of early voting sites and polling locations, and in ensuring adequately trained poll workers are available; and

WHEREAS, Supervisors of Elections in the Affected Counties have requested accommodations from certain provisions of the Florida Election Code so that voters in the Affected Counties have ample opportunity to cast a ballot in the Election without impeding necessary action to respond to the emergency; and

WHEREAS, section 252.36(6)(a), Florida Statutes (2022), provides that the Governor may “[s]uspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in

coping with the emergency”; and

WHEREAS, because of the effects of Hurricane Ian in the Affected Counties, the strict application of some provisions of the Florida Election Code may prevent, hinder, or delay necessary action in coping with the emergency and may prevent the Supervisors of Elections in the Affected Counties from providing voters with an adequate opportunity to vote.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, Chapter 252, Florida Statutes, as amended, including specifically section 252.36(6)(a), Florida Statutes, and all other applicable laws, promulgate the following Executive Order, to take effect immediately:

Section 1 (Early Voting). The deadlines and facility eligibility restrictions set forth in sections 101.657(1)(a) and (b), Florida Statutes (2022), are suspended to the extent necessary to allow each Supervisor of Elections in an Affected County, in such Supervisor’s discretion, to establish additional early voting sites, provided that such sites are geographically located to allow, insofar as is practicable, all voters in the Affected County an equal opportunity to cast a ballot.

Section 101.657(1)(d), Florida Statutes, is also suspended to the extent necessary to allow the Supervisor of Elections in each Affected County, in such Supervisor’s discretion, to conduct early voting beginning on the 15th day before the Election and ending on the day of the Election.

Section 2 (Secure Ballot Intake Stations). Section 101.69(2)(b), Florida Statutes (2022), is suspended to allow each Supervisor of Elections in an Affected County, in such Supervisor’s discretion, to designate and provide notice of the locations of secure ballot intake stations less than thirty days prior to the Election, but as soon as practicable. Each Supervisor must comply with

the requirements of section 101.69(2)(a), Florida Statutes, except that the requirement that secure ballot intake stations be placed at early voting sites shall be suspended on the day of the Election, if the Supervisor conducts early voting on the day of the Election as authorized by Section 1 of this Order.

Section 3 (Vote-By-Mail Ballots). The provisions of section 101.62(1)(b), Florida Statutes (2022), requiring a vote-by-mail ballot request to be made in a signed writing if the request is for the ballot to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, are suspended for any voter who is registered to vote in an Affected County. Accordingly, each Supervisor of Elections in an Affected County, in such Supervisor's discretion, shall have the authority to accept a request for a vote-by-mail ballot to be mailed to an address other than the elector's address on file in the Florida Voter Registration System in the same manner as is authorized for absent uniformed service voters or overseas voters seeking a vote-by-mail ballot. In accordance with section 101.62(1)(b), Florida Statutes, the elector must provide the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records, regardless of the format in which the request is made.

The provisions of section 101.62(4)(c)(1), Florida Statutes (2022), requiring each Supervisor of Elections to provide a vote-by-mail ballot to each elector who makes a request by non-forwardable, return-if-undeliverable mail, are suspended for each Supervisor of Election in an Affected County. Accordingly, each Supervisor of Election in an Affected County, in such Supervisor's discretion, shall have the authority to send vote-by-mail ballots by forwardable mail to allow electors to accept delivery at an alternative address provided by the elector to the U.S.

Postal Service.

Section 4 (Relocation or Consolidation of Polling Places). The provisions of section 101.71(2), Florida Statutes (2022), prohibiting Supervisors of Elections from moving a voting location to another site less than 30 days prior to the election, are suspended to allow each Supervisor of Elections in an Affected County, in such Supervisor's discretion, to relocate or consolidate any polling location if the Supervisor finds that the continuing impacts of Hurricane Ian so warrant. If the Supervisor finds such relocation or consolidation necessary, the Supervisor shall provide for the voting location to be moved to another accessible site within the same precinct or, if such site is not available, to another site in a contiguous precinct as provided in section 101.71(2), Florida Statutes. Furthermore, due to the ongoing emergency and if time does not permit full compliance with section 101.71(2), Florida Statutes, the Supervisor may designate a new polling location and provide notice to the public as provided in section 101.71(3), Florida Statutes. Any Supervisor who cannot fully comply with section 101.71(2), Florida Statutes, should notify the Director of the Division of Elections of the Department of State of any partial or substitute measures the Supervisor undertakes.

Section 5 (Poll Worker Training). The provisions of section 102.014, Florida Statutes (2022), requiring poll workers to meet certain training requirements before the Election, are suspended in the Affected Counties, if the Supervisor of Elections in such Affected County finds that a shortage of poll workers exists within the Affected County and that each available poll worker received, at a minimum, the requisite training under section 102.014, Florida Statutes, for the 2020 election cycle or within the two years preceding the Election.

The provision of section 102.012(2), Florida Statutes (2022), requiring each member of the election board to be a registered qualified elector of the county in which the member is appointed

or to be preregistered to vote, pursuant to section 97.041(1)(b), Florida Statutes (2022), in the county in which the member is appointed, is suspended for each Supervisor of Elections in an Affected County. Accordingly, each Supervisor of Elections in an Affected County, in such Supervisor's discretion, is authorized to appoint election board members who are registered qualified electors in Florida outside of such Affected County.

Section 6 (State Employee Poll Workers). Where feasible, employees of the State Personnel System, as defined in Rule 60L-29.002(6), Florida Administrative Code, are encouraged to serve as poll workers in the Affected Counties. To assist such employees, Rule 60L-34.0071(3)(g), Florida Administrative Code, is suspended for the limited purpose of authorizing Administrative Leave for service as a poll worker in an Affected County, subject to approval by their supervisor, under the following conditions:

A. The state employee shall receive Administrative Leave for every hour of training the Supervisor of Elections requires, up to a maximum of 10 hours, provided that the employee shows proof that the employee completed such training, *see* section 102.014(1), Florida Statutes;

B. If a state employee serves as a poll worker during the Election, the employee shall receive 16 hours of Administrative Leave, provided that the employee shows proof that the employee completed such work;

C. A state employee is not entitled to additional Administrative Leave for service as a poll worker during early voting for the Election; and

D. In accordance with section 110.131(3), Florida Statutes (2022), other-personal-services (OPS) employees are not eligible for any form of paid leave, including Administrative Leave, for serving as a poll worker.

The Secretary of the Department of Management Services shall provide guidance to state

agencies for tracking state employees who serve as poll workers during the Election. County, municipal, and other public entities are encouraged to provide the same or similar incentives for their employees to serve as poll workers and to cooperate with the Supervisors of Elections to fulfill any poll worker needs. Nothing in this Section shall affect the requirements of sections 102.012 and 102.021, Florida Statutes.

Section 7 (Election Coordination). All state agencies are requested to render such aid and assistance as needed by the Supervisors of Elections in the Affected Counties so that the purposes of this Executive Order may be accomplished.

Section 8 (Notice to the Public and the Division of Elections). Each Supervisor of Elections in an Affected County who exercises authority under this Executive Order shall immediately certify that fact to the Director of the Division of Elections of the Department of State and shall provide notice to the public regarding any such exercise of authority in a manner designed to ensure widespread dissemination of voting information to members of the public in the Affected County, including through print and broadcast media, social media, website postings, and posted signage at polling locations.

The Secretary of State shall notify me of any Supervisors of Elections in the Affected Counties who avail themselves of the limited exceptions contained in this Executive Order.

Section 9 (Delegation of Authority). Pursuant to section 252.36(1)(a), Florida Statutes, the Secretary of State is hereby delegated the authority to suspend the provisions of any regulatory statute within the purview of the Department of State prescribing the procedures for conduct of state business or the orders or rules of the Department, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in

coping with the emergency.

Section 10 (Severability). If any provision of this Executive Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Executive Order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

Section 11 (Effective Date). This Executive Order is effective immediately and shall expire thirty (30) days from the date of this Order.



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 12th day of October, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2022 OCT 12 PM 5:09
DEPARTMENT OF STATE
TALLAHASSEE, FL