

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 19-19

(Executive Order of Suspension)

WHEREAS, Article IV, Section 7 of the Florida Constitution provides in relevant part that, “the Governor may suspend from office ... any county officer for ... misfeasance ... neglect of duty ... [or] incompetence”; and

WHEREAS, Susan Bucher is presently serving as the Supervisor of Elections for Palm Beach County, Florida, having been reelected by the voters of Palm Beach County in 2016 for a four-year term; and

WHEREAS, throughout the voting process and in the days after the November 6, 2018 General Election, Supervisor Bucher demonstrated on a national stage that she was unable to comply with the laws of the state and her statutory duties as the Supervisor of Elections, as well as accurately report information related to the number of ballots that had been cast, counted and remaining to be counted, and failed in properly conducting the recount, by failing to act in a diligent and prudent manner, including being the only county to completely fail to complete the recounts; and

WHEREAS, on January 17, 2019, Florida Secretary of State Michael Ertel wrote a letter addressed to me in my official capacity as Governor of the State of Florida presenting a detailed assessment of the failures of Supervisor Bucher and a request to suspend her from office to protect integrity of elections in Palm Beach County; and

WHEREAS, prior to the 2018 Election Cycle, Supervisor Bucher was the only supervisor in the state to refuse and reject Department of Homeland Security-sponsored servers and extra security measures to combat the threat of cyber-terrorism; and

WHEREAS, Supervisor Bucher failed in her duties to select polling locations under Chapter 101, Florida Statutes, by failing to select polling locations with consideration of potential barriers, including selecting a polling location within a gated community that denied the opportunity for other voters to enter the community and cast their vote; and

WHEREAS, Florida Statute § 102.141 requires timely reporting of election results; and

WHEREAS, on November 6, 2018, including the hours and days afterwards, Supervisor Bucher failed to properly report the number of ballots that had been canvassed as required by Florida Statute § 102.141; and

WHEREAS, during the machine and manual recount, Supervisor Bucher failed to provide for a controlled, efficient, transparent and responsive recount operation in Palm Beach County; and

WHEREAS, a judge of the Fifteenth Judicial Circuit held that Supervisor Bucher failed to submit improperly completed ballots to the Canvassing Board in violation of Florida Statutes §§ 101.5614 and 101.68; and

WHEREAS, a judge of the Fifteenth Judicial Circuit found that Supervisor Bucher was allowing her staff to make voter intent determinations and fill out duplicate ballots in violation of the duties and responsibilities delegated to the Canvassing Board, as well as outside of the transparency requirements of handling ballots, in violation of Florida Statutes §§ 101.5614 and 101.68; and

WHEREAS, various media outlets had to file a lawsuit to require Supervisor Bucher to allow for transparency and sunshine in the review of ballots during the recounts; 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 machine recount was 3 p.m. on Thursday, November 15, 2018; and

WHEREAS, having knowledge of the statutory deadlines for the completion of the machine recount, Supervisor Bucher consciously decided to not follow her duties to complete the machine recount for the applicable races; and

WHEREAS, during the machine recount, various media outlets documented the Palm Beach County Supervisor of Elections office with no machines running or staff working throughout the days and evenings; and

WHEREAS, Supervisor Bucher made a premeditated decision to not complete the statutorily required machine recount or submit Second Unofficial Returns by the 3 p.m. deadline, in violation of Florida law; and

WHEREAS, Supervisor Bucher and her staff were documented altering ballot tabulation machines to the point where they overheated and failed to work; and

WHEREAS, Supervisor Bucher failed to prepare for and implement a plan to comply with the statutory deadline for the machine recount; and

WHEREAS, Supervisor Bucher is solely responsible for advocating and securing funding for new, efficient and reliable ballot tabulation machines for the 3rd largest voting county in the state; and

WHEREAS, having knowledge of the statutory deadlines for the completion of the manual recount, Supervisor Bucher consciously decided to not follow her duties to complete the manual recount for the applicable races; and

WHEREAS, Supervisor Bucher took 50 days after Election Day to complete her statutory duties to conduct the recounts; and

WHEREAS, post-Election, Supervisor Bucher failed to provide a complete, sufficient and accurate Conduct of Election Report, as required by Florida Statute § 102.141(9), which is impeding the ability of the Department of State, Palm Beach County Canvassing Board, and members of the public to adequately assess and review the elections process; and

WHEREAS, as of January 18, 2019, the Palm Beach County Supervisor of Elections website has failed to adequately provide information to voters in Palm Beach County about upcoming municipal elections in March, including failing to identify which municipalities have elections, early voting times and locations, links to the municipal websites for more information, or Election Day precincts and polling locations; 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 Bucher has failed in her duties as Palm Beach County Supervisor of Elections; and

WHEREAS, her failures tarnished the State of Florida and cause people to question the ability to properly run elections; and

WHEREAS, Supervisor Bucher 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 Palm Beach County, Florida; and

WHEREAS, due to her demonstrated misfeasance, incompetence, and neglect of duty, Supervisor Bucher 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 Palm Beach County, and the citizens of the State of Florida, that Supervisor Bucher be immediately suspended from the public office, which she now holds;

NOW, THEREFORE, I, RON DESANTIS, 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. Susan Bucher is, and at all times material was, the Supervisor of Elections for Palm Beach 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 Susan Bucher referenced above, and in the letter from Secretary of State Michael Ertel, dated January 17, 2019 and attached hereto, 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 Bucher—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. Susan Bucher is hereby suspended from the public office that she now holds, to wit: Supervisor of Elections for Palm Beach County, Florida.

Section 2. Susan Bucher 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 Susan Bucher from the Palm Beach 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 Palm Beach County Supervisor of Elections Office by Susan Bucher or any of her staff; and (iii) allow Florida Department of State employees immediate access to all files within the Palm Beach County Supervisor of Elections Office for review, analysis, and copying for any and all purposes.

Section 4. I hereby appoint Wendy S. Link as the Supervisor of Elections for Palm Beach County, Florida, effective immediately.



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 18th day of January, 2019.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

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