STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-149

(Emergency Management – COVID-19 – Primary and General Elections)

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a State of Emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 27, 2020, President Donald J. Trump signed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which includes $20.25 million in grant money for Florida to prepare for and respond to COVID-19 during the 2020 Federal election cycle; and

WHEREAS, the State of Florida will conduct a Primary Election on August 18, 2020, and a General Election on November 3, 2020; and

WHEREAS, the Florida Association of Supervisors of Elections has requested accommodations to allow for the effective and efficient administration of elections in their respective counties in response to COVID-19; and

WHEREAS, ensuring public health and safety, while simultaneously ensuring that eligible voters have ample opportunities to vote in the Primary Election on August 18, 2020, and General Election on November 3, 2020 is paramount; and

WHEREAS, because of the effects of COVID-19, the direct request from the Association, and in consultation with the Secretary of State, I find that the strict application of some provisions of the Florida Election Code may prevent, hinder, or delay necessary action in coping with the COVID-19 emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section l(a) of the Florida Constitution, by the Florida Emergency

Management Act, by the Elections Emergency Act, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. Canvassing Vote-By-Mail Ballots

In anticipation of greater Vote-By-Mail participation, I hereby suspend the application of the following limited provisions of Section 101.68(2)(a), Florida Statutes, to the extent it prohibits the County Canvassing Boards from beginning canvassing of Vote-By-Mail ballots earlier than 7 a.m. on the 22nd day before the election. County Canvassing Boards may begin canvassing Vote-By-Mail ballots upon completion of the public Logic & Accuracy Testing of tabulation machines/equipment, pursuant to Section 101.5612(2), Florida Statutes.

Section 2. Poll Workers

A. I encourage all state employees to serve as a poll worker in the county which they are an elector. To facilitate state employees of the State Personnel System, as defined in Florida Administrative Code Rule 60L-29.002(6), serving as poll workers, I suspend the application of Florida Administrative Code Rule 60L-34.0071(3)(g) for the limited purpose of authorizing Administrative Leave for any state employee to serve as a poll worker in the county which they are an elector, subject to approval by their supervisor, and under the following conditions:

i. The state employee shall receive Administrative Leave for every hour of training the Supervisor of Elections requires they attend, provided the state employee shows proof of completion of training to their supervisor for approval, *see* Section 102.014(1), Florida Statutes, for a maximum of 10 hours.

ii. If a state employee works as a poll worker during the Primary Election on August 18, 2020, they shall receive 16 hours of Administrative Leave, provided they show proof of their service to their supervisor for approval.

iii. If a state employee works as a poll worker during the General Election on November 3, 2020, they shall receive 16 hours of Administrative Leave, provided they show proof of their service to their supervisor for approval.

iv. State employees are not entitled to additional Administrative Leave for service as a poll worker during Early Voting for either the Primary Election or General Election.

v. Nothing in this Section shall be construed as modifying the requirement in Section 110.131(3), Florida Statutes, that other-personal-services (OPS) employees are not eligible for any form of paid leave if they serve as a poll worker.

B. I direct the Secretary of the Department of Management Services to facilitate and provide guidance to state agencies for tracking state employees who work as poll workers during the 2020 Election Cycle.

C. I encourage all county, municipal, and other public entities to provide the same or similar incentives for their employees to serve as poll workers and encourage cooperation and coordination with the Supervisors of Elections to fulfill any Election Day poll worker needs.

D. Nothing in this Section shall affect the requirements of Sections 102.012 and 102.021, Florida Statutes.

Section 3. Election Administration and Coordination

A. Each Supervisor of Elections shall ensure proper social distancing and cleaning procedures are implemented for Early Voting and Election Day, insofar as is practicable. This may include, but is not limited to, spacing out voting stations, the use of physical barriers for poll workers interacting with voters, providing personal protective equipment to poll workers and making hand sanitizer and other cleaning products readily available.

B. I direct the Director of the Division of Emergency Management to coordinate with each County Emergency Management Director to facilitate providing any personal protective equipment, hand sanitizer and cleaning products requested by a Supervisor of Elections in order to comply with this Executive Order.

C. All executive agencies are directed, and all other state and local agencies are requested, to render such aid and assistance as needed by the Supervisors of Elections to the end that purposes of this Executive Order may be accomplished.

Section 4. Polling Locations

A. Because our K-12 schools are commonly used as precinct polling locations, I encourage each Superintendent of Schools, in coordination with the Commissioner of Education, to close all K-12 schools on August 18, 2020 for use on Primary Election Day and on November 3, 2020 for use on General Election Day as precinct polling locations.

B. To the extent a school is used as a precinct polling location for Primary Election Day and General Election Day, I recommend the Superintendent of Schools to coordinate and work collaboratively with their respective Supervisor of Elections to ensure an efficient transition of the schools for use as precinct polling locations, including facilitating set up required for the election and ensuring the proper cleaning of the facilities before and after voting.

C. At the Commissioner of Education's direction, school districts that close schools shall adjust their 2020-2021 K-12 school calendars as provided in sections 1001.42(4)(f)-(g), Florida Statutes, to fully implement the directives of this Executive Order

D. I encourage all school district faculty, staff, and instructors to serve as poll workers on Election Day.

Section 5. **Notice to the Public and Division of Elections**

A. A Supervisor of Elections who exercises authority under this Executive Order shall, in addition to any notice that may be required under Section 101.71(2), Florida Statutes, timely provide notice to the public regarding any changes in voting locations or procedures in a manner designed to ensure widespread dissemination of voting information to members of the public, including, but not limited to, through print and broadcast media, website and social media postings, in addition to required posted signage at polling locations.

B. A Supervisor of Elections who exercises authority under this Executive Order shall, within 48 hours, certify that fact to the Director of the Division of Elections of the Florida Department of State. The Secretary of State is directed to notify me of the Supervisors of Elections that exercise authority under this Executive 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 17th day of June, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA