

**STATE OF FLORIDA
OFFICE OF THE SECRETARY OF STATE
FLORIDA DEPARTMENT OF STATE
EMERGENCY ORDER NUMBER 23-01
(Emergency Management/Municipal Elections – Hurricane Ian)**

WHEREAS, on January 19, 2023, due to the continuing effects of Hurricane Ian, Governor DeSantis issued Executive Order 23-21 which extended the state of emergency and all provisions of Executive Order 22-218, as amended and previously extended; and

WHEREAS, pursuant to the City of Sanibel’s Charter, the election of city council members will be held on the first Tuesday in March, *see* article III, section 3.02; and

WHEREAS, pursuant to the Village of Estero’s Charter, the election of council members will be held on the first Tuesday in March, *see* Part I, section 9(2); and

WHEREAS, the Supervisor of Elections for Lee County, who is conducting elections for the City of Sanibel and Village of Estero, has reported that even though the rebuilding process has been advancing, there are many residents still displaced; and

WHEREAS, the Supervisor of Elections for Lee County has reported that he anticipates continuing challenges and hardships on behalf of the displaced electors; and

WHEREAS, the Supervisor of Elections for Lee County has requested a waiver from certain provisions of the Florida Election Code so that voters in the municipal elections have ample opportunity to cast a ballot in the elections; and

WHEREAS, Section 4 of Executive Order 22-218 allows state agencies to suspend the provisions of any regulatory statute, order, or rule, if strict compliance with the provisions of the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, because of the continuing effects of Hurricane Ian in Lee County, 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 Supervisor of Elections in Lee County and municipal officials therein from providing voters with an adequate opportunity to vote.

NOW, THEREFORE, I, CORD BYRD, as Florida Secretary of State, by the authority vested in me by Executive Order 22-218, as amended, and all other applicable laws, promulgate the following Emergency Order, to take effect immediately:

Section 1. To the extent necessary to cope with the emergency in Lee County, 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 Lee County. Accordingly, the Supervisor of Elections in Lee 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.

To the extent necessary to cope with the emergency in Lee County, the provisions of section 101.62(4)(c)l., 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 the Supervisor of Elections in Lee County. Accordingly, the Supervisor of Elections in Lee 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 2. This order shall remain in effect until March 20, 2023, unless amended or extended by order of the Florida Secretary of State.

Executed this 25th day of January 2023, in the Florida Department of State, Office of the Secretary, Tallahassee, Leon County, Florida.



Cord Byrd
Florida Secretary of State