

**STATE OF FLORIDA
OFFICE OF THE SECRETARY OF STATE
FLORIDA DEPARTMENT OF STATE
EMERGENCY ORDER NUMBER 22-02
(Emergency Management/Elections – Tropical Storm Nicole)**

WHEREAS, on November 7, 2022, Governor DeSantis issued Executive Order 22-253 and declared a state of emergency exists for thirty-four counties in Florida’s Peninsula (“Affected Counties”) due to then-Subtropical Storm Nicole; and

WHEREAS, as of 10:00 AM EST on November 9, 2022, Subtropical Storm Nicole had strengthened into Tropical Storm Nicole and is forecast to be a hurricane before making landfall along Florida’s East Coast tonight; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, beach erosion, and the potential for isolated tornadic activity in much of Florida’s Peninsula and portions of the Florida Big Bend; and

WHEREAS, on November 9, 2022, Governor DeSantis issued Executive Order 22-255 amending Executive Order 22-253 to include an additional eleven counties to the Affected Counties; and

WHEREAS, the General Election took place on November 8, 2022; and

WHEREAS, the deadline for written evidence supporting eligibility for those who cast provisional ballots and for vote-by-mail cure affidavits is 5 p.m. on Thursday, November 10, 2022, and the deadline for the first set of unofficial results is noon on Saturday, November 12, 2022; and

WHEREAS, the Supervisors of Elections in the Affected Counties have reported to the Department of State that they anticipate continuing challenges and hardships due to

Tropical Storm Nicole and have requested accommodations so that voters in the Affected Counties have ample opportunities to present written evidence supporting their eligibility to vote and to submit affidavits to cure their vote-by-mail ballots, and so that the Supervisors of Elections in the Affected Counties can submit their first sets of unofficial returns; and

WHEREAS, Section 4 of Executive Order 22-253, as amended, ratified, and reaffirmed by Executive Order 22-255, allows state agencies to suspend or waive certain statutes or rules, if strict compliance with them would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, because of the effects of Tropical Storm Nicole 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.

NOW, THEREFORE, I, CORD BYRD, as Florida Secretary of State, by the authority vested in me by Executive Orders 22-253 and 22-255—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 the Affected Counties, the deadline for a person who cast a provisional ballot to present written evidence supporting their eligibility to vote to the Supervisor of Elections contained in Section 101.048(1), Florida Statutes, is suspended until 5 p.m. on Saturday, November 12, 2022.

Section 2. To the extent necessary to cope with the emergency in the Affected Counties, the deadline to submit an affidavit in order to cure a vote-by-mail ballot contained in Section 101.68(4)(b), Florida Statutes, is suspended until 5 p.m. on Saturday, November 12, 2022.

Section 3. To the extent necessary to cope with the emergency in the Affected Counties, the deadline to submit the first set of unofficial returns to the Department of State contained in Section 102.141(5), Florida Statutes, is suspended until noon on Monday, November 14, 2022. Accordingly, the Supervisors of Elections in the Affected Counties shall submit the first set of unofficial returns to the Department as provided in Section 102.141(5), Florida Statutes, no later than noon on Monday, November 14, 2022.

Section 4. This order shall remain in effect as stated above or until modified by order of the Florida Secretary of State.

Executed this 9th day of November 2022, in the Florida Department of State, Office of the Secretary, Tallahassee, Leon County, Florida.



Cord Byrd
Florida Secretary of State