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## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**MICHAEL ERTEL**  
Secretary of State

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January 18, 2019

Ms. Susan Bucher  
12666 Oak Arbor Drive  
Boynton Beach, Florida 33436

Dear Ms. Bucher:

Pursuant to the provisions of Section 112.40, Florida Statutes, we are sending you a copy of Executive Order Number 19-19 relating to your suspension as Supervisor of Elections, Palm Beach County.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristi Reid Willis".

Kristi Reid Willis, Chief  
Bureau of Election Records

KRW/iw

Enclosure

cc: The Honorable Ashley Moody, Attorney General  
Ms. Debbie Brown, Secretary of the Senate ✓

Division of Elections  
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
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DIVISION OF ELECTIONS  
TALLAHASSEE, FL

# 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 3<sup>rd</sup> 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 18<sup>th</sup> day of January, 2019.

A handwritten signature in black ink, appearing to read "Ron Desantis", written over a horizontal line.

RON DESANTIS, GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "M. G. L.", written over a horizontal line.

SECRETARY OF STATE

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DIVISION OF ELECTIONS  
TALLAHASSEE, FL

## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**MICHAEL ERTEL**  
Secretary of State

January 17, 2019

Governor Ron DeSantis  
400 S. Monroe Street  
Tallahassee, FL 32399

Dear Governor DeSantis:

One of the hallmarks of our republic is the electorate's trust in our elections. Over the past few years Floridians' trust in our elections has increased in nearly every county, and for nearly every resident. Yet, not all Floridians have benefitted from that renewed trust and confidence.

Voters in Palm Beach County have suffered from what I can only describe as a fear of "what will happen next?" It is my belief executive action is needed to finally put to rest the unease these nearly one million voters feel as each election approaches.

In my nearly 14 years as an elections administrator, and after a review of the most recent election, I can say without equivocation the issues with the Palm Beach County Supervisor of Elections Office rest solely at the top of the organization, Susan Bucher. Without retelling the numerous tales of combative incompetence over the years, I will focus on the conduct of the Supervisor of Elections during the 2018 election.

In the years leading to the 2018 election, election offices in Florida upgraded their equipment to meet the needs of a growing populace. After years of refusing to upgrade their system — even when adequate funding was made available — Supervisor Bucher made the decision to proctor the 2018 election for her nearly one million voters with equipment she described as a "65 Mustang...with a bad fan belt."

Well before the election, as elections officials in 66 counties throughout the state were installing Department of Homeland Security-sponsored servers to combat the threat of cyber terrorism, only Supervisor Bucher denied county voters the extra security. The short and long-term impact of this refusal is not yet fully known.

In planning the election, Supervisor Bucher chose polling places without consideration of the potential barriers for Election Day voters, nesting one polling place within the walls of a gated community, thus denying voters new to the community the opportunity to cast an Election Day ballot in violation of F.S. 101.048.

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When voting completed, and vote totals were timely being reported throughout the state in accordance with F.S. 102.141, Palm Beach County struggled to submit updated results with each reporting deadline. Voters in the state's third largest county were left wondering who won, who lost, and once again, what was going on with their elections office.

The day after an election is supposed to be one which offers reflection and a new beginning for voters, yet in Palm Beach County, daylight didn't end their 2018 election nightmare, it only exacerbated it.

Our voters have come to expect a fluid, transparent and confidence-inspiring election process, especially as recounts become more common. In nearly every county, voters were able to know, regardless of the outcome, the recount process was working as planned, per F.S. 102.141 and 102.166. Supervisor Bucher delivered precisely the opposite, as voters experienced chaos, turmoil and uncertainty.

Adding to that, and in clear violation of F.S. 101.5614(4), and 101.68, Supervisor Bucher repeatedly refused to allow physically damaged ballots to be duplicated in the presence of the canvassing board, instead opting to have it take place behind closed doors. It took a candidate's lawsuit and a court order to bring that process out in the open.

Supervisor Bucher also chose to deny the public and members of the media the opportunity to observe the open process, as Florida law demands. Her stubborn secrecy culminated in a threat to have members of the media arrested for simply doing their job of observing the counting of ballots. Once again, a lawsuit, this time filed by national media outlets, was needed to provide transparent, open elections in Palm Beach County.

Throughout the recount, Supervisor Bucher blamed faulty equipment for her inability to complete the multiple recounts on time. While the equipment she refused to replace is certainly at the core of many of the missed deadlines, the fault is not with the equipment. Supervisor Bucher had years of foreknowledge that her county needed to buy new equipment, yet she chose not to. Supervisor Bucher's supervision of staff is also a factor. It was noted by an observer the tabulation system had been modified with a paper clip permanently affixed to the "enter" key, in effect forcing an overheating of the system.

It is no surprise the ongoing calamity resulted in Palm Beach County missing recount deadlines. The county was alone in failing to meet all ordered machine and manual recount deadlines, in violation of F.S. 102.141, and F.S. 102.166.

In all, it took until 50 days after Election Day for Palm Beach County's elections office to complete the ordered recounts which other counties had completed in a quarter of the time.

After each election, Supervisors of Elections, as a member of the canvassing board, completes a statutorily mandated Conduct of Election Report, per F.S. 102.141(9). The Palm Beach County Conduct of Election Report was incomplete, missing many details necessary to fully review the process. And Supervisor Bucher's obligation to amend the Conduct of Election Report with complete information has not occurred.

The 2018 election performance of Palm Beach County's elections office aren't miscues, mistakes or glitches, but a systemic issue, which has been in place for years, and barring changes, there seems to be no relief for 2019 and beyond. A quick review of the Palm Beach

County Elections website today revealed no information about the March 2019 municipal elections. No notice of which cities had elections, no early voting information, not even links to the city election websites, so voters could dig deeper for information if Palm Beach County's elections office was unwilling to provide it.

No election is perfect, and there are certainly improvements which can be made to assist local election supervisors in the future. But there is a big difference between isolated incidents, and ingrained institutional incompetence.

I believe the issues in Palm Beach County's elections office can be immediately improved with two actions, one which I am implementing, and one which I believe your intervention is warranted.

First, as of June 1, 2019, Florida Department of State will be decertifying the vote tabulation system used in Palm Beach County for any county with more than 250,000 voters.

Secondly, I strongly recommend you to use your authority under Article IV, Section 7(A) of the Florida Constitution to suspend Palm Beach County Supervisor of Elections Susan Bucher, allowing fresh, competent leadership to take the reins of the much-maligned office.

Palm Beach County voters — and all Floridians — need the assurance our elections are being proctored in the most efficient, transparent manner possible. I believe these two actions will finally put an end to what has for too long festered, and help to establish trust in the process.

Michael Ertel

A handwritten signature in dark ink, appearing to read "A. Ertel", with a stylized flourish at the end.

Secretary of State