

(House Substitute for H. B. 1863)  
(Conference)

**(No. 78-2011)**

(Approved June 1, 2011)

## **AN ACT**

To authorize, provide, and regulate all matters related to the election system in Puerto Rico; to adopt the Puerto Rico Election Code for the 21<sup>st</sup> Century; to repeal Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” in its entirety; to establish the State Election Commission and the officials thereof, and to define its main offices and their functions; to provide for the implementation of an electronic voting and/or canvass system, as well as safeguards for voters; to establish provisions regarding compliance and harmonization with the applicable State and Federal laws and case law; to define election-related crimes and impose penalties for violations of this Act; and for other related purposes.

## **STATEMENT OF MOTIVES**

In Puerto Rico, political power stems from the People and it is exercised according to their will. A government that operates with the consent of those governed is the guiding principle of our democracy. The Constitution of Puerto Rico states that the right to universal suffrage shall be equal, secret, direct, and free, and whereby the citizens may cast their vote according to the citizen’s conscience. Such guarantee of the ability to express oneself through voting represents the most effective instrument of citizen participation and has served as an example to other democratic jurisdictions.

The Puerto Rico Electoral Act, Act No. 4 of December 20, 1977, as amended, was passed with the purpose of guaranteeing the necessary procedural purity to count every vote in the form and manner in which it is cast, while

ensuring the People's trust in clear and impartial election processes carried out in an orderly environment of peace and respect for all. This Act created the State Election Commission and established provisions regarding all matters related to this organization in the Island.

Even though our election system has achieved all its original purposes, it has not been exempted from debates, controversies, and recommendations for change as a result of the experiences accumulated during its implementation and execution. The amendments made to this statute are numerous, and the proposed amendments pending are even more so. Likewise, this Act has been interpreted in myriad ways by our Courts, as well as by the State Election Commission itself, when new and unforeseen situations have arisen or when confusing and inaccurate language has been used in the original text.

Thirty years have passed since the Electoral Act was adopted and it is necessary to revise the entire statute to adjust it to past experiences, clarify terms, improve its wording, and correct erroneous interpretations to facilitate and broaden the exercise of the right to vote.

To these ends, this measure seeks to strengthen the Island's democratic system, broaden voters' rights, and reduce to the bare minimum any intervention of foreign factors with the voters' will during the election process. The most relevant issues in this measure are:

- Establishing three percent (3%) of the votes for the office of Governor in the previous General Election as the only requirement for a party to remain registered.
- Clearly establishing that a split ballot shall have at least one valid vote for a candidate under the column of the political party for which the voter cast his/her vote. Otherwise, it shall be considered a void ballot.

- Reducing the time and cost of political campaigns and propaganda by establishing the deadline to file candidacies and endorsement petitions on a date closer to the primaries.
- Eliminating the possibility of registering or re-registering a political party with public funds by establishing that the term to register parties begins in the year following a General Election.
- Adapting the Act to applicable Federal laws, such as the “Help America Vote Act” and the “Uniformed Overseas Citizens Absentee Voters Act.”
- Increasing absentee vote and advance vote categories.
- Eliminating the canvassing requirement to determine whether there will be a recount.
- Adapting the language used in the Act to include new electronic voting and canvassing system technologies.
- Establishing and instituting electronic voting systems in Puerto Rico to expedite and facilitate the voting process for voters while guaranteeing trustworthiness.

It is important to note the existence of a bill to create the “Puerto Rico Political Campaign Financing Oversight Act,” which addresses the most recent case law concerning the right of juridical persons under the First Amendment of the Constitution of the United States.

The ruling of the United States Court of Appeals for the First Circuit in Boston on *Pérez-Guzmán v. Gracia*, 260 F. Supp 2d 389 (1<sup>st</sup> Cir. 2003) is relevant for the purposes of this Act insofar as it held unconstitutional the provision that required the use of notary publics to re-register a political party because it violated the First Amendment of the United States Constitution. This Act includes such legal precedent for prospective election processes.

This Act, as well as the “Puerto Rico Political Campaign Financing Oversight Act,” establishes a fair and random procedure. It is the duty of the Supreme Court of Puerto Rico to ensure that the judicial system is trained and ready to hear election-related cases vis-à-vis the current legal reality.

For all of the aforementioned reasons, this Legislative Assembly deems it necessary to approve this measure in order to repeal the Puerto Rico Electoral Act and to establish a new Election Code that conforms to the democratic processes pursued by Puerto Rico for the 21<sup>st</sup> century which, together with the “Puerto Rico Political Campaign Financing Oversight Act,” shall establish a more modern and efficient rule of law regarding election processes.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.001                      THE NEW PUERTO RICO ELECTION CODE FOR  
THE 21<sup>ST</sup> CENTURY IS HEREBY CREATED.

CHAPTER I

TABLE OF CONTENTS

Table of Contents

CHAPTER II

PRELIMINARY PROVISIONS

Section 2.001	Title
Section 2.002	Statement of Purpose
Section 2.003	Definitions
Section 2.004	Terms
Section 2.005	Uniformity

## CHAPTER III

### STATE ELECTION COMMISSION

Section 3.001	State Election Commission
Section 3.002	Functions, Duties, and Powers of the Commission
Section 3.003	Commission Meetings
Section 3.004	Decisions of the Commission
Section 3.005	Jurisdiction and Procedures
Section 3.006	Commission Documents
Section 3.007	Chair, Alternate Chair, and Vice Chairs of the Commission
Section 3.008	Removal from and Vacancy in the Offices of Chair, Alternate Chair, and Vice Chairs
Section 3.009	Powers and Duties of the Chair
Section 3.010	Secretary and Deputy Secretaries of the Commission
Section 3.011	Functions and Salaries of the Secretary and Deputy Secretaries
Section 3.012	Vacancy in the Offices of Secretary and Deputy Secretaries
Section 3.013	Powers and Duties of the Secretary
Section 3.014	Election Commissioners
Section 3.015	Voting System

## CHAPTER IV

### JUDICIAL REVIEW

Section 4.001	Judicial Review of the Decisions of the Commission
Section 4.002	Review by the Court of Appeals and the Supreme Court
Section 4.003	Effects of a Judicial Ruling or Review
Section 4.004	Court Costs and Fees

Section 4.005 Appointment of Judges in Election-Related Cases

## CHAPTER V

### OTHER ELECTORAL BODIES

Section 5.001 Special Commission

Section 5.002 Local Election Commissions

Section 5.003 Political Party Representatives in Local Commissions

Section 5.004 Functions and Duties of Local Election Commissions

Section 5.005 Agreements of the Local Commissions; Appeals

Section 5.006 Permanent Registration Board

Section 5.007 Representation in the Permanent Registration Board

Section 5.008 Electoral Unit Board

Section 5.009 Polling Place Board

Section 5.010 Delegation of Authority to Appoint Polling Place  
Officials

Section 5.011 Incompatibility

## CHAPTER VI

### VOTERS AND REGISTRATION

Section 6.001 Voters' Rights and Prerogatives

Section 6.002 Voters

Section 6.003 Voter Qualifications

Section 6.004 Electoral Domicile

Section 6.005 Disqualification from Voting

Section 6.006 Guarantee of the Right to Vote

Section 6.007 Registration Application

Section 6.008 Errors in Election-Related Transactions

Section 6.009 Voter Identification Card

Section 6.010 Expiration of the Voter Identification Card

Section 6.011	Voter Identification Card Picture
Section 6.012	General Voter Registry
Section 6.013	Reactivations, Transfers, Relocations, and Renewal of the Voter Identification Card
Section 6.014	Voters' Access to their Voter Registration File and to a Copy of the General Voter Registry
Section 6.015	Deadlines for Registration, Reactivation, Transfer, and Relocation
Section 6.016	Continuous Process of Voter Registration, Reactivation, Transfer, Relocation, Voter Identification Card Picture, and Modifications to the General Voter Registry
Section 6.017	Challenge Process
Section 6.018	Term to Challenge Voters
Section 6.019	Challenge on the Grounds of Age; Proof
Section 6.020	Presentation of Applications for Registration, Reactivation, Transfer, Relocation, and Modification before the Local Commission
Section 6.021	Adjudication of Mental Incompetence and Death Certificate Reports

## CHAPTER VII

### POLITICAL PARTIES

Section 7.001	The Parties
Section 7.002	Citizen Groups
Section 7.003	Invalid Party Registration Petitions
Section 7.004	Prerogatives of Political Parties
Section 7.005	Propaganda Distribution Facilities

Section 7.006	Credit for Transportation and Other Means for Mobilizing Voters
Section 7.007	Registry of Affiliated Voters
Section 7.008	Affiliated Voter Registration Form
Section 7.009	Political Party Insignias and Emblems of Independent Candidates
Section 7.010	Order to File Insignias and Emblems
Section 7.011	Retention of Rights over Name and Insignia
Section 7.012	Ban on the Use of Party Names, Insignias, and Emblems for Commercial Purposes
Section 7.013	Change of Name or Insignia
Section 7.014	List of Political Party Insignias and Candidate Emblems

## CHAPTER VIII

### CANDIDACIES AND PRIMARIES

Section 8.001	Aspirants and Candidates for Elective Public Office
Section 8.002	Vacant Candidacy
Section 8.003	Roster of Aspirants
Section 8.004	Nomination of Candidates
Section 8.005	Decision to Hold Primaries and Holding Thereof
Section 8.006	Primaries Commission
Section 8.007	Alternate Selection Methods
Section 8.008	Disqualification of an Aspirant
Section 8.009	Date for Holding Primaries
Section 8.010	Calling a Primary
Section 8.011	Date to File Candidacies and Deadlines
Section 8.012	Endorsement Petitions for Primaries and Independent Candidacies



Section 8.013	Endorsement Petition Form for Primaries
Section 8.014	Officials to Administer Oaths for Endorsement Petitions for Primaries
Section 8.015	Information Form
Section 8.016	Criteria to Invalidate Endorsement Petitions for Primaries
Section 8.017	Certification of Aspirants
Section 8.018	Acceptance of Aspiration for Candidacy in Primaries
Section 8.019	Withdrawal from Participating in Primaries
Section 8.020	Disqualification of Aspirants and Candidates
Section 8.021	Design of Primary Ballots
Section 8.022	Prohibitions Regarding Emblems
Section 8.023	Voting in Primaries
Section 8.024	Precinct Canvass
Section 8.025	Aspirants Elected in Primaries
Section 8.026	Tie in Primary Vote Results
Section 8.027	General Provision on Primaries

## CHAPTER IX

### PROCEDURES BEFORE AN ELECTION; VOTING

Section 9.001	Date of Elections
Section 9.002	General Call
Section 9.003	Holiday
Section 9.004	Purpose of a General Election
Section 9.005	Purpose of a Special Election
Section 9.006	Special Elections
Section 9.007	Persons Entitled to Vote in a Special Election
Section 9.008	Voter Distribution
Section 9.009	Political Party Names and Insignias on the Ballot

Section 9.010	Preparation and Distribution of Official and Sample Ballots
Section 9.011	Ballots
Section 9.012	Order in which Candidates Appear on the Ballot
Section 9.013	Voter Lists
Section 9.014	Polling Places
Section 9.015	Special Polling Place for Provisional Voting
Section 9.016	Easy Access to Polling Place
Section 9.017	Location of Polling Centers
Section 9.018	Change in Polling Center
Section 9.019	Oath of the Polling Officials
Section 9.020	Substitution of Polling Officials
Section 9.021	Authority of the Polling Officials
Section 9.022	Minimum Equipment Required in Polling Places
Section 9.023	Election Material
Section 9.024	Indelible Mark; Selection and Procedure
Section 9.025	Delivery of Election Material
Section 9.026	Inspection of Election Material
Section 9.027	Voting Procedure
Section 9.028	Manner of Voting
Section 9.029	Ballots Spoiled by Voters
Section 9.030	Physical Inability to Mark a Ballot
Section 9.031	Challenge of a Voter
Section 9.032	Arrest of a Voter for Voting Illegally
Section 9.033	Voting of Polling Officials
Section 9.034	Closing of Polling Places and Closed Line System
Section 9.035	Persons Entitled to Absentee Vote

Section 9.036	Absentee Vote Application
Section 9.037	Absentee Voters
Section 9.038	Absentee Vote Administrative Board
Section 9.039	Advance Voters
Section 9.040	Advance Vote Application
Section 9.041	Advance Vote Procedure
Section 9.042	Provisional Voting
Section 9.043	Voters with Priority
Section 9.044	Protection of the Candidates for Governor and Resident Commissioner

## CHAPTER X

### CANVASS

Section 10.001	Canvass
Section 10.002	Unadjudicated Ballot
Section 10.003	Challenged Ballot
Section 10.004	Protest Ballot
Section 10.005	Split-Ticket Ballot
Section 10.006	Tally Sheets
Section 10.007	Return of Election Material
Section 10.008	Partial and Preliminary Result.
Section 10.009	General Canvass
Section 10.010	Recount
Section 10.011	Tie in the Results of an Election
Section 10.012	Results of the Election
Section 10.013	Public Funds and Property Management Course
Section 10.014	Resident Commissioner Elect

Section 10.015	Minority Party Representation
Section 10.016	Contesting the Election
Section 10.017	Effect of Contesting the Election
Section 10.018	The Senate and the House of Representatives as Sole Judges of the Election of their Members
Section 10.019	Preservation and Destruction of Ballots and Tally Sheets

## CHAPTER XI

### REFERENDUM – CONSULTATION - PLEBISCITE

Section 11.001	Applicability of this Act
Section 11.002	Duties of the Election-Related Bodies
Section 11.003	Legal Holiday
Section 11.004	Persons Entitled to Vote
Section 11.005	Emblems
Section 11.006	Participation of Political Parties and Political Action Committees
Section 11.007	Notice of Participation
Section 11.008	Financing
Section 11.009	Ballot
Section 11.010	Notice of the Results and Prevailing Proposal

## CHAPTER XII

### PROHIBITIONS AND ELECTION-RELATED CRIMES

Section 12.001	Media Expenses of the Government of Puerto Rico
Section 12.002	Distance between Propaganda Distribution Facilities
Section 12.003	Use of Communication Material and Equipment
Section 12.004	Opening Propaganda Distribution Facilities
Section 12.005	Violations of Election-Related Laws
Section 12.006	Improper Use of the Voter Identification Card

Section 12.007	Violation of Rules and Regulations
Section 12.008	Dismissal or Suspension from Employment for Serving as a Member of a Local Commission
Section 12.009	Alteration of Election-Related Documents
Section 12.010.	Forged Signatures or Unauthorized Information in Endorsement Petitions for Primaries.
Section 12.011	Installation of Mechanical Devices
Section 12.012	Penalty for Obstruction
Section 12.013	Breaking into Facilities
Section 12.014	Improper Use of General Voter Registry Information
Section 12.015	Improper Use of Public Funds
Section 12.016	Job Offers
Section 12.017	Conviction of an Aspirant or Candidate
Section 12.018	Registration Offenses
Section 12.019	Jeopardizing the Right to Register and Vote
Section 12.020	Tearing Off or Defacing Documents
Section 12.021	Operation of Establishments Dispensing Alcoholic Beverages
Section 12.022	Election Day
Section 12.023	Double Voting
Section 12.024	Competence of the Court of First Instance, Appointment of a Special Prosecutor, and Applicable Rules of Procedure
Section 12.025	Statute of Limitations

### CHAPTER XIII

#### ADDITIONAL PROVISIONS

Section 13.001	Severability
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Section 13.002	Jurisdiction of the Bodies Created Under this Act
Section 13.003	Repeal
Section 13.004	Transitory Provisions
Section 13.005	Effectiveness

## CHAPTER II PRELIMINARY PROVISIONS

Section 2.001. – Title. –

This Act shall be known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century.”

Section 2.002. – Statement of Purpose. –

A State that operates with the consent of those governed is the guiding principle of any democratic system. The greatness and strength of such institution rests primarily on the expression and participation of the citizens in the election processes from which its operation and functioning arise.

The right to vote derives from various sources: first, from the right of all human beings to elect their own governments; second, from the United States Constitution; and third, from the Constitution of Puerto Rico –which states that the right to universal suffrage shall be equal, secret, direct, and free, and whereby every citizen may cast his/her vote as dictated by his/her conscience– and from the statutes that impart utility to constitutional provisions.

The guarantee of the right to vote is the most effective instrument of citizen participation in a democratic government system. This electoral franchise may be organized through political parties to which certain rights are granted, though they are still subject to the rights of the individual voters recognized under Section 2.001 of this Act.

This Act acknowledges the people's capability to express their will notwithstanding their political affiliation in order to protect those citizens who wish to do so.

For all of the foregoing, we hereby reassert that the underlying principle of an election law is to guarantee procedural purity whereby every vote is counted as it was cast. Thus, this Act is hereby adopted to fully ensure such purity, which is essential for the development of our democracy, while assuring the trust of Puerto Rican voters in election processes that are free from fraud and violence. Additionally, the sole underlying principle of this Act is to guarantee that every citizen shall have equal opportunity to participate in all stages of the election process. Furthermore, in recognizing the constitutional rights of all United States citizens residing in Puerto Rico and the fact that the official languages of the Island are both Spanish and English, we believe that an election system in which only the former is used discriminates against those citizens who only speak English, or understand it better, due to their national origin, ethnicity, or race, thus violating the Equal Protection Clause of the United States Constitution.

For such reason, both Spanish and English shall be used in every regular or special election process carried out pursuant to the provisions of this Act, including any process preceding or following the election year and those related to voter registration, issuance of voter identification cards, information to voters, orientation campaigns, and regulation and printing of official and sample ballots, among others.

Section 2.003. – Definitions. –

For the purposes of this Act, the following terms shall have the meaning stated hereinbelow:

- (1) “Tally Sheet” – Document where the result of the canvass of votes shall be attested.

- (2) “Incident Log” – Document in which polling opening and closing acts, as well as other related incidents occurred therein, shall be recorded.
- (3) “Government Agency” – Any department, bureau, office, instrumentality, public corporation or subsidiaries thereof, municipalities, or political subdivisions of the Government of Puerto Rico.
- (4) “Citizen Group” – A group of people organized with the intent to participate in an election process. It shall also be known as a committee. It may be constituted and operated as a campaign committee, authorized committee, or political action committee. However, even if it is not constituted as a committee, it shall comply with the registration and reporting requirements, as well as the limitations of a committee, as the case may be.
- (5) “Election Year” – Year in which a General Election is held.
- (6) “Aspirant” – Any person interested in obtaining the formal nomination to become a political party’s candidate for an elective office. This term shall also include those persons that may be reasonably inferred to be attempting to become a candidate or carry out activities, fundraisers, or other events for such purposes.
- (7) “Political Party Balance” – The political equilibrium between major parties that shall exist in the offices and divisions of the Commission, as provided by this Act. It applies to technical and administrative positions, without it constituting duplication in the assignment of duties or the creation of redundant or parallel positions. In the offices and divisions of the Commission where political party balance is required, the positions of director or head and deputy director or



second-in-command shall be held by supporters of different major political parties. The provisions regarding political party balance may only be claimed by parties that comply with the requirements established in this Act, according to the “Major Party” definition that appears hereinbelow.

- (8) “Candidate” – Any person certified as such by the State Election Commission.
- (9) “Independent Candidate” – Any person who appears on the ballot as a candidate for elective public office without being formally nominated by a political party, pursuant to the provisions of this Act.
- (10) “Candidacy” – The individual aspiration to any elective public office.
- (11) “Housing Facility” – A place where attention is provided to people with special needs who require a particular treatment or care, such as rest homes, retirement centers, assisted living communities, women shelters, witness protection centers, elderly homes, or similar institutions for pensioners, veterans, and persons with special needs.
- (12) “Vacation and Leisure Home” – House used occasionally for vacationing or resting by a person who has another residence constituting the hub of personal, family, and work-related activities.
- (13) “Voting Booth” – A structure made of plastic, carton, fabric, paper, metal, or other material that encloses and protects a space where voters may exercise their right to vote secretly.
- (14) “Polling Center” – Any public or private facility where polling places for a specific Electoral Unit are set up.
- (15) “Certificate of Election” – Document whereby the Commission recognizes the candidate’s election to public office, or the results of an election after a general canvass or recount.

- (16) “Preliminary Certificate of Election” – Document whereby the Commission reports the preliminary results of any election.
- (17) “Voter Registry or the General Voter Registry Closing” – The last working day prior to an election in which a voter may be included in the General Voter Registry.
- (18) “Polling Place” – Place where the voting process of a determined Electoral Unit is carried out.
- (19) “Commission” – The State Election Commission of Puerto Rico (CEE, Spanish acronym).
- (20) “Federal Election Commission” – The Federal Election Commission of the United States of America (FEC), as created by the Federal Election Campaign Act of 1971.
- (21) “Local Commission” – Official instrumentality of the Commission at the election precinct level.
- (22) “Election Commissioner” – The person designated by the central governing body of a major party, party, or party by petition as its representative before the State Election Commission.
- (23) “Political Action Committee” – Committee or citizen group which, pursuant to the “Puerto Rico Political Campaign Financing Oversight Act,” is:
  - a. (1) Organized for the main purpose of promoting, furthering, or advocating for or opposing a political party or any issue presented in a plebiscite, consultation, or referendum, or the election or defeat of an aspirant in primaries or a candidate in general or special elections; and (2) receives contributions or incurs expenditures for election-related purposes in excess of one thousand dollars (\$1,000) during a calendar year;

- b. Any segregated fund of contributions or expenditures for election-related purposes established by a juridical person; or
- c. A group of two (2) or more persons (a) that is constituted for the main purpose of advocating, supporting, promoting, or furthering, aiding in, or opposing the organization of a political party or the potential aspiration or candidacy of a clearly identified person; and (b) that receives contributions or incurs expenditures for election-related purposes in excess of one thousand dollars (\$1,000) during a calendar year.

The registrations, records, and reports of these committees, and the requirements imposed by this Act, shall be carried out pursuant to the “Puerto Rico Political Campaign Financing Oversight Act.”

- (24) “Campaign Committee” – Citizen group engaged in directing, promoting, fostering, aiding, or advising the campaign of any political party, aspirant, or candidate with the consent of said political party, aspirant, or candidate. It may receive contributions and incur expenditures. The contributions received shall be deemed to be made on behalf of the aspirant, candidate, or political party, and the activities planned, organized, or carried out, as well as the expenditures incurred, shall be deemed to be coordinated with them.
- (25) “Election Comptroller” – the Executive Officer and the Appointing Authority of the Office of the Election Comptroller of Puerto Rico, pursuant to the “Puerto Rico Political Campaign Financing Oversight Act.”
- (26) “Election-related crime” – Any action or omission made in violation of the provisions of this Act and which entails a penalty or security measure.

- (27) “Domicile” – Residence around which the personal and family activities of any person mainly take place, and where said person has, through positive acts, manifested his/her intention to remain.
- (28) “Election or Elections” – Includes a General Election, primary, referendum, plebiscite, voter consultation, and special election.
- (29) “Special Election” – Process whereby voters choose one or more officials within a certain geographic delimitation to fill a vacancy in an elective public office in the Government of Puerto Rico.
- (30) “General Election” – Process whereby, every four (4) years, voters choose the officials who will hold elective public offices in the Government of Puerto Rico, including the offices of governor, resident commissioner, state legislators, mayors, and municipal legislators.
- (31) “Voter” – Any qualified person who has met the registration requirements.
- (32) “Electronic Canvass” – Process whereby the canvass of the ballots and the record of the choices of the voter, or of a person authorized by him/her, is made with an electronic device that reads or recognizes marks.
- (33) “Party Registration” – Authority granted under this Act to political parties to enjoy the rights and prerogatives conferred thereby according to their category. Those parties that poll seven percent (7%) or more of the total number of valid votes cast shall remain registered.
- (34) “Elected Official” – Any person who holds an elective public office.
- (35) “Election Official” – A voter that is registered, trained, and who does not hold an incompatible office, according to the applicable local and

Federal laws and regulations, and who represents the Commission in election-related issues and matters, as provided by the Commission through a document which shall be duly completed and sworn by the designated voter.

- (36) “Government of Puerto Rico” – All the agencies that constitute the Legislative, Executive, and Judicial Branches of the Government of Puerto Rico.
- (37) “Absentee Vote and Advance Vote Administrative Board” – An electoral entity of the Commission created with the purpose of managing the application, voting, and adjudication process of absentee and advance voting.
- (38) “Polling Place Board” – Electoral entity constituted at the polling place that is in charge of managing the voting process in its assigned polling place.
- (39) “Permanent Registration Board” – Electoral entity in charge of carrying out election-related transactions.
- (40) “Electoral Unit Board” – Electoral entity constituted at the Electoral Unit that is in charge of directing and supervising the voting process in its assigned polling center.
- (41) “Official Voter List” – Printed or electronic document prepared by the Commission that includes the information required by law from qualified voters assigned to a polling place for a particular election.
- (42) “Propaganda Distribution Facility” – Any building, structure, establishment, venue, or mobile unit used to distribute political propaganda.

- (43) “Mark” – Any type of affirmative expression to be used for an election by the voter, expressed in any valid way, whether on paper or in any electronic media, as determined by the Commission.
- (44) “Media Outlet” – Advertising agencies, radio, motion picture, television, cable television, satellite systems, newspapers, magazines, signs, electronic media, Internet, and other similar media businesses or ventures.
- (45) “Election Material” – Miscellaneous material, printed or electronic document, equipment, or device used in any voting process managed by the State Election Commission.
- (46) “Mass Media” – Books, radio, film, television, cable television, Internet, newspapers, magazines and publications, handouts, postcards, labels, satellite systems, telephone, telephone signs, posters, banners, plaques, bills, loudspeakers, streamers, registration, notices, objects, symbols, logos, and pictures, whether in tapes, disks, compact disks, electronic media, or other similar formats.
- (47) “Alternate Method” – Alternate procedure to a primary which is approved by the central governing body of a political party to select candidates for elective public offices and which complies with the minimum guarantees provided in this Act.
- (48) “Member” – Any voter affiliated to a political party that undeniably manifests belonging to said political party, who participates in its activities, and complies with its regulations, its government program, and the decisions of its internal bodies.
- (49) “Voter Identification Number” – Unique and permanent identification number assigned to every duly registered person by the Commission.

- (50) “Central Governing Body” – Ruling entity at the Commonwealth level designated as such by each political party in its bylaws.
- (51) “Local Governing Body” – Local ruling entity of each political party constituted in election precincts, municipalities, or representative or senate districts.
- (52) “Ballot” – Document or electronic medium available, designed by the State Election Commission, on which the voter shall mark his/her vote.
- (53) “Adjudicated Ballot” – Ballot on which the voter has cast his/her vote and is accepted as valid by the Polling Place or by the State Election Commission.
- (54) “Blank Ballot” – Unmarked ballot that has been registered or deposited in the ballot box by a voter. It shall not be deemed to be a cast vote.
- (55) “Straight-ticket Ballot” – Ballot on which the voter casts a vote for the entire slate of a single political party by voting for the insignia of said party.
- (56) “Spoiled Ballot” – Ballot spoiled by a voter and in substitution of which a second ballot is given. It shall not be deemed to be a cast vote.
- (57) “Unused Ballot” – Ballot that was not used during the voting process.
- (58) “Split-ticket Ballot” – Ballot in which the voter marks the insignia of a political party, which shows a valid vote for at least one candidate in the column under such party’s insignia, and any other candidate or combination thereof for which the voter has a right to vote.
- (59) “Unadjudicated Ballot” – A ballot cast by a voter on which the poll inspectors have been unable to agree as to its adjudication. This ballot

shall be referred to the Commission as established in this Act, and it shall not be deemed to be a cast vote.

- (60) “Void Ballot” – Ballot on which the vote has been cast, but after the election, the State Election Commission determines to render invalid. It shall not be deemed to be a cast vote.
- (61) “Independent Vote” – Ballot in which the voter marks, as each elective public office requires, any candidate or combination thereof, from the same political party or from different parties, or independent or write-in candidates, without making any mark under the insignia of a political party.
- (62) “Untallied Ballot” – Cast ballot that the voting or electronic canvassing system did not count.
- (63) “Protest Ballot” – A ballot cast by a voter from which the insignia of any party has been ripped off; on which a name has been written other than in the column for write-in candidates; on which a candidate’s name has been crossed out; or that bears initials, words, marks, or designs of any kind other than those permitted to cast a vote.
- (64) “Challenged Ballot” – A ballot cast by a voter which has been subject to the challenge process provided in this Act.
- (65) “Party” – A political party that participated in the previous general election and polled a number of straight-ticket votes in the Commonwealth ballot that is not less than seven percent (7%) nor more than twenty-five percent (25%) of the total number of valid votes cast.
- (66) “Political Party” – Major party, party, party by petition, local party, or local party by petition.



- (67) “Local Party” – Political party that participated in the previous general election with the purpose of nominating or electing candidates for offices in a specific municipality, senate district, or representative district, and that polled the necessary number of votes to fulfill the requirements of this Act to keep its party registered in the delimitation for which it had candidates in the previous general election.
- (68) “Local Party by Petition” – Political party that was registered as such in the Commission in order to participate in a general election for a specific municipality, representative district, or senate district.
- (69) “Party by Petition” – Political party that was registered as such in the Commission in order to participate in a general election for a specific municipality, representative district or senate district.
- (70) “National Party” – Every political party that nominates and participates in the election of candidates for the office of President of the United States of America as per Act No. 6 of September 24, 1979, as amended, known as the “Presidential Primaries Act.”
- (71) “Major Party” – A political party that participated in the previous general election and polled at least twenty-five percent (25%) of the total number of votes cast by all voters who participated in said general election.
- (72) “Majority Major Party” – Party whose candidate for Governor was elected in the previous general election.
- (73) “Employer” – Any natural or juridical person, whether an executive, administrator, or the head or director of a department, agency, public corporation, municipality, municipal entity, or any entity that hires and employs personnel for profit or nonprofit purposes. Moreover, it includes any agent, representative, supervisor, manager, person-in-

charge, executive director, Secretary, custodian, or any person upon whom powers have been entrusted by the employer to supervise, assign tasks, or both. It also includes the agent who acts directly or indirectly in the interest or to the benefit of an employer, and who performs executive tasks in the interest of said employer, be it an individual, partnership, or organization that intervenes therefor.

- (74) “Person” – Individual, whether natural or juridical, with rights and obligations.
- (75) “Juridical Person” – Corporation, limited liability company, partnership, cooperative, trust, group of persons organized as an association, and labor organization in accordance with the “Puerto Rico Political Campaign Financing Oversight Act.”
- (76) “Plebiscite” – Method employed to consult the voters of Puerto Rico as to their choice between various options on a same issue of political order, including, but not limited to the political relation between Puerto Rico and the United States of America.
- (77) “Election Precinct” – A geographic delimitation in Puerto Rico for election-related purposes, which shall be composed of one municipality or part thereof.
- (78) “Primary” – The process whereby candidates running for elective public offices are chosen through the direct vote of the People, and that is subject to the provisions of this Act and the Rules adopted by the State Election Commission and the central governing body of each political party.
- (79) “Chair” – The Chair of the State Election Commission.
- (80) “Election Process” – Any election-related activity carried out by the State Election Commission.

- (81) “Challenge Procedure” – Procedure whereby the status of a voter in the General Voter Registry, or the application for registration or transfer during the registration process thereof, is challenged. It shall also mean the procedure whereby the vote cast by a voter in an election is challenged due to well-grounded suspicions that the person is casting such vote illegally.
- (82) “Referendum” – Procedure whereby one or more specific proposals regarding public policies to be adopted, or legislation to take effect regarding matters of general interest, are submitted to the voters of Puerto Rico for their approval or rejection.
- (83) “Affiliated Voter Registry” – Registry prepared by each political party that, according to its rules and regulations, includes voters who are members of said political and who comply with the method established by the political party for such purposes.
- (84) “General Voter Registry” – Record prepared and kept by the State Election Commission that contains the information of all the persons in Puerto Rico who have registered for election-related purposes.
- (85) “Relocation” – Procedure whereby a voter requests that his/her registration be assigned to another Electoral Unit within the same precinct due to a change in domicile or an error in location.
- (86) “Transfer” – Procedure whereby a voter requests the transfer of his/her registration from one precinct to another due to a change in domicile.
- (87) “Court” – The General Court of Justice of Puerto Rico and any of its parts and judges, designated by the Supreme Court of Puerto Rico to hear election-related cases pursuant to this Act and the “Puerto Rico Political Campaign Financing Oversight Act.”

- (88) “ElectoralUnit” – The smallest geographic delimitation into which the precincts have been divided for election-related purposes.
- (89) “Electronic Voting” – Process whereby voters cast their votes using an electronic device or medium, including, but not limited to: the telephone, a direct-recording electronic system, the Internet, a special device for persons with severe physical disabilities, or others that do not require the use of a paper ballot.
- (90) “Advance Vote” – Process whereby the Commission allows certain voters who will be in Puerto Rico on the day of the election to cast their votes the day before the set date for said election.
- (91) “Absentee Vote” – Process whereby the Commission allows certain voters who will be outside of Puerto Rico on the day of the election to cast their vote.

Section 2.004. – Terms. –

In computing the terms stated in this Act, the Rules of Civil Procedure of Puerto Rico of 2009 shall apply, except for those fixed in Sections 3.005 and 5.005, which shall be restrictive.

Section 2.005. – Uniformity. –

The rulemaking authority conferred by virtue of this Act onto the electoral entities created herein shall be exercised so as to standardize every election held, insofar as it is feasible and compatible.

### CHAPTER III

#### STATE ELECTION COMMISSION

Section 3.001. – State Election Commission. –

The State Election Commission is hereby created to be composed of a Chair, who shall be its executive officer and an Election Commissioner representing each of the major political parties, parties, and parties by petition.

The vice chairs, alternate commissioners, one Secretary, and the deputy secretaries may participate in the meetings of the Commission; they shall have voice but no vote, and shall not be counted to constitute a quorum.

The Election Commissioners of the Commission shall earn an annual compensation, and any differential established by law, equal to that of a Secretary of the executive departments of the Government of Puerto Rico other than the Secretary of State. The Chair of the Commission shall earn an annual compensation, and any differential established by law, equal to that of an Associate Justice of the Supreme Court of Puerto Rico. Likewise, the Commissioners and the Chair may render services under contract without exceeding the total annual salary fixed herein.

The seat and headquarters of the Commission shall be located in the city of San Juan, Puerto Rico.

Pursuant to Act No. 32 of August 8, 1990, the State Election Commission shall be exempted from the provisions of Act No. 184 of August 3, 2004, as amended, known as the “Public Service Human Resources Administration Act.” The Commission shall unanimously adopt and put into effect all those rules and regulations that are necessary for the administration of its personnel.

Unless otherwise provided in this Act, employees of the Commission may avail themselves of the benefits of a Retirement System or Retirement Investment Plan provided by the Government of Puerto Rico or any one in which they have enrolled or are participating as of the date of their appointment.

Each year, the Legislative Assembly shall provide sufficient funds to the Commission for the operation thereof. To such effect, the Governor shall submit to the Legislative Assembly for its consideration the Commission’s Operating Expense Budget, which shall never be less than the budget in effect for the previous fiscal year. The Governor and the Legislative Assembly shall provide

additional resources on the budget of the Commission for those fiscal years that fall within the calendar year in which a general election is to be held, so that the Commission may carry out all the pre-election and election events provided in this Act. These additional resources shall not be considered as part of the operating expense budget of the Commission.

The Commission's budget shall be accounted for preferentially as requested by the Chair. No government official of the Commonwealth of Puerto Rico may freeze the Commission's budget items or accounts, or postpone budget expenditures or disbursements. No provision of special or general laws shall be invoked in order to alter or modify the budget of the Commission once it has been approved.

Furthermore, a special fund is hereby created as a financing option for expenditures incurred in connection with the implementation of an electronic voting or canvassing system. This special fund shall be nourished from any remaining balance or surplus of the Commission's regular operating funds for a specific fiscal year and from funds appropriated for any election event. This special fund shall be administered by the Commission pursuant to the applicable standards on public fund disbursement for such purposes, and shall be kept in a special account, separate from that of the Operating Expense Budget of the Commission. This special fund shall also be nourished from any appropriations made by the Governor, the Legislative Assembly, any imposed fines or penalties, or any other source provided in this Act. The Commission shall render an annual report to the Legislative Assembly regarding the use given to the special fund and the balance thereof. Said report shall be submitted on or before March 31 of the year following the year covered in such report.

The Commission may purchase, contract, or lease any supplies, printed materials, services, facilities, and equipment from private entities without being

subject to the provisions of Act No. 14 of January 8, 2004, as amended, known as the “Puerto Rican Industry Investment Act,” and Act No. 164 of July 23, 1974, as amended, known as the “General Services Administration Act”, or any other provisions of analogous laws.

Section 3.002. – Functions, Duties, and Powers of the Commission. –

The Commission shall be responsible for planning, organizing, structuring, directing, and supervising the electoral entity and all election-related procedures that govern any election to be held in Puerto Rico pursuant to this Act and its regulations. In carrying out this function, the Commission shall have the following duties, in addition to any others provided in this Act:

(a) To study the election-related issues that affect the Puerto Rican community and design an integrated plan geared toward attaining greater efficiency, promptness, and resolution of every election-related issue, matter, and procedure;

(b) To ensure that a record of all procedures, acts, and rulings is kept as provided herein;

(c) To adopt, alter, and use an official seal, to be taken into judicial notice, which shall be stamped on all its documents, resolutions, and orders;

(d) To approve the work plans and adopt bylaws and internal operating standards to conduct matters under its jurisdiction, including those needed to review and correct voter lists;

(e) To address, investigate, and resolve matters or controversies submitted for its consideration by any interested party, except those regarding contributions and expenditures of political parties, aspirants, candidates, independent candidates, campaign committees, political action committees, corporations, labor unions, and elected officials, and regarding political campaign financing, which shall be under

the exclusive jurisdiction of the Election Comptroller, as established under the “Puerto Rico Political Campaign Financing Oversight Act”;

(f) To file any legal recourses it may deem necessary to carry out and enforce the purposes of this Act;

(g) To periodically gather and evaluate local election-related procedures in light of the technological, procedural, and legislative developments of other democratic jurisdictions. To such effect, the Commission shall establish an Election Research Center, and shall request the Chair to appoint the personnel and allocate the resources needed to establish said Center. Furthermore, the Center shall promote the physical and digital compilation of election-related materials, research on the different election procedures, as well as the history of the election processes in Puerto Rico and other countries.

(h) To require that all election-related files, records, and other documents in its custody be kept and protected, both in original and on digital format, pursuant to the provisions of Act No. 5 of December 8, 1955, as amended, known as the “Puerto Rico Public Documents Administration Act”;

(i) To render an annual report of its work, achievements, and recommendations to the Governor and the Legislative Assembly;

(j) To make a limited publication of a special revised edition of this Act, and the rules and regulations adopted thereunder, not less than six (6) months before an election;

(k) To determine, by regulations, the equitable distribution of election-related publications and materials that may be published and fix the sales price thereof, taking production and printing costs into consideration. None of the aforementioned provisions shall limit the discretion of the Commission to exempt from such payment any political party, independent candidate, citizen group, or nonprofit educational institution or civic organization that requests them. Likewise,



in these cases, the quantity of the material to be distributed free of charge may also be agreed on; however, each political party, independent candidate, or citizen group certified by the Commission and participating in an election shall be entitled to a reasonable minimum number of publications free of charge;

(l) To approve and adopt rules and regulations as necessary to implement the provisions of this Act under its jurisdiction, which shall take effect, upon notice to the Governor and the Legislative Assembly of Puerto Rico, through a publication to such effect made two (2) times within a term of two (2) weeks in two (2) newspapers of general circulation, without having to comply with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico.” The Commission shall notify political parties, organizations, and independent candidates participating in a general election of any proposal on rules which it intends to consider for approval if it involves a change in the voting system to be used in said election. Furthermore, the Commission shall hold public hearings so that citizens in general may have an opportunity to express themselves on the matter. Such public hearings shall be called through notices to be published two (2) times within a term of two (2) weeks in two (2) newspapers of general circulation. This process shall be completed not less than one (1) week prior to the holding of such public hearing. Such notices shall inform the public that copies of the rules to be considered in the hearing shall be available to any person at the offices of the Commission. The Commission shall approve the regulations for the General Election and general canvass at least one hundred and eighty (180) days before the holding of the General Election;

(m) To develop a plan for affirmative action and approve the pertinent regulations to facilitate the exercise of the right to vote of people with disabilities;

(n) To call meetings of the Local Election Commissions when deemed necessary;

(o) To initiate and develop a plan for the implementation of an electronic system for voting, canvassing, or both, in which the voter is able to control the ballot and interact with the electronic device, so that the vote cast is duly saved. After previous analysis, the Commission shall determine which electronic system shall be implemented. Such system shall begin operating not later than ninety (90) days after this Act takes effect and shall include, without it being considered a limitation, a financial projection of the cost of staggered or immediate implementation so that the Commission may request a budget allocation, which shall be deposited in the fund created for this purpose; and

(p) To enter into collaboration agreements with other departments, agencies, instrumentalities, and public corporations with the previous approval of the Commission.

(q) To promote the registration of new voters and re-registration of voters.

#### Section 3.003. – Commission Meetings. –

The Commission shall meet weekly in regular session on the date, at the time, and in the place previously agreed upon by the Commissioners, without having to issue a call therefor. It may also hold as many special sessions as it deems necessary to carry out its functions, either by agreement of the majority of the Election Commissioners or by determination of its Chair, after a call to such effect. During the six (6) months that precede any general election, and during the two (2) months prior to a special election, referendum, consultation, or plebiscite, the Commission shall meet in permanent session, being able to recess, from time to time, by agreement of its members.

(a) The Chair and two (2) Election Commissioners shall constitute a quorum.

(b) The meetings of the Commission shall be private, with the exception of the adjudication sessions in the general canvass of an election. However, it may be determined by the unanimous agreement of the Election Commissioners in attendance that the meetings shall be public. The only persons who can be present during private meetings are the Chair, the Election Commissioners, the Vice Chairs, the Alternate Commissioners, the Secretary, and the Deputy Secretaries. The Commission shall have the prerogative to invite any person to participate in the discussion of an issue. The Alternate Commissioners shall only participate in the discussion and voting when substituting for the regular commissioner concerned.

(c) Any hearings authorized herein shall be public.

(d) Minutes shall be taken at each meeting and presented at the next meeting for the approval of the Commission. A stenographic or electronic record shall be kept of the Commission's work, debates, or deliberations. Any Election Commissioner may request a certified transcript of such record.

#### Section 3.004. – Decisions of the Commission. –

(a) Every motion filed with the Commission by any of the Election Commissioners shall be immediately considered for discussion and vote without having to be seconded.

(b) Every election-related issue shall require the agreement of the Commission and the approval by unanimous vote of the Election Commissioners present when it is voted upon. Any matter that does not receive a unanimous vote shall be decided, in favor of or against, by the Chair, whose decision shall be deemed to be that of the Commission, and may be appealed in the manner provided in this Act.

(c) Any amendment to or modification of the regulations for general elections and general canvass adopted more than ninety (90) days before the

general election shall require the participation and unanimous vote of all the Election Commissioners. Provided, that any amendment regarding the additional inclusion of other absentee voting categories or during the ninety (90) days prior to a general election, or on the day of the general election, and until the canvass has been completed, shall be made by unanimous vote in the Commission. If unanimity cannot be achieved in this last case, the proposed issue shall be defeated and may not be resolved by the Chair.

Section 3.005. – Jurisdiction and Procedures. –

Unless otherwise provided in this Act, the Commission shall have original jurisdiction to consider, hear, and resolve any election-related matter or controversy, either *motu proprio* or by request of an interested party.

(a) The Commission shall have the power to investigate any sworn claim or complaint filed with the Office of the Secretary. It may also hold hearings on the matter under investigation. The Commission may delegate such powers to other officials of the Commission, such as Vice Chairs, Alternate Commissioners, or persons selected unanimously by the Commissioners. The Commission shall notify the parties of the holding of hearings within the terms prescribed by regulations.

(b) The Commission shall resolve those matters and controversies brought before its consideration within a term not to exceed thirty (30) days after its filing date with the Commission or with the Office of the Secretary. However, this term shall be of five (5) days if the matter or controversy was filed within thirty (30) to five (5) days prior to an election.

(c) Every matter or controversy that arises within five (5) days prior to an election shall be resolved the day after its filing, if it is submitted within the four (4) days prior to the eve of the election. However, any matter or controversy filed at any time on the eve of an election shall be resolved not later than six (6) hours

following the filing thereof, and, when filed on Election Day, within one (1) hour after being filed.

None of the aforementioned provisions shall have the effect of staying or delaying any election process duly scheduled to be held at a specific hour and on a specific date.

Section 3.006. – Commission Documents. –

Unless otherwise provided in this Act, all records, briefs, documents, files, and materials of the Commission shall be deemed to be public documents and may be examined by any Election Commissioner or interested party. Notwithstanding, the Commission shall not provide any person with copies of the General Voter Registry or voter identification cards, ballots, tally sheets, or checklists that shall be used in an election, except as provided further on sample ballots. The registration documents shall be deemed to be private, and copies thereof shall only be available to registered voters, the Election Commissioners, the Commission and its official entities, or any competent Court in the exercise of its functions, when so required by this Act.

Election Commissioners shall be entitled to request a copy of the documents of the Commission, and these shall be issued free of charge within ten (10) days following the request.

Section 3.007. – Chair, Alternate Chair, and Vice Chairs of the Commission.–

The Election Commissioners shall appoint a Chair and an Alternate Chair, pursuant to this Act, who shall act as representatives of the public interest in the Commission. The participation of all the Election Commissioners, and their unanimous vote, shall be required to appoint a Chair, an Alternate Chair, and Vice Chairs.

The Chair and the Alternate Chair shall be appointed not later than July first (1<sup>st</sup>) of the year following a general election. The term to hold such office shall be

four (4) years as of the aforementioned date, until their successors are appointed and take office.

The Election Commissioner from the majority major party whose candidate for Governor polled the largest number votes in the immediately preceding election shall be charged with the nomination of the candidate(s) for the offices of Chair and Alternate Chair to be considered by the remaining Commissioners.

The First Vice Chair shall be appointed by the Election Commissioner of the majority major party whose candidate for Governor polled the largest number of votes in the immediately preceding election.

The Second Vice Chair shall be appointed by the Election Commissioner of the party whose candidate for Governor polled the second largest number of votes in the immediately preceding election.

The Third Vice Chair shall be appointed by the Election Commissioner of the party that, in the preceding election, polled the number of votes required by this Act to remain registered, and whose candidate for Governor polled the third largest number of votes in the immediately preceding election, if any.

The Chair, as well as the Alternate Chair and the Vice Chairs, shall be of legal age, residents of Puerto Rico as of the date of their appointment, duly qualified voters, of recognized professional capability and moral probity, and knowledgeable about or interested in election-related affairs.

The Vice Chairs shall hold such office as trust employees of the political parties they represent.

The Vice Chairs shall earn the annual salary established by the Commission through regulations to that effect, which shall not be equal to or greater than that of the Chair or the Election Commissioners. The Chair and the Vice Chairs may avail themselves of the benefits of any Retirement System or Retirement Investment

Plan provided by the Government of Puerto Rico, or any other in which they were enrolled or participating as of the date of their appointments.

If the appointment as Chair falls on a person holding office as judge of the General Court of Justice of Puerto Rico, said appointment shall result in a total and absolute discharge from and an impediment for the execution of any judicial or any other functions germane to judgeship. During the period for which he/she is appointed as Chair of the Commission, he/she shall earn the salary that, in accordance with this Act, corresponds to the office of Chair or to his/her position of Judge, whichever of the two is greater. Once the Chair ceases to hold office in the Commission, due to resignation or because the term of his/her appointment has expired, he/she shall earn, upon his/her return to the office of judge, the salary he/she would have been entitled to if he/she had continued holding such office uninterruptedly. The appointment as Chair shall not have the effect of interrupting the course of the term of appointment corresponding to the office of judge he/she holds.

Section 3.008. – Removal from and Vacancy in the Offices of Chair, Alternate Chair, and Vice Chairs. –

The Chair, Alternate Chair, and Vice Chairs may be removed from office for the following reasons:

1. Open bias against a political party, aspirant, candidate, committee, or citizen group;
2. Conviction of a felony;
3. Conviction of a misdemeanor involving election-related matters, or implying moral turpitude;
4. Gross negligence in the discharge of their duties;
5. Partial or total and permanent disability that impairs them from discharging their duties.

Complaints related to the aforementioned grounds for removal shall be filed with the Office of the Secretary of the Commission, and they shall be referred to and addressed by a panel of three (3) judges of the Court of First Instance assigned by the whole of the Supreme Court of Puerto Rico. Any final ruling pronounced by the panel of judges may be reviewed pursuant to the process established in Chapter IV of this Act.

In the event of the Chair's absence, the First Vice Chair shall temporarily assume the administrative functions of such office during such absence, but in no case may said substitution exceed the term of fifteen (15) business days. If such term is exceeded, the Alternate Chair shall hold the office of Chair of the Commission until the Chair returns. In case that an Alternate Chair has not been duly appointed, the First Vice Chair shall continue discharging the administrative functions of the Chair on a temporary basis until the Chair or an Alternate Chair takes office.

If, for any reason, a vacancy arises in the Office of Chair, the Alternate Chair shall hold said office until a successor is appointed and takes office for the remainder of his/her predecessor's term. The Election Commissioners shall have a thirty (30)-day term to select a new Chair. If said term elapses and the Election Commissioners have not appointed the person who shall fill the vacancy, the Alternate Chair shall continue as Acting Chair and the Governor shall have thirty (30) days to designate a new Chair with the previous advice and consent of two thirds ( $2/3$ ) of the members that constitute each legislative house. The Alternate Chair shall continue discharging his/her duties as Acting Chair until the confirmed Chair takes office.

If, within one hundred eighty (180) days prior to the holding of a general election, a vacancy arises in the office of Chair, or if the Chair were absent for the aforementioned reasons, the Alternate Chair shall hold such office until the



election process and the general canvass have concluded, or until the Chair returns to his/her duties.

If, for any reason, a vacancy arises in any of the offices of Vice Chair, the Vice Chair who is responsible for filling such vacancy, according to the ranking order established herein, shall assume such office temporarily during such vacancy until the successor is appointed and takes office for the remainder of his/her predecessor's term.

Section 3.009. – Powers and Duties of the Chair. –

A. The Chair shall be the Executive Officer of the Commission and be responsible for the execution and supervision of election-related processes within an atmosphere of absolute integrity and impartiality. In discharging such task, he/she shall have the powers, attributions, and prerogatives inherent to the office that are listed below, including, but not limited to, the following:

(a) Planning, carrying out, and supervising all election-related processes held pursuant to the provisions of this Act and the regulations adopted thereunder.

(b) Structuring and managing the main offices and divisions of the Commission, as they are detailed hereinbelow:

(i) Administration Office. – Shall supervise and coordinate the Office of Procurement, the Office of Finance, the Office of Budget, and the Office of General Services of the Commission.

(ii) Office of Legal Affairs. – Shall provide all legal services to the Commission.

(iii) Office of Press and Public Relations. – Shall coordinate the mass media dissemination of all the information of interest to voters in order to maintain the image of trustworthiness and credibility of our voting system.

(iv) Office of Education and Training. – Shall be responsible for training and developing human resources in the area of the Commission that is related to elections, so that said resources may carry out and offer high-quality services to citizens during election processes. Furthermore, it shall educate and provide orientation to voters regarding their right to vote. This office shall be subject to standards of political party balance.

(v) Office of Human Resources. – Shall be in charge of effectively managing human resources through the strategic planning, direction, counseling, and evaluation of processes that facilitate the achievement of the operational goals of the Commission in an organizational environment that fosters the integrated development of employees and the best performance of public service. This office shall be subject to standards of political party balance.

(vi) Office of Finance. – Shall comply with the general principles and standards of sound public administration in managing accounts related to income, allocation and disbursement of funds, property acquisitions, and pre-audits of fiscal transactions.

(vii) Office of Budget. – Shall advise the Chair of the Commission on the drawing of the budget, as well as in all budgetary and programmatic matters pertaining to administrative management. It shall also oversee the proper management of the budget in accordance with sound norms of fiscal administration and in harmony with the purposes of the laws that set them forth. This office shall be subject to standards of political party balance.

(viii) Office of Procurement. – Shall be responsible for advising the Chair on the purchase of goods and services, always ensuring quality and market competition and the sound use of public funds pursuant to the laws and regulations currently in effect. This office shall be subject to standards of political party balance.

(ix) Office of General Services. – Shall be in charge of planning, coordinating, and supervising the Supplies Warehouse, Mail, Property, Photocopies, and Transportation divisions, as well as the Office of the Property Receiver. This office shall be subject to standards of political party balance.

(x) Office of Electronic Information Systems and Processing (hereinafter, OSIPE, Spanish acronym). – OSIPE shall maintain an electronic voter registry, manage and operate the adopted electronic voting or canvassing processes, and provide technical support to the divisions of the Commission. The necessary personnel shall be appointed to perform such functions in order to comply with the foregoing.

(xi) Election Research Center. – Shall be in charge of periodically gathering election-related procedures and assessing them in light of technological, procedural, and legislative developments in Puerto Rico and other democratic jurisdictions. This office shall be subject to standards of political party balance.

(xii) Office of Conservation and Maintenance. – Shall maintain the physical facilities of the Commission in optimum conditions.

(xiii) Office of Election Affairs. – Shall guarantee that all active and potential voters, the Permanent Registration Boards, the Local Commissions, and the polling centers have the necessary information and materials for voters to exercise their right to vote. This office shall be subject to standards of political party balance.

(xiv) Office of Planning. – Shall coordinate and execute the geographical aspects of elections and maintain an updated registry of Electoral Units. This office shall be subject to standards of political party balance.

(xv) Office of Internal Security. – Shall maintain order, protect life and property in the Commission, and carry out any administrative inquiries referred thereto. This office shall be subject to standards of political party balance.

(xvi) The preceding list shall not prevent the consolidation or creation of new offices to meet a need for services. To consolidate or create new offices, the unanimous agreement of the Commission shall be necessary, and the Chair shall not be able to render a decision in the absence of unanimity.

(c) Selecting, recruiting, and appointing the personnel needed to carry out the purposes of this Act, as well as fixing their appropriate compensation according to the financial resources of the Commission and subject to the standards detailed below:

(1) The appointments made by the Chair of the directors and deputy directors of the main divisions and offices shall be confirmed by the majority vote of the Commissioners. Provided, that the Commissioners shall agree on the appointments and that the directors and heads, as well as the deputy directors and seconds-in-command of each division, shall be supporters of different major political parties.

(2) The personnel to be recruited by the Commission to carry out special election-related projects shall be appointed, in equal number of members, from supporters of the major political parties, parties, and parties by petition.

(3) Any appointment of personnel shall be subject to the regulatory standards adopted to such effect, and no person who has been convicted of a crime involving moral turpitude, or of an election-related offense, may be appointed. Likewise, Commission personnel, or their relatives to the second degree of consanguinity, shall not be aspirants or candidates for elective public office, with the exception of employees appointed to discharge functions in the offices of the Election Commissioners.

(4) Those appointed officials of the Commission who are classified as “trust” employees are excluded from complying with the provisions of Section 3.2(i) of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” or any subsequent government ethics law of the Government of Puerto Rico.

(d) The name of the candidate for the office of internal auditor shall be submitted by the Chair for the Commissioners’ consideration and unanimous confirmation. The internal auditor shall be charged with the oversight of fiscal transactions by verifying their legality, efficiency, effectiveness, and correctness; determining and identifying deficiencies, irregularities, and improper administrative practices; and formulating recommendations for the correction thereof. The Chair of the Commission shall assign the necessary personnel to comply with this purpose.

(e) The Commissioner of the majority major party shall submit to the Chair of the Commission the candidates for director of the Office of Electronic Information Systems and Processing, hereinafter OSIPE, so that the Chair may select among such candidates and confirm such appointment. OSIPE shall keep an electronic voting record, manage and operate the adopted electronic voting and canvassing processes, and offer technical support to the Commission’s departments. The necessary personnel shall be assigned to carry out such function.

(f) The Chair of the Commission shall appoint the deputy director of the OSIPE, taking into consideration that such position must be filled by a member of a major party that is different from that of which the Director is a member.

A Board of Technical Advisors shall be constituted to serve the OSIPE, a consulting, investigative, and advising entity. The Board shall be composed of one representative of the Chair, and one representative of each Election Commissioner of the major political parties, parties, and parties by petition, all with the same rank

and duties. The Board of Technical Advisors shall act in a collegial manner before the directors in all the procedures of those offices. It is hereby prohibited that the members of the Board of Technical Advisors evaluate any technical project with a supplier that has a financial or family relation with them up to the fourth degree of consanguinity or second degree of affinity. The Board of Technical Advisors shall not intervene in the administrative affairs of the Offices. The Director of the OSIPE shall buy information technology equipment and contract technical services related to information technology systems offered by any business or individual with the unanimous consent of the Board of Technical Advisors. If unanimity cannot be reached, the matter shall be presented to the Commission, assembled as a whole, for resolution.

No official, employee or internal or external advisor of OSIPE may perform changes in connection with programming or planning without the express and unanimous authorization of the Board of Technical Advisors and the unanimous consent of the Election Commissioners.

(g) Contracting the services of those officials or employees of the Government of Puerto Rico who are specialists in the operation of electronic and mechanical systems and equipment for processing and organizing data, and such other personnel as necessary for the operations of the Commission, upon the previous written consent of the director or head of the government entity where the official or employee concerned renders services. In such cases, said personnel shall not be subject to the provisions of Section 177 of the Political Code of Puerto Rico of 1902, as amended, and shall be entitled to special compensation for all other services rendered to the Commission outside of regular business hours. Furthermore, such personnel may enter into collaboration agreements to request or offer cooperation to other departments, agencies, instrumentalities, and public corporations, as well as to any university. The approval of the Commission shall be

required to request the cooperation of such personnel or to enter into collaboration agreements with other departments, agencies, instrumentalities, public corporations, or universities.

(h) Contracting professional and technical services, as well as any personnel that may be needed to implement the provisions of this Act. In the case of contract fees exceeding thirty thousand dollars (\$30,000), the Chair must obtain the consent of the Commission to award such contracts.

(i) Preparing and managing the budget of the Commission pursuant to the regulations adopted to such effect. In this regard, he/she shall submit to the consideration of the Commission an annual expenses report, as well as a budget proposal to be used during the following fiscal year, which must be approved by the Commission.

(j) Requesting and obtaining the cooperation of other government agencies with regard to the use of human resources, offices, equipment, materials, and other necessary resources, thus government bodies are hereby authorized to cooperate with the Commission. The Commission shall approve any application to request the cooperation of personnel from other government agencies.

(k) Making recommendations to the Commission as he/she may deem necessary and convenient in connection with changes and matters under its jurisdiction.

(l) Educating and providing orientation to voters and political parties about their rights and obligations, using any available communications media and public information technique in order to do so.

(m) Rendering a report to the Commission, at each meeting, on election-related matters of an administrative nature considered and addressed by him/her since the last meeting.

(n) Drawing up and submitting for the Commission's consideration such rules and regulations as may be necessary to comply with the provisions of this Act.

(o) Taking any other necessary and convenient actions to comply with this Act.

(p) Paying compensation or per diem, as determined by regulations, to any person entrusted by the Commission to conduct any investigation in connection with any challenge of voters.

(q) Directing, supervising, and carrying out, at the request of any political party affiliated to a national party or citizen group recognized by a national party, any internal election procedure in accordance with the determinations and rules established for such procedures in the bylaws of the petitioner, provided that such determinations and rules guarantee the full participation of the affiliates of the petitioner and the purity of the procedures on which this Act is based. No political body of those described herein may avail itself of the benefits of this provision more than once every four years.

(r) Subject to the provisions of this Act, selling to any person, entity, organization or group the publications and electronic files authorized by the Commission, except for the General Voter Registry, voter identification cards, ballots, and tally sheets that shall be used in an election. The Commission shall fix the sales price of such material through regulations, and the amount so obtained shall be covered into the special fund of the Commission for expenditures related to the automation of election processes.

(s) Imposing administrative fines for violations of the provisions of this Act that are not classified and penalized specifically as an election-related crime, in accordance with the following limits:



1. For aspirants, candidates, independent candidates, and elected officials – Up to a maximum of one thousand dollars (\$1,000) for the first violation and up to a maximum of two thousand five hundred dollars (\$2,500) for subsequent violations; and

2. For political parties, campaign committees, authorized committees, political action committees, other juridical persons, and citizen groups certified by the Commission – Up to a maximum of ten thousand dollars (\$10,000) for the first violation and up to a maximum of twenty-five thousand dollars (\$25,000) for subsequent violations.

Before imposing any fine, the Chair shall serve the parties with an order to show cause of why the administrative fine should not be applied, giving them the opportunity to correct any error. The Commission shall establish, through regulations, the specific actions subject to a fine, as well as the amount applicable to each.

B. – Functions and Duties of the First Vice Chair: The First Vice Chair, in addition to any other duties and functions assigned to him/her by the Chair of the Commission, and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the election operations, management, planning, auditing, personnel, security, and press areas, as well as the administrative aspect of field operations have been complied with as established by the Commission through regulations, without it being construed that he/she is to direct and supervise, through his/her own initiative, the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate onto the First Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair.

C. – Functions and Duties of the Second Vice Chair: The Second Vice Chair, in addition to any other duties and functions assigned to him/her by the Chair of the State Election Commission and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the Office of the Secretary, the Information Systems Center, Legal Affairs, Systems and Procedures, Education and Training, and the Election Research Center, as well as the operational aspect of field operations has been complied with as established by the Commission through Regulations, without it being construed that he/she is to direct and supervise the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate onto the Second Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair. The above shall not impair the authority of the Chair to delegate onto the Second Vice Chair any task he/she may deem pertinent.

D. – Third Vice Chair: The Third Vice Chair, if any, shall have those duties and functions assigned to him/her by the Chair of the State Election Commission. The Chair shall have the authority to delegate onto the Third Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair.

Section 3.010. – Secretary, First Deputy Secretary, and Deputy Secretaries of the Commission. –

The Election Commissioners shall appoint a Secretary and as many Deputy Secretaries as major parties, parties, and parties by petition are registered as provided by this Act. The Secretary and the Deputy Secretaries must be duly qualified voters, of recognized professional capacity, moral probity, and knowledge in election-related matters. The Deputy Secretaries shall act as representatives of the public interest in the Commission. The participation of all

Election Commissioners and their unanimous vote shall be required to make these appointments. However, if unanimity cannot be reached to make such appointments, the Chair of the Commission shall appoint a Secretary, with the consent of the majority of the Election Commissioners, within a term of thirty (30) days, counted as of the date of the meeting in which such appointments were considered.

The Secretary and Deputy Secretaries shall be appointed not later than July first (1<sup>st</sup>) of the year following the election and, from that date on, every four (4) years or until their successors are appointed.

The Commission, by the unanimous vote of all of its members, shall appoint a Secretary and a First and Second Deputy Secretaries for a four-(4) year term each, until their successors are appointed and take office. If unanimity cannot be reached in the Commission to make such appointments within a term of thirty (30) days counted as of the date of the meeting in which the same were considered, the Chair shall appoint them with the advice and consent of the majority of the Commission.

Section 3.011. – Functions and Salaries of the Secretary and Deputy Secretaries. –

The Secretary and the Deputy Secretaries shall carry out the functions delegated unto them by this Act, as well as any other functions assigned to them by the Commission. The Secretary and Deputy Secretaries shall earn the salary fixed through regulations, which shall not be greater than or equal to that of the Secretary. These officials may avail themselves of the benefits of a Retirement System or Retirement System Investment Plan provided by the Government of Puerto Rico or any other in which they were enrolled or participating as of the date of their appointment.

The Commission through regulations shall establish the duties and functions of the Deputy Secretaries.

Section 3.012. – Vacancy in the Offices of Secretary and Deputy Secretaries.

– In the event that the Secretary is temporarily absent or disabled, the First Deputy Secretary shall become Acting Secretary for the length of said absence or disability. Likewise, if a vacancy arises in said office, the Deputy Secretary shall act as Acting Secretary for the length of such vacancy and until a successor has been appointed and takes office.

The Commission shall have thirty (30) days to make a new appointment to fill any vacancy arising in the position of Secretary or Deputy Secretary. If, upon the expiration of said term, the Commission has failed to make such appointment, the Chair shall then appoint the person who shall fill the vacancy temporarily until the Commission makes a new appointment.

Any new appointment shall be made for the remainder of the term of the predecessor, and the person thus designated shall meet the requirements established in Section 3.010 of this Act.

Section 3.013. – Powers and Duties of the Secretary. –

In addition to those set forth in this Act or its regulations, the Secretary shall have the following functions or duties:

(a) To take notes, draft, and prepare the minutes of the meetings of the Commission, as well as to certify them;

(b) To certify, compile, notify, and publish the resolutions, orders, opinions, and determinations of the Commission;

(c) To receive briefs, notices, and other documents that may be presented for consideration and resolution by the Commission;

(d) To notify the Commission of the documents, briefs, appeals, notices, and other papers presented to the Secretary no later than at the session immediately following their receipt;

(e) To notify the interested parties about the resolutions, orders, determinations, and actions of the Commission through the proper means;

(f) To issue certifications and authentications documents, opinions, and other determinations of the Commission;

(g) To assume custody of all election-related files and documents and keep them in appropriate order;

(h) To present and show election-related records and documents to any person, upon request, ensuring, at all times, that they are not altered, mutilated, destroyed, or removed from his/her office;

(i) To administer oaths regarding election-related matters;

(j) To perform any other acts and fulfill any other obligations necessary for performing his/her duties to the fullest, as well as those prescribed by law, regulations, or order of the Commission; and

(k) To delegate any functions and duties to the Deputy Secretaries with the consent of the majority of the Commissioners and the Chair of the Commission.

#### Section 3.014. – Election Commissioners. –

Election Commissioners and Alternate Commissioners representing major political parties, parties, and parties by petition shall be appointed by the Governor of Puerto Rico by petition of the central governing body of the party represented by them. They must be persons of recognized moral probity, duly qualified voters residents of Puerto Rico at the time of their appointment, and knowledgeable about election-related matters.

Alternate Commissioners shall perform the duties of the Election Commissioners in case of absence, disability, resignation, death, removal or when the office is vacant for any reason, and until the Election Commissioner in question returns to his/her duties or a new designation is made. The Election Commissioners and Alternate Commissioners shall not be aspirants or candidates for office, nor may they hold elective public office.

The annual salary of Alternate Commissioners shall be established by the Commission through regulations to such effect, which may not be equal to or greater than that of Election Commissioners. Alternate Commissioners may avail themselves of the benefits of a Retirement System or Retirement System Investment Plan provided by the Government of Puerto Rico or any one in which they were enrolled or participating in as of the date of their appointment.

Election Commissioners shall have an office in the facilities of the Commission and be entitled to request the Chair to appoint two (2) executive assistants, two (2) secretaries, four (4) clerks or their equivalent, one (1) statistician, one (1) election planning analyst, and one (1) registration officials coordinator, or their equivalent in the job classification plan in effect. Such personnel may be assigned by the Election Commissioners to perform election-related functions in their Offices at the headquarters of their Political Parties. These persons shall be appointed as trust employees, render their services under the supervision of the Election Commissioner concerned, perform those tasks entrusted to them by the Commissioner, and earn the salary and be entitled to the benefits fixed by law and regulations for Commission personnel. Election Commissioners may request to the Chair that their employees be hired by contract, but the sum to be paid for said contract shall, in no case, exceed the maximum compensation fixed for the regular position.

Section 3.015. – Voting System. –

The Commission shall determine, through a resolution, the electronic voting or electronic canvassing system to be used in all polling places. The voter shall have possession and control of the ballot(s) in which his/her vote was cast, whether electronic or paper ballot(s), until, through his/her direct interaction with the electronic voting or canvassing device, his/her vote is duly registered and his/her ballot or ballots are saved in an electronic or conventional ballot box. The Commission shall notify the People, at least twelve (12) months prior to the date of a general election, all that pertains to electronic voting or electronic canvassing. The Office of Management and Budget shall identify the necessary funds to establish the electronic voting system or electronic canvassing system, as the case may be.

For a special election, the determination of which voting system to use in polling places shall be made by the Commission or by the Special Commission, as the case may be, at least sixty (60) days prior to the date of said election. In the case of a referendum, consultation, or plebiscite, action shall be taken pursuant to its enabling act, and in case no provisions are set forth therein, action shall be taken as for a special election. Any election held pursuant to this Act shall be held in open polls. Once the resolution establishing the electronic voting or electronic canvassing system has been approved, the Commission shall proceed, without delay, to notify so to the political parties, independent candidates, or participating organizations through their representatives. It shall also post said resolution, both in Spanish and English, in every Permanent Registration Board, as well as in every City Hall and Internal Revenue Collection Office. Likewise, it shall publish the resolution, both in Spanish and English, in not less than two (2) newspapers of general circulation, at least two (2) times within a period of thirty (30) days after the approval thereof.

The electronic voting or canvassing system approved by the Commission shall provide for a secret ballot, and shall not unduly favor or hinder any political party or candidate, or produce onerous conditions for any voter or group of voters. Likewise, it shall guarantee that the voter may vote by making any mark in the space under the printed logo or insignia of the party, or the name or emblem of a candidate or citizen group certified by the Commission. The Commission shall give the utmost respect to the voter's clear and evident intention so that his/her vote may be counted correctly. To such effect, the voting method and ballot format, both in Spanish and English, shall be designed so as to make it simple, obvious, and free of ambiguity for the voter to know where and how to make the mark in order to select his/her candidate or party of preference. The Commission shall adopt the necessary technological instruments or methods to guarantee the highest degree of trustworthiness, validity, and security, as well as the correct interpretation of the clear and evident intention of the voter.

The Commission shall evaluate voting and canvassing systems for adoption in Puerto Rico based on the most advanced electronic and technological developments available, and file its recommendations to this effect with the Office of the Secretary of each Legislative House not later than the year following each election. All voting or canvassing systems that are tested or implemented shall make evident to the voter that his/her vote has been registered, and that the measures to perform a manual recount, if necessary, have been adopted.

#### CHAPTER IV

#### JUDICIAL REVIEW

Section 4.001. – Judicial Review of the Decisions of the Commission. –

Any party that is adversely affected by a resolution, ruling, or order of the Commission may, within ten (10) days following the notice thereof, resort to the Court of First Instance by filing a writ of review. The petitioner shall have the



responsibility to notify the Commission by means of a copy of the writ of review filed with the Office of the Secretary of the Commission, and to notify any other adversely affected party as well within the term provided for appeal before the Court. Such term shall be interrupted by filing a motion for reconsideration within the same term, provided that the Commission, through its Chair, as well as any other adversely affected party are notified within said term. A person shall be entitled to file only one motion for reconsideration, which shall be resolved by the Commission within a term of five (5) days. A party shall have ten (10) days from the issuance of the ruling regarding the reconsideration to file a writ of review with the Court of First Instance.

The Court of First Instance shall hold a hearing on its merits, receive evidence, and make the appropriate determinations of fact and conclusions of law. The Court shall resolve said review within a term not to exceed twenty (20) days after the date said petition was filed.

Within thirty (30) days preceding an election, the term to file the writ of review shall be twenty-four (24) hours. The petitioner shall have the responsibility to notify the Commission and any other affected party within said term by means of a copy of the writ of review. The Court shall resolve said review within a term not to exceed five (5) days after the date in which the case was filed.

Any issue or controversy that arises within five (5) days before the holding of an election shall be notified on the same day it is filed and resolved not later than the day after its filing.

Cases regarding the challenge of an election, as well as all writs of review filed against the Commission, shall be heard before the Court of First Instance, San Juan Part.

Section 4.002. – Review by the Court of Appeals and the Supreme Court. –

Any party affected by a decision of the Court of First Instance may file a writ of review on its grounds before the Court of Appeals within ten (10) days following the notice thereof. An affected party shall have the same term to resort to the Supreme Court in certiorari. The Supreme Court and the Court of Appeals shall have a term of ten (10) days to resolve the case before their consideration.

The petitioner may file a motion for reconsideration with the Court of Appeals, which shall interrupt the term to resort to the Supreme Court. In such case, the Court of Appeals shall have a term of three (3) days to resolve the case before its consideration.

Section 4.003. – Effects of a Judicial Ruling or Review. –

In no case shall a decision of the Court of First Instance, or the review thereof by the Court of Appeals, of an order or resolution of the Commission have the effect of suspending, staying, impeding, or in any manner obstructing the voting or canvassing in an election, or the general canvass, or any other procedure, action, or matter that must be initiated or carried out on a specific date or at a stated time pursuant to this Act.

Section 4.004. – Court Costs and Fees. –

No fees whatsoever, pursuant to the Notarial Act of 1987, shall be charged on election-related matters transacted in Courts of Law. No legal aid stamps shall be canceled in the case of sworn statements given on election-related matters, and Court Clerks shall issue, free of any charge, the certifications of the entries in the books under their custody, as well as of the resolutions and judgments issued by said Courts of Law on election-related matters of any kind.

Section 4.005. – Appointment of Judges in Election-Related Cases. –

All legal actions and proceedings, whether civil or criminal, provided and regulated by this Act shall be heard by the judges of the Court of First Instance designated randomly in the appropriate Judicial Region to hear these cases.

CHAPTER V

OTHER ELECTORAL BODIES

Section 5.001. – Special Commission. –

A Special Commission is hereby created to address special elections in which a political party offers more than one candidate to fill a vacancy in an elective public office left by an official from that same party. Such Special Commission shall be composed of the Chair and the Election Commissioner of the political party in question.

The Special Commission shall direct and inspect the special election. Furthermore, it shall enforce the regulation adopted by the central governing body of the political party in question, insofar as said regulation does not violate the provisions of this Act and has been filed with the Commission with the certification of the President and the Secretary of the political party.

Section 5.002. – Local Election Commissions. –

A local election commission shall be constituted in each election precinct. It shall be permanent in nature, and shall be composed of a Chair, who shall be a Judge of the Court of First Instance appointed by the Supreme Court of Puerto Rico, convened as a whole, by request of the Commission. There should also be a local commissioner and an alternate local commissioner representing each political party. The duties of the Chairs of the local commissions shall be established through regulations by the Commission.

The Commission shall request the Supreme Court, convened as a whole, to simultaneously appoint the Judges who shall serve as Chairs in Local Commissions and the Alternate Chair for each one of such Commissions. The Alternate Chair shall carry out the functions of the Chair in case of absence, disability, death, removal, or when, for any reason, a vacancy arises in said office.

No judge may be appointed as the Alternate Chair of more than three (3) local commissions, or be, at the same time, the regular Chair of a local Commission.

The local election commissions shall meet the second week of each month. The Chair and the Local Commissioners of each local commission shall receive a per diem of seventy-five dollars (\$75) for every meeting. The payment of per diems for more than two (2) meetings a month shall not be authorized, except for the one hundred twenty (120)-day term preceding an election, when up to four (4) meetings a month shall be authorized. Such per diems shall have the nature of reimbursement of expenses and, therefore, will not be taxable.

The presence of the Chair and two (2) Local Commissioners shall constitute a quorum for all the works of the local commission. If a quorum cannot be constituted, the Chair shall call all the Commissioners and their alternates to a second meeting, in writing, with acknowledgment of receipt. For this second meeting, a quorum shall be constituted by the local commissioners and alternate local commissioners in attendance.

**Section 5.003. – Political Party Representatives in Local Commissions. –**

Local Commissioners and Alternate Local Commissioners shall be appointed by the Commission at the request of the Election Commissioners of the political party they represent. Such political party representatives shall be persons of recognized moral probity and duly qualified voters in the election precinct to which they are appointed, but if there were more than one election precinct in a

municipality, this requirement shall be met through their domicile in said municipality. Furthermore, they cannot be aspirants or candidates for elective public office, with the exception of the candidacy for Municipal Legislator, or wear the uniform of any military or paramilitary armed force while discharging duties as local commissioners or alternate local commissioners.

Each political party shall be entitled to have any local commissioner of a precinct who is employed by the Government of Puerto Rico, its agencies, instrumentalities, public corporations, and municipalities, assigned by the Commission upon petition to carry out full-time duties in the appropriate local commissions, or to perform additional functions assigned by the Commission, such as canvasses or recounts, for a term not to exceed one hundred and eighty (180) days beginning on July first (1<sup>st</sup>) of the year in which the general election is held. Likewise, the agencies of the Government of Puerto Rico shall grant the time required by those employees who are Local Commissioners, without charging it to any kind of leave or docking their pay, to attend those meetings called by the Local Commission that have been previously notified by such employees to their employers.

Section 5.004. – Functions and Duties of Local Election Commissions. –

In addition to any other functions or duties provided in this Act or the regulations promulgated thereunder, the local commissions shall:

- (1) Instruct and train polling place and electoral unit officials.
- (2) Receive, watch over, and return election material.
- (3) Select polling centers with the approval of the Commission.
- (4) Coordinate security in polling centers.
- (5) Certify the canvass in the precinct.
- (6) Supervise the Permanent Registration Board.

(7) Take action on matters before their consideration and on cases involving election-related transactions in their precinct that have been processed during the preceding month. Consideration during said meeting of cases regarding election-related transactions shall be strictly observed.

(8) Point out and correct errors and omissions in the General Voter Registry.

(9) Constitute, direct, and supervise those local sub-commissions, composed of the Alternate Local Commissioners, that shall assist the local commission; these local sub-commissions shall be empowered to handle issues delegated to them by the local commission during the holding of an election, in accordance with the regulations approved by the Commission to such effect.

Section 5.005. – Agreements of the Local Commission; Appeals. –

The local commission's agreements shall be approved by the unanimous vote of the Local Commissioners present when the votes are cast. Any matter submitted to its consideration which does not receive a unanimous vote shall be decided by the Chair of the Commission, who shall vote in favor of or against it. This shall be the only occasion and circumstance under which the Chair may vote. His/her decision in these cases may be appealed to the Commission by any of the Local Commissioners, and the appealed decision or agreement shall be ineffective until it is resolved.

Any appeal of a decision of the Chair of a Local Commission, with the exception of cases regarding challenged votes on the grounds of domicile, shall be filed at the same session in which the appealed decision was made and before said session is adjourned. Notice of the appeal shall be given to the Chair of said Commission, who shall immediately transmit such notice to the Office of the Secretary of the Commission. The Chair shall call the Commission to a meeting as soon as possible to resolve such appeal as provided in this Act.

In the case of challenges on the grounds of domicile, the individual challenged, as well as the challenger, may appeal the determination of the Local Commission before the Court of First Instance designated pursuant to Chapter IV of this Act, within a term of ten (10) days. If there is a conflict because the judge of the Court of First Instance is also the Chair of the Local Commission, the appeal shall be transferred to a judge of the Court of First Instance serving as Alternate Chair. The Court shall handle these cases within the terms established in Section 4.001 of this Act.

On Election Day, and in the five (5) days that precede it, any appeal to a decision issued by the Chair of a Local Commission shall be made by telephone, to the appellant's expense, or through a writ signed by the appellant. In the case of an appeal made through a writ, the appellant, or a person authorized by him/her, shall file said writ personally with the Office of the Secretary of the Commission so that the Chair and the Election Commissioners thereof may be immediately notified.

(a) The Commission shall resolve appeals within thirty (30) days following their filing with the Secretary. Within thirty (30) days before an election, the term shall be five (5) days. Any appeal that arises within five (5) days prior to an election shall be resolved the day after its filing, during the four (4) days prior to the eve of the election. Those appeals submitted at any time on the eve of an election shall be resolved not later than six (6) hours following their filing and, if submitted on the same day of the election, the Commission shall resolve them within one (1) hour after filing.

(b) If the Commission has not resolved the appeal after the prescribed term has elapsed, the appellant party may resort directly to the Court of First Instance designated pursuant to Chapter IV of this Act. The Court shall then resolve an appeal proceeding from a Local Commission within the same terms prescribed in this Act for the Commission to issue its decision.

The appeal of the decision of the Chair of a Local Commission shall be deemed to be filed with the Secretary when said official receives such appeal from any of the members of the Local Commission or from an affected party, or when he/she receives notice from the Chair of the Local Commission whose decision is being appealed, as the case may be.

(c) In no case shall a decision of a Local Commission, or an appeal of a decision issued by its Chair, or the decision issued by the Commission on such appeal, have the effect of suspending, staying, impeding, or hindering in any way the voting or canvassing in an election, or the general canvass or any other procedure, action, or matter which, pursuant to this Act, shall begin or take place on a specific date or at a stated time.

Section 5.006. – Permanent Registration Board. –

The State Election Commission shall constitute Permanent Registration Boards per precinct and municipality. Such Boards shall be composed of one representative from each one of the major political parties, parties, and parties by petition. These Boards shall be attached to the Local Commission. The State Election Commission shall provide, through regulations, the operating standards of these Registration Boards.

In addition to any other functions or duties provided in this Act or its regulations, the Permanent Registration Boards shall:

1. Carry out an ongoing process of voter registration, transfer, and relocation.

2. Carry out an ongoing process of taking the picture of new voters, registered voters who have not had their pictures taken, and voters who, through a sworn statement, declare that they have lost their voter identification card. This statement may be sworn before the Permanent Registration Board, provided it is duly constituted, or by any person authorized by law to administer oaths.



Likewise, Permanent Registration Boards, in those cases authorized by the State Election Commission through a resolution, may take sworn statements for all necessary election-related purposes.

3. Assign registered voters to the appropriate Electoral Unit as provided by the Commission through regulations.

4. Prepare a daily report of all election-related transactions.

5. Submit, for the approval of the local commissions concerned, a monthly report of the operations performed during the preceding month, which shall include all processed election-related transactions and daily reports as provided in subsection (4) of this Section. A copy of these reports shall be sent simultaneously to the State Election Commission.

Section 5.007. – Representation in the Permanent Registration Board. –

The members of the Permanent Registration Board shall be appointed by the Commission at the request of the Election Commissioners. These members shall be persons of recognized moral probity, duly qualified voters of the precinct or municipality, and high school graduates. These members cannot be aspirants or candidates for any elective public office other than Municipal Legislator or wear the uniform of any military or paramilitary armed force while discharging their duties as members of this Board. Said members shall earn the salary and be entitled to the benefits determined by the Commission through law or regulations. Likewise, they may be hired by contract but, in such cases, the compensation to be paid shall not exceed the maximum sum fixed for a regular position of an equal or similar category.

Section 5.008. – Electoral Unit Board. –

For the General Election or special elections, an Electoral Unit Board shall be constituted in each Electoral Unit, which shall be composed of a coordinator representing each one of the political parties or independent candidates

participating in such election. In the case of a referendum, consultation, or plebiscite, each Electoral Unit Board shall be composed of a coordinator representing each one of the political parties or organizations participating in such election and certified to such effect by the Commission.

Furthermore, political parties, independent candidates, or organizations, as the case may be, may also appoint representatives to a sub-board of coordinators for the duties consigned hereinafter. The Electoral Unit Board shall be presided by the coordinator of the party that polled the most votes for the office of Governor in the General Election preceding the election event to be carried out and, in his/her absence, he/she shall be substituted by the sub-coordinator, who shall then hold the position of coordinator. In the absence of both these persons, the coordinator of the party whose candidate for Governor came in second place in the preceding General Election shall preside the Board.

These Boards shall be attached to the local election commissions. The State Election Commission shall provide the operating standards of the Electoral Unit Boards through regulations.

In addition to any other functions and duties provided in this Act or the regulations promulgated thereunder, said Electoral Unit Boards shall:

1. Supervise and carry out the receipt, distribution, and return to the local commission of election material from the Electoral Unit Board and from such Unit's polling places;
2. Prepare, inspect, and supervise the Unit's polling places;
3. Set up an easy-access polling place in the Electoral Unit for people with disabilities;
4. Establish an Electoral Unit sub-board, composed of sub-coordinators, to provide information to voters on Election Day;

5. Designate and administer the oath of the substitute polling place officials designated by the parties on Election Day;

6. Keep order in the Electoral Unit's polling centers;

7. Resolve complaints or controversies at the Unit's polling places or polling centers through unanimous agreement. If unanimous agreement cannot be reached, the Electoral Unit Board shall refer said complaints or controversies to the local commission for their resolution;

8. Certify the Electoral Unit's Incidence Log and the Tally sheet.

Section 5.009. – Polling Place Board. –

In each polling place, there shall be a Polling Place Board composed of one officially appointed inspector, one substitute inspector, and one secretary in representation of each political party or independent candidate, as well as one observer for each of the aspirants and candidates for senator or representative. In the case of a referendum, consultation, or plebiscite, the members of each Polling Place Board shall be appointed by the central governing bodies of the parties or organizations participating in said election and certified to such effect by the Commission.

The Commission shall provide, through regulations, all that pertains to the forms and procedures to make such appointments effective.

In case of observers, the Chair of the Commission shall be in charge of and be responsible for their accreditation.

Section 5.010. – Delegation of Authority to Appoint Polling Place ..Officials. –

The central governing bodies of the political parties, independent candidates, or organizations participating in an election may delegate their authority to appoint polling place officials to one or more municipal governing bodies of such parties, independent candidates, or organizations certified to such effect by the

Commission. This delegation of authority shall become effective from the time it is received in writing at the Commission, and may be revoked at any time in writing, which shall also become effective upon its receipt. The Commission shall immediately notify the appropriate Local Election Commission of any delegation or revocation received.

Section 5.011. – Incompatibility. –

Any office in the Commission, as provided in this Act, is hereby declared incompatible with offices in the Puerto Rico Police and any other office that, pursuant to federal laws and regulations, cannot act in such capacity. It shall be stated in the oaths sworn by officials that there is no such incompatibility.

Every official of a Polling Place and Electoral Unit who works on Election Day shall be subject to the same prohibitions provided in this Act for members of the local commissions while in the performance of their duties.

## CHAPTER VI

### VOTERS AND REGISTRATION

Section 6.001. – Voters' Rights and Prerogatives. –

In order to guarantee the free exercise of the parties' registered status, as well as to achieve the clearest expression of the People's will, we hereby declare the following rights and prerogatives to be valid and essential:

1. The administration of Puerto Rico's electoral entities within a framework of strict impartiality, purity, and justice;
2. The guarantee of each person's right to an equal, free, direct, and secret vote;
3. The voter's right to straight-ticket, split-ticket, independent, and write-in vote, as defined in this Act, to select the persons who shall assume elective public offices, under equal conditions in each case;

4. The voters' right to participate in the registration of political parties and the endorsement of independent candidacies, as well as their right to become affiliated to the party of their preference and endorse the candidacies of aspirants to office for said party, as defined in this Act;

5. The right of affiliated voters to participate in the drafting of the bylaws and programme platform of their respective political parties, as well as in the procedures for selecting the candidacies thereof;

6. The right of every affiliated voter to dissent on issues under the consideration of his/her respective political party that are not programmatic or regulatory in nature;

7. The right of every affiliated voter to due process of law in every internal disciplinary procedure, as well as in the deliberative and decision-making processes of his/her party;

8. The right of an affiliated voter who aspires to a candidacy to request the holding of primaries in his/her party, and that the same be held pursuant to the guarantees, rights, and procedures established in this Act;

9. The right of an affiliated voter to receive information regarding the party's use of its funds;

10. The right to cast a vote freely and for it to be counted and adjudicated in the way it is cast by the voter, as defined in this Act;

11. The prevalence of the citizen's voting rights over the rights and prerogatives of all political parties and groups;

12. The right of citizens, and of every citizen of the United States with the right to vote, to have both Spanish and English used in all regular or special voting procedures conducted pursuant to the provisions of this Act, including those related to voter registration, the issuance of voter identification cards, voter

information, orientation campaigns, regulations, and the printing of official and sample ballots, among others; and

13. The right of employees to be allowed by their employers, either public or private, to exercise their right to vote without impediment. It shall be the obligation of every employer whose business operations remain active on Election Day to establish working shifts that allow employees to go to their corresponding polling place during the hours in which it is open for voting, and for employees to be granted the time that is reasonably necessary to exercise their right to vote, considering, among other factors, the distance between their workplace and the polling center.

The Commission shall assume the affirmative function of educating the voter on the aforementioned rights.

To this effect, voters are hereby granted the legal capacity to initiate or carry any legal actions pursuant to the Voter's Bill of Rights and Prerogatives before the corresponding Court of First Instance, as established in Chapter IV of this Act.

#### Section 6.002. – Voters. –

A voter is any person who is certified as such and has complied with the registration requirements of the General Voter Registry. Every voter who exercises his/her right to vote shall do so in the precinct where he/she is registered. If a voter votes in a precinct other than the one where he/she is registered, only the vote cast for the offices of Governor and Resident Commissioner shall be adjudicated.

#### Section 6.003. – Voter Qualifications. –

Any citizen of the United States of America and of Puerto Rico who is legally domiciled in the Island's jurisdiction and who, by the date of a scheduled election event, has attained the age of eighteen (18) years, is duly qualified prior to said election event, and has not been declared mentally incompetent by a Court of Law shall be a voter in Puerto Rico.

Section 6.004. – Electoral Domicile. –

Every voter shall vote in the precinct where his/her domicile is established. For election-related purposes, there can be but one domicile, constituted in the precinct where the voter has established a residence, or the housing facility where he/she resides is located, around which his/her personal and family activities revolve, and where such voter has manifested his/her intention to remain.

A voter shall not lose his/her domicile due to the fact that he/she has one or more residences available which are used for work or study engagements or for personal and family activities. Nevertheless, the voter shall maintain an access to the residence he/she claims to be his/her domicile, and dwell in it with reasonable frequency. A person who resides permanently in a housing facility, elderly home, retirement center, assisted living community, or similar facility for pensioners, veterans, or persons with special needs may claim such residence to be his/her electoral domicile if it meets the conditions that his/her main personal activities revolve around it for health or disability reasons, if he/she has expressed his/her intention to remain there indefinitely, and if he/she maintains an access and resides therein with reasonable frequency. A voter may not claim that he/she has established his/her domicile in a vacation facility or resort.

A person who is in Puerto Rico rendering military service, studying, or working temporarily shall not be entitled to claim electoral domicile in Puerto Rico solely by this fact. He/she could, however, acquire said domicile by establishing a residence in Puerto Rico and manifesting the intention of remaining there.

The intention to remain, as established in this Section, shall be determined on the basis of factors such as the involvement of a voter in the community, the presence of his/her immediate family in the residence around which his/her personal activities revolve, income tax returns, and other similar factors.

Section 6.005. – Disqualification from Voting. –

Any person who is declared mentally incompetent by a Court of Law shall not be entitled to exercise his/her right to vote, even if he/she is a qualified voter.

Section 6.006. – Guarantee of the Right to Vote. –

Unless otherwise provided in this Act or in an order issued by a competent Court of Law, the legal registration of a voter shall by no means be rejected, cancelled, invalidated, or voided, nor shall a duly qualified voter be denied his/her right to vote through any regulation, order, resolution, interpretation, or any other means to impede such exercise.

A voter may not be arrested while going to register or to vote, or while registering or voting, or when returning from registering or voting, except for the commission of actions that would give rise to felony, election-related crime, or disturbance of the peace charges.

Section 6.007. – Registration Application. –

Any person who wishes to be listed in the General Voter Registry shall fill out a sworn registration application, which shall include at least the following information concerning the applicant:

- (a) Name and both paternal and maternal surnames;
- (b) Names of his/her mother and father;
- (c) Gender;
- (d) Eye color;
- (e) Height;
- (f) Birthplace;
- (g) Date of birth;
- (h) Whether he/she is a citizen of the United States of America;
- (i) Home address;
- (j) Mailing address;



(k) E-mail address;

(l) Driver's license number or last four (4) digits of the social security number, exclusively for identification verification purposes and subject to the limitations provided by Act No. 243 of November 10, 2006, known as "HAVA";

(m) Date and place in which the application is submitted;

(n) Applicant's signature or mark, or reason wherefor the applicant is unable to do so.

(o) Signature authentication.

Every voter shall be assigned a unique and permanent voter identification number, which shall be used to identify the voter's file. This number shall be different from the social security number. Social security numbers shall be kept confidential by the Commission pursuant to the provisions of Act No. 243-2006, and the applicable Federal legislation, and shall not be disclosed to third parties except as required by law or the Court.

Every applicant who is a naturalized citizen of the United States shall submit a certificate attesting to his/her naturalization, or a United States passport in effect at the time of registration. In the case that the applicant was born in a foreign country but is a United States citizen, he/she shall submit, at the time of registration, a certificate from the Department of State of the United States of America verifying such facts, or a United States passport in effect. If the person was born in the United States of America, or its territories or possessions, he/she shall submit a birth certificate, passport, or other official document attesting unequivocally to the date and place of his/her birth. Every applicant shall receive a copy of this election-related transaction upon completion of the same, and another copy shall be kept in the Commission's archives.

The Commission shall provide a place to register at the location of the Permanent Registration Board.

Section 6.008. – Errors in Election-Related Transactions. –

The Commission shall provide, through regulations to such effect, the form and means of rectifying or correcting, in the most expeditious manner possible, any error, omission, or discrepancy arising from an election-related transaction.

Section 6.009. – Voter Identification Card. –

The voter identification card shall contain, at least, the date of issue, the voter's name and surnames, gender, eye color, height, and his/her signature or mark, as the case may be, his/her picture, date of birth, voter identification number, and the card's control number. Together with the voter identification card, the Commission shall prepare a file with the data, precinct, and Electoral Unit assigned to the voter. At the time of being issued his/her voter identification card, the voter shall sign the register adopted by the Commission attesting that he/she has received it. The Commission shall keep copies of voter identification cards in a file cabinet in strict alphabetical order, or in an electronic filing system.

Whenever new electronic voting, registration, or affiliation media technologies are adopted, the Commission shall, if necessary, produce and distribute voter identification cards that are compatible with such electronic media, or use current systems that have been structured by the Government of Puerto Rico.

Section 6.010. – Expiration of the Voter Identification Card. –

In case the Commission decides to establish a term during which the voter identification card shall be in effect, it shall be provided through resolution adopted by the unanimous vote of the Election Commissioners. Once said term has elapsed, the card shall be deemed expired for all legal purposes.

The Commission shall disclose the contents of the resolution through the mass media in order to provide adequate orientation to voters on the effective term of their voter identification card and the procedure for the renewal thereof.

In those cases in which the voter identification card expires six (6) months or less before the date of an election, it shall continue to be fully effective up to and including the day in which the election in question is held.

Upon expiration, the voter shall request the issuance of a new voter identification card.

Section 6.011. – Voter Identification Card Picture. –

Every picture taken for the purpose of issuing a voter's identification card shall be deemed a private document, and its use by any Court of Law shall be authorized only for proceedings arising from the commission of an election-related crime. Likewise, it may only be used by the Commission to implement any of the provisions of this Act, or the regulations promulgated thereunder, in connection with the identification of voters.

Except in the aforesaid cases, the Commission shall not show pictures of voters contained in their files to any person who is not related to a political party.

It is expressly forbidden to require the presentation of the voter identification card for any public or private purpose that is not election-related. The use of the card is hereby authorized only when voluntarily shown by the voter.

Section 6.012. – General Voter Registry. –

The Commission shall prepare and keep a General Voter Registry of all registered persons in Puerto Rico. Said Registry shall be kept in such a way that information related to voters can be veritably and promptly determined.

The information contained in the General Voter Registry shall be continually updated in terms of the voters' changing circumstances.

All lists of voters entitled to vote in an election shall be prepared based on the General Voter Registry.

If a voter fails to exercise his/her right to vote in a General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may

exclude voters from the General Voter Registry on the grounds provided by this Act or established through regulations. The exclusion of a voter shall not entail the elimination of his/her information from the General Voter Registry.

The Commission shall keep at least one (1) true and exact copy of the General Voter Registry in a separate, secure place under its custody and make any necessary modifications to keep it up to date.

Section 6.013. – Reactivations, Transfers, Relocations, and Renewal of the Voter Identification Card. –

The Commission shall establish, by regulation, a system whereby any registered voter may request the reactivation of his/her registration after being inactivated for not voting in a General Election. Likewise, the Commission shall establish a system whereby registrations may be transferred from one precinct to another due to a voter's change in domicile. The procedure to relocate those voters who, due to a change in domicile, request that their registration be relocated from one Electoral Unit to another within the same precinct shall also be established through regulations.

The Commission shall also establish a system whereby voters may request the renewal of their voter identification card if it has expired pursuant to the provisions of this Act, if it has become deteriorated, or if it has been lost. A sworn statement attesting to the circumstances related to the loss shall be included with the request.

Section 6.014. - Voters' Access to their Voter Registration File and to a Copy of the General Voter Registry. –

The Commission shall create and maintain election-related information systems via telephone or electronic media to allow voters direct access to verify their voter registration status. These systems shall be accessible to voters with disabilities. The Election Commissioners and the general public may request a

copy of the General Voter Registry and the Commission may issue the same either on paper or electronic format. The Election Commissioners may request a copy of the General Voter Registry and the Commission may issue the same either on paper or electronic format.

Section 6.015. – Deadlines for Voter Registration, Reactivation, Transfer, and Relocation. –

No registration, reactivation, transfer or relocation of a voter for an election shall be authorized within fifty (50) days before the holding of said election.

The full right of a voter to vote in the precinct and Electoral Unit where he/she is registered is hereby guaranteed when the change of his/her domicile to another precinct or Electoral Unit occurs within fifty (50) days before the election.

Section 6.016. – Ongoing Process of Voter Registration, Reactivation, Transfer, Relocation; Identification Card Picture and Modifications to the General Voter Registry. –

The Commission shall maintain an ongoing process of registration, reactivation, transfer, relocation, issuance of voter identification cards, and modifications to the General Voter Registry that shall be carried out by the permanent registration boards at the centers established in the precincts or municipalities for such purposes, in accordance with the regulations approved by the Commission and the provisions of Section 6.015 of this Act.

Section 6.017. – Challenge Process. –

(A) In order to exclude a voter who appears in the General Voter Registry, a voter's registration challenge and exclusion petition form shall be filed with the local election commission concerned, based on one or more of the following grounds:

(1) That the individual challenged is not a citizen of the United States of America, or Puerto Rico;

(2) That the individual challenged does not reside at the address stated in his/her application on the date of his/her registration, or on the date of the challenge;

(3) That the individual challenged is not at least eighteen (18) years old, nor will he/she attain such age on or before the date of the next General Election.

(4) That the individual challenged is not the person he/she claims to be in his/her registration application;

(5) That the individual challenged has died;

(6) That the individual challenged has been declared mentally incompetent by a Court of Law; and

(7) That the individual challenged is registered more than once in the General Voter Registry.

(B) Every voter's registration challenge petition form shall contain the following information regarding such voter as it appears in the General Voter Registry:

(a) Name and surnames.

(b) Date of birth.

(c) Voter's home address as it appears in the application for registration.

(d) Grounds for Challenge.

(C) The voter's registration challenge petition form based on grounds (1), (2), (3), and (4) shall be filed under oath with the local commission of the voter's precinct. The required oath may be administered by any member of the local commission, notary public, Court Clerk, or official duly authorized to administer oaths in Puerto Rico.

Once the Chair of the Local Commission receives the challenge petition form, he/she shall schedule a hearing to be held within the following ten (10) days, to hear the pertinent evidence. The challenged voter, the challenger, and any other person as requested by the parties shall be summoned. The Local Commissioners of the various political parties, as well as the municipal chairs of the political committees of the various political parties, shall also be notified. The Commission, after a petition and justification to such effect, shall be empowered to extend the term to hold said hearings. Notices containing the names of challenged voters shall be published periodically and timely by the Commission in a newspaper of general circulation during the term established by law to carry out such process.

The validity of the challenge petition form shall be decided by the unanimous agreement of the members of the local commission present at the time it is considered. If there is no unanimous agreement, the challenge shall be decided by the Chair, this being the only occasion in which he/she may be involved in a challenge.

Once it has been decided that the challenge is valid, the Chair of the local election commission shall direct the exclusion of the voter from the General Voter Registry. When the challenge is grounded on the provisions of subsections (5), (6), and (7) of this Section, the exclusion shall be effected as determined by the Commission through regulations.

The Chair of the Local Commission shall specify in the order of exclusion whether the decision was made unanimously or by his/her determination, and the reason for the exclusion. The Commission, the Local Commissioners, the challenger, and the challenged voter shall also be notified.

If the challenged voter fails to appear at the hearing, such fact shall not exempt the challenger from presenting evidence.

Both the challenged voter and the challenger may appeal the determination before the Commission within the following five (5) days, except as provided for challenges on the grounds of domicile.

Section 6.018. – Term to Challenge Voters. –

Any voter from the appropriate precinct may initiate any action to challenge voters within a term of three (3) months and fifteen (15) days, comprised between January 15 and April 30 of the Election Year, on the same grounds set forth in Section 6.017 of this Act.

Section 6.019. – Challenge on the Grounds of Age; Proof. –

When a voter is challenged on the grounds of age, either a positive certification issued by the Vital Statistics Registry, or by any similar or analogous registry in the United States of America or any foreign country, shall be attached to the challenge petition form stating the age of such person, or a “Negative Certification” issued by the Vital Statistics Registry, or any similar or analogous registry in the United States of America or any foreign country, stating that the name of the applicant does not appear in the Vital Statistics Registry of the municipality or place where said person swore in his/her application for registration that he/she was born. The person whose exclusion is sought on these grounds may, at the hearing held by the Chair of the local commission, file a contest of affidavit to prove that he/she is the age he/she swore to be in his/her registration application, and submit the appropriate “Positive Certification” from such registry, which states the municipality or place where the challenged voter’s birth was registered, his/her date of birth, the names of his/her parents, and any other general data.

The Chair of the local commission shall not order the cancellation of the registration of such person as a voter if such person was born, according to his/her registration application, before July 31, 1931, or when the challenged voter, to



maintain the legality of his/her voter registration application, produces before the Chair of the local commission a Positive Certification from the Civil Registry or Vital Statistics Registry, or any similar or analogous registry of the United States of America or a foreign country, or his/her certificate of baptism, attesting to such person's compliance with the age requirement in order to vote.

The Vital Statistics Registrars and the Secretary of Health, or their representatives, shall issue the certificates requested for election-related purposes free of charge, pursuant to the provisions of this Act. The issuance of said certificates at the request of the Election Commissioners or the members of the Permanent Registration Boards is hereby authorized, and the Secretary of Health or his/her representative is hereby directed to address such application with priority within a term not to exceed ten (10) days.

Section 6.020. – Presentation of Applications for Registration, Reactivation, Transfer, Relocation, and Modification before the Local Commission. –

Each month, the Permanent Registration Board shall submit all the applications for registration, reactivation, transfer, relocation, pictures, and modifications made to the General Voter Registry during the month, as well as the death certificates received during said month, to the local elections commission. In its monthly meeting, the local commission shall evaluate said applications and death certificates, and from that date on, the political parties or the voters of the precinct shall have ten (10) days to submit the challenge petitions they consider to be in order.

For such purposes, the same procedure established herein to decide the validity of the challenges shall be followed.

Section 6.021. – Adjudication of Mental Incompetence and Death Certificate Reports. –

The Courts Administrator shall send to the Commission, on a monthly basis during an election year and on a quarterly basis during years in which elections are not held, a list of those persons who have been legally declared as mentally incompetent.

Likewise, the municipal offices of the Vital Statistics Registry of the Department of Health of Puerto Rico shall remit each month to the Permanent Registration Board of their municipality a list of all deaths recorded in their books. The Permanent Registration Board shall request the Vital Statistics Registry to provide all those death certificates that it deems necessary, and said Registry shall have the obligation to provide them free of charge. The Commission may coordinate the receipt of this information in electronic format.

## CHAPTER VII

### POLITICAL PARTIES

Section 7.001. – The Parties. –

Any political party or citizen group shall be qualified insofar as it meets the following requirements:

(1) Major Party – A party whose candidate for Governor polled a number of votes equal to or greater than twenty-five percent (25%) of the total votes cast for all candidates for Governor in the preceding General Election.

(2) Political Party – A party that polled a number of straight-ticket votes in the state ballot of not less than seven percent (7%) nor more than twenty-five percent (25%) of the total valid votes cast.

(3) Majority Major Party – A party whose candidate was elected to the office of Governor in the preceding General Election.

(4) Party by Petition— A citizen group that obtained its registration as a political party by filing sworn registration petitions from voters with the Commission that amount to not less than three percent (3%) of the total valid votes cast for all candidates for the office of Governor in the preceding General Election. The petition shall include the name of the party to be certified and the party insignia. These petitions shall be sworn *ad honorem* by *ad hoc* notaries certified by the Commission or officials authorized by law to administer oaths.

The term to file registration petitions shall be from the first (1<sup>st</sup>) of January of the year following a General Election year and the fifteenth (15<sup>th</sup>) of March of the following General Election year. The citizen group shall be registered as a party by petition once all required petitions are validated and upon the filing of a government plan, of the candidates it shall nominate, and of the name and addresses of the group of voters that constitute its central governing body. The Secretary shall issue a certification of registration once all the aforementioned requirements have been met.

The Party by petition may designate aspirants or candidates for elective public offices, as provided in the procedures set forth in this Act, as of the time of their certification.

(5) Local Party

(a) A party that, in the previous General Election, polled not less than three percent (3%) of the total straight-ticket votes cast for all political parties in the geographical delimitation for which it was registered. The legislative ballot shall be used for computing such three percent (3%) in the case of a local political party for a senate district or representative district, and the municipal ballot shall be used for computing such three percent (3%) in the case of a local party for a municipality.

(b) A party that polled, in the previous General Election, not less than five percent (5%) of the total votes cast for all the candidates for the office that includes the entire geographical delimitation in which it was registered.

(6) Local Party by petition— A citizen group that obtained its registration as a political party in a municipality, senate district or representative district by filing registration petitions with the Commission, which were sworn and signed in the corresponding geographic delimitation by a number of voters that is not less than five percent (5%) of the total valid votes cast in said delimitation for all candidates for the office of Governor in the preceding General Election. The petition shall include the name of the party to be certified and the party insignia.

The term to file registration petitions shall be from the first (1<sup>st</sup>) of January of the year following a General Election and the fifteenth (15<sup>th</sup>) of March of the following General Election year. The citizen group shall be registered as a party by petition once all required petitions are validated and upon the filing of a government plan, of the candidates it shall nominate, and of the name and addresses of the group of voters that constitute its local governing body. The Secretary shall issue a certification of registration once all the aforementioned requirements have been met.

The Local party by petition may designate the aspirants or candidates for elective public offices as provided in the procedures set forth in this Act as of the time of their certification. The aspirants or candidates shall correspond to public elective offices for which citizens may vote in the geographical delimitation in question.

#### Section 7.002.- Citizen Groups. –

Any citizen group that wishes to register a political party shall file a notice of intent with the Commission for such purposes. Once it is authorized to seek endorsements, the citizen group shall be entitled to request and obtain a copy of the

General Voter Registry. This request shall be submitted to the Secretary, who shall process the same. The Commission shall establish, through regulations, the information to be contained in the copies that shall be distributed to citizen groups. These citizen groups shall comply with the requirements, reports, and mandatory conditions set forth in the “Puerto Rico Political Campaign Financing Oversight Act.”

Section 7.003 – Invalid Party Registration Petitions. –

The Commission shall reject any political party registration petition signed by a person who:

- (a) Is not a duly registered voter at the time of signing the petition; or
- (b) Has signed a petition to register another party in the same local or state category during the period between two General Elections; or
- (c) Fails to comply with the requirements of this Act or of the regulations approved thereunder, including the accuracy and authenticity of the information stated in a political party’s registration petition.

A political party’s registration petitions shall be filed with the Commission not later than seven (7) days after having been duly sworn. The Commission shall establish, through regulations, the form and the procedures to be followed for filing and validating said registration petitions.

The Commission shall be responsible for maintaining and keeping custody of the political party registration petition register for a period of two (2) years from the validation of the voter’s endorsement petition.

Section 7.004. – Prerogatives of Political Parties. –

Any political party having the rank of a majority major party, party, major party, or party by petition shall enjoy the rights pertaining thereto until it loses said rank pursuant to, and as said terms are defined in this Act.

Section 7.005. – Propaganda Distribution Facilities. –

Every political party, aspirant, candidate, citizen group, campaign committee, and political action committee that wishes to establish a propaganda distribution facility shall request the previous authorization from the local commission of the precinct where such a facility will be located. Furthermore, such request shall include the name, street and mailing address, telephone numbers, and voter identification number of the person whom the requestor designates to be in charge of such facility. The requestor shall also be required to notify the local commission of any change regarding the person designated to be in charge of the facility or such person's information. The change notice shall be sent within five (5) days after such change. The local commission shall ensure strict compliance with Section 12.001 of this Act.

Section 7.006. – Credit for Transportation and Other Means for Mobilizing Voters. –

A credit is hereby established for expenses related to transportation and other means of mobilizing voters within Puerto Rico on the day of a General Election, which shall be determined by prorating the sum of one million, two hundred thousand dollars (\$1,200,000) among all the major parties, parties, and party by petition, as well as independent candidates for Governor, based on the percentage of the total votes that the candidates for Governor polled in the previous General Election.

(a) Each major party and party shall be entitled to receive an advance of up to forty percent (40%) of the total amount of the credit pertaining thereto, using the percentage of votes polled by its candidate for Governor in the preceding election as guideline.

(b) Independent candidates for Governor and parties by petition that nominate candidates for Governor shall be given an advance of up to forty percent

(40%) of the amount obtained by dividing one million, two hundred thousand dollars (\$1,200,000) by the number of voters that the majority major party polled in the preceding General Election, and then multiplying the amount corresponding to said party per voter by five percent (5%) of the total number of votes cast for all candidates for the office of Governor in the preceding General Election. The amount in advance pertaining to major parties, parties by petition, and independent candidates for Governor shall be available for their use on or before the first (1<sup>st</sup>) of October of an Election Year, after filing with the Secretary of the Treasury the contracts awarded for transportation and other means of mobilizing voters, as well as for its administration and coordination.

The Commission shall guarantee, through regulations, that such funds shall be used solely and exclusively in the employment, administration, and coordination of transportation for voters in motor vehicles or other means of mobilization on the day of the General Election.

The advance made to each major party, party, party by petition, and independent candidate for Governor shall be deducted from the appropriate sum in the additional credit established in this Section. After General Election results have been certified, the Commission shall adjust the estimates to such results in accordance with the preceding subsections (a) and (b) of this Section, and shall request the Secretary of the Treasury to proceed to pay or recover the appropriate amounts, as the case may be.

#### Section 7.007. – Registry of Affiliated Voters. –

The preparation of a Registry of Affiliated Voters, which shall be the exclusive property of the political party that prepares it and shall always remain under its exclusive control, shall be the option of the political parties. They may use said Registry, without it being construed as a limitation, for any issues, procedures, or activities related to their organization, internal reorganization, fund

raising, posting of communications, validation of nomination endorsement petitions or holding of primaries or special elections to fill a vacancy for an elective public office. The voter lists prepared by the Commission for polling places in primaries or special elections, after they are marked according to the voters' participation, as well as the list of polling officials working in an election, shall become part of the Registry of Affiliated Voters of the party concerned.

Section 7.008. – Affiliated Voter Registration Form. –

The Commission shall supply to the political parties sufficient number of special forms so that voters may be registered in their Registries of Affiliated Voters. Said forms shall be designed and printed by the Commission and shall consist of an original and a copy. The original shall be retained by the body or official that the central governing body of each party designates to be in charge of the preparation of the registry. The copy shall be handed to the voter as proof of his/her entry in the registry of the party of his/her choice.

Section 7.009. – Political Party Insignias and Emblems of Independent Candidates. –

The Commission shall establish a registry of political party names and insignias, and emblems of candidates and independent candidates, which after complying with the procedure established through regulations for the certification thereof shall be the property of the corresponding political parties, candidates, and independent candidates. The unauthorized use of political party names or insignias and of candidate or independent candidate emblems thus registered is hereby prohibited.

Every party by petition, candidate, or independent candidate shall be entitled to have the name, insignia, or emblem thereof certified within thirty (30) days following its filing.

No political party, candidate, or independent candidate shall:



(1) use as its name, insignia, or emblem on the ballot the same one being used by any duly registered natural or juridical person, group, sect, religion, church, or for-profit or nonprofit organization;

(2) use the flag or coat of arms of the Government of the United States of America or Puerto Rico, or any insignia, emblem, or symbol of any government agency.

Section 7.010. – Order to File Insignias and Emblems. –

The party by petition or independent candidate that first meets the filing requirements, as provided in this Act, shall have priority for the use of a specific name, insignia, or emblem. The same shall be applicable to any emblems presented by a candidate before the Commission. If two or more insignias or emblems that are equal or similar in whole or in part are filed at the same time with the Commission and the political parties, candidates, or independent candidates have met the requirements for registration and filing of candidacies provided in this Act, the Commission shall decide by drawing lots to which of them the insignia or emblem shall pertain. Said drawing shall be made in the presence of affected or interested persons or parties, or their representatives.

Section 7.011. – Retention of Rights over Name and Insignia. –

Any political party that, due to the results of the preceding election, fails to remain registered as such shall retain all the rights and prerogatives over the name and insignia it used in said election for as long as it claims and uses said name and insignia.

Section 7.012. – Ban on the Use of Party Names, Insignias, and Emblems for Commercial Purposes. –

The names and insignias of political parties which have been duly filed with the Commission as provided in this Act, as well as the emblems of candidates or independent candidates, cannot be reproduced, forged, copied, or imitated by any

natural or juridical person for business purposes without the previous written consent of the political party or its representative, or of the candidate concerned. Any natural or juridical person that uses said reproduction, forgery, copy, or imitation of a name, insignia, or emblem of a political party, candidate, or independent candidate for business purposes in Puerto Rico without the proper authorization shall be subject to a suit for damages, and if the case is resolved in favor of the plaintiff political party, candidate, or independent candidate, the sum of the indemnification shall never be less than the net profit obtained by the business entity or activity in question. The aggrieved political party, candidate, or independent candidate may appear before the Court of First Instance, pursuant to Chapter IV of this Act, to request an order for the business to cease and desist the unauthorized use of its name, insignia, or emblem.

Section 7.013. – Change of Name or Insignia. –

Any political party that wishes to change its name or insignia may do so by certification of its central governing body filed with the Commission, and such party shall not, thereby, lose the rights and privileges granted thereto by this Act, or acquired while using the former name or insignia.

Section 7.014. – List of Political Party Insignias and Candidate Emblems. –

Not later than ninety (90) days before the date on which a General Election is to be held, the Commission shall prepare a complete list of political party insignias and emblems of candidates filed to be printed on the voting ballot. The list shall also include *ad hoc* drawings of the insignias or emblems that are different from those used in the preceding General Election.

## CHAPTER VIII

### CANDIDACIES AND PRIMARIES

Section 8.001. – Aspirants to Candidacies for Elective Public Offices. –

The following provisions shall constitute the essential principles of any aspiration to a candidacy whereby a person may become an aspirant:

(a) Political parties shall establish the requirements for aspirants to qualify for elective public office, except in the case of independent candidacies.

(b) The State Election Commission shall establish the requirements for an aspirant to become a candidate.

(1) The aspirant's intent to become a candidate by completing, under oath, the Commission's information form with the purpose of initiating the candidacy process.

(2) A certification from the Department of the Treasury attesting to the person's compliance with his/her obligation to file income tax returns for the past five (5) years, and any outstanding debts. If the person has any outstanding debts, the certification shall state that he/she has availed him/herself of a payment plan and is complying with the same. If the certification required states that the person has failed to file income tax returns because such person did not earn any income nor reside in Puerto Rico for the past five (5) years, or part thereof, such person shall also be required to file a sworn statement attesting to such circumstances.

(3) A certification from the Municipal Revenue Collection Center stating that the person has no debts on account of real or personal property taxes. If the person has an outstanding debt, the certification shall state that he/she has availed him/herself of a payment plan and is complying with the same.

(4) The person has received the orientation given by the Election Comptroller, as provided in the "Puerto Rico Political Campaign Financing Oversight Act."

(5) The person has undergone drug testing for the detection of controlled substances in accordance with the directives established by the Commission at the request of the political party to which the aspirant belongs. In all other cases, the State Election Commission shall establish the specifics of this requirement through regulations.

(6) The person has filed with the State Election Commission a certification stating that he/she has no criminal record and has not been convicted of a felony or misdemeanor involving moral turpitude, as well as a sworn statement stating that he/she has not been convicted of such offenses in any other state or Federal jurisdiction.

(7) Any aspirant to an elective public office who holds office as head or appointing authority of a government agency, department, division, or public corporation shall tender his/her resignation to said office thirty (30) days before the beginning of the term to file candidacies.

The Department of the Treasury and the Municipal Revenue Collection Center shall issue any copies and certifications required by this Act, free of charge, within thirty (30) days after the same has been requested. In order to strictly comply with the provisions of this Section, the heads of the agencies concerned shall designate an official to coordinate, with the Chair, the processing and issuance of the copies and certifications required under this Act.

If a person does not receive such copies and certifications at the time of filing his/her candidacy, such person shall present evidence issued by the appropriate agencies of having requested such copies and certifications. Nonetheless, the person must submit such copies and certifications on or before the forty-five (45) days following the deadline for filing candidacies.

Any person who wishes to appear as an aspirant to become a candidate for elective public office shall be a qualified voter and an affiliated member of the

appropriate political party to which he/she belongs at the time of filing his/her candidacy.

Any person who aspires to become a political party candidate for an elective public office shall also comply with the requirements established by said political party. These requirements shall be equally applicable to and enforceable on all persons who express their intent to become a candidate for said political party, and they may not be altered retroactively after the term to file candidacies has begun.

No person shall aspire to become a candidate for more than one elective public office on the same general election, primary, or special election. Neither shall he/she aspire to become a candidate for an elective public office in primaries for more than one political party. In the event that a person shows his/her intent to aspire to more than one candidacy, only the last intent to such aspiration shall be deemed to be valid. The Commission shall not accept the intent to become a candidate of any person who fails to comply with this Section.

A party may ban or disqualify a person who aspires to become a candidate for an elective public office if it deems that such candidate has failed to comply with any of its party's regulations.

Section 8.002. – Vacant Candidacy. –

No election for an elective public office shall be carried out if, before a primary, a vacancy arises which makes the number of aspirants equal to or less than the number of offices to which a political party is entitled to nominate a candidate. However, if within sixty (60) days before a primary is held, a vacancy should arise which does not make the number of aspirants equal to or less than the number of offices to which a political party is entitled to nominate a candidate, the name of the aspirant shall appear on the ballot and the votes polled by him/her shall not be counted for the purposes of said primary.

Section 8.003. – Roster of Aspirants. –

The Commission shall prepare the official roster of all aspirants sixty (60) days before the holding of a primary and, from then on, no names shall be added or eliminated from said roster.

Section 8.004. – Nomination of Candidates. –

All political parties shall be entitled to nominate one candidate for each elective office to be voted on in a general election. No person may be a candidate for more than one party. Provided, that a party may fill any vacancy in a candidacy that arises, as provided in this Act and said party's regulations.

Political parties may assign the order of the candidates for senators and representatives-at-large on the ballots of the various election precincts pursuant to uniform and fair procedures regarding the distribution of said election precincts for such candidates. It shall be the duty of the Commission to order that the names of said candidates be printed on the ballot in the same order that they were certified by the party for the different precincts.

Section 8.005. – Decision to Hold Primaries and Holding Thereof. –

The decision to hold primaries with regard to any candidacy for an elective public office rests with the central governing body of the political party concerned. No political party shall have to hold primaries with regard to any elective public office for which it does not wish to nominate a candidate.

In the event that the party determines that there are one or more offices for which the central governing body wishes to nominate a candidate, any voter who is a member of said political party shall be entitled to be considered by the central governing body concerned for nomination as an aspirant to any elective public office if he/she complies with the requirements provided by law to hold and/or aspire for such office. Every political party shall have to hold primaries in those cases in which there is more than one qualified candidate, as established herein.

Automatic certification of candidates –

(a) Automatic Certification of Candidates for senator or representative-at-large, or district senator or representative –

The Chair shall certify as candidates for senator or representative-at-large, or district senator or representative, any aspirant who meets all the requirements to participate in primaries, without the need to hold said primaries, in the following cases:

(1) If the number of aspirants is equal to or less than the number of candidates that the political party has notified the Commission it shall nominate for such offices in the next General Election;

(2) If the number of aspirants is equal to or less than eleven (11), in those cases in which the political party has failed to notify the Commission how many candidates it shall nominate for senator or representative-at-large. In the case of district senators, this provision shall apply if the number of aspirants is equal to or less than two (2).

(b) Automatic Certification of Candidates for Other Elective Public Offices –

When only one aspirant has met the requirements to participate in the primaries of a specific political party for any elective public office other than senator or representative-at-large, or district senator, the Chair shall certify said aspirant as the candidate for said office of the political party concerned in the next General Election.

Aspirants certified as candidates pursuant to the provisions of this Section shall not be required to submit endorsement petitions for primaries.

Section 8.006. – Primaries Commission. –

A primaries commission is hereby created, which shall be separate for each party that needs to hold primaries to select the candidates for one or more elective

public offices. The primaries commission shall be composed of the Chair and the Election Commissioner of the political party concerned.

The primaries commission shall direct and inspect the primaries and enforce the regulations approved by the central governing body of the political party concerned. Said political party shall submit to the Commission a copy of the regulations for primaries, duly certified by the party's President and Secretary. Such regulations shall not be inconsistent with the provisions of this Act.

The regulations shall provide, among other things, for the creation and duties of a local primary board in each precinct where primaries are to be held. Moreover, each political party shall provide, through regulations, the creation of a Primary Polling Place Board composed of a director, a deputy director, and a Secretary. During the voting and canvassing process, the effective representation of the aspirants shall be guaranteed.

Section 8.007. – Alternate Selection Methods. –

Political parties may adopt alternate selection methods for the nomination of their candidates, provided that it is approved by their central governing bodies, and that the following guarantees are met:

(a) That the nomination procedure adopted guarantees the representative expression of the voters affiliated to that political party in the corresponding jurisdictions. To such effect, the selection of the candidates nominated by the direct and secret vote of the affiliated voters included in the Registry of Affiliated Voters, the selection thereof by a regulating body of said political party or by a system of delegates based on the population or the number of voters, or the number of votes polled by said party in the preceding general election, is hereby authorized.

(b) That the procedures for the alternate selection method have been formally adopted and are available to the members of that political party, and that



the participants are notified of the selection process. To such effect, the alternate selection method adopted shall be filed with the Commission not less than fifteen (15) days before the selection process is carried out. The rules which shall govern the selection process shall include the place, date, and time that the same is to be carried out.

(c) That all aspirants have previous access to the list of participants in the selection process and are guaranteed an adequate forum to contest the same.

(d) That all aspirants are entitled to an effective representation in the critical stages of the selection process, such as the election of delegates, the registry of participants, and the voting and canvassing process.

(e) That the position and place in which the name of each nominee is to appear on the ballots be selected by draw in the presence of the aspirants or their representatives.

(f) That the right to challenge participants on the grounds provided in this Act as well as on those provided in the political party's regulations is guaranteed.

(g) That participants enjoy equal access and protection in all stages of the selection process.

(h) That the voting be free and secret.

(i) That effective internal mechanisms are available to contest the violation of these standards and, once such forum is exhausted, that the right to appeal to the Court of First Instance be granted pursuant to Chapter IV of this Act, within the five (5) business days following the determination of the political party.

The persons selected in accordance with the aforesaid procedure shall not be required to comply with the endorsement petitions for primaries in order to qualify as candidates.

Any candidate who is not favored through the alternate selection method shall not compete as an aspirant in any primary process for the same office to which he/she was an aspirant.

The party may notify its voters, through the means it deems pertinent, of the person who was chosen in the internal selection process to represent such party on the ballot.

Section 8.008. – Disqualification of an Aspirant. –

A political party may disqualify an aspirant to a candidacy for elective public office on any of the following grounds:

(1) that the person has failed to meet the requirements for aspirants as established in this Act or the regulations for primaries approved by the Commission or by the political party concerned, or in any regulation of the political party to which he/she belongs;

(2) that the person has violated any of the provisions of this Act or the “Puerto Rico Political Campaign Financing Oversight Act,” or any of the regulations approved thereunder or of the political party concerned, specifying the violated section, and/or;

(3) that the person failed to comply with a constitutional provision.

Subsection (i) of the preceding Section shall apply to disqualified aspirants.

Notwithstanding the foregoing, no political party may incorporate a provision *ex-post-facto* to its regulations in order to consider it as grounds for disqualification.

Section 8.009. – Date for Holding Primaries. –

Those primaries to be held pursuant to the provisions of this Act shall be held on the third Sunday of March of the year in which the general election is to be held, except if said Sunday is Palm Sunday or Easter Sunday, in which case, the primaries shall be held on the second Sunday of March of the same year. Primaries

shall be held on the first Sunday of March if the aforementioned holidays fall on the second and third Sunday.

In the case of national primaries, these may be held on any date after the first Tuesday of March of the year in which the general election is to be held, up to June fifteenth (15<sup>th</sup>) of that same year, as determined by the local body of the national party.

Section 8.010. – Calling a Primary. –

The Commission shall announce and call voters to primaries in at least two (2) newspapers of general circulation at least thirty (30) days before such primaries are to be held.

Section 8.011. – Date to File Candidacies and Deadlines. –

The Commission and the political parties shall open the process for filing candidacies from October first (1<sup>st</sup>) to October (31<sup>st</sup>) of the year that precedes a general election year. The deadlines that shall apply to the different processes and activities related to said primaries shall be established by the Commission through Regulations.

Aspirants to candidacies shall file their income and expenditure reports with the Office of the Election Comptroller on the dates set by the Comptroller, and the required reports shall be governed by the provisions of the Puerto Rico Political Campaign Financing Oversight Act.

Section 8.012. – Endorsement Petitions for Primaries and Independent Candidacies. –

Any voter who wishes to run in a primary, in addition to meeting the requirements set forth by law and regulations, shall file with the Commission the number of endorsement petitions required by this Act for the elective public office to which he/she intends to aspire.

The number of endorsement petitions for primaries shall, in no case, exceed four thousand (4,000), except in the case of aspirants to the offices of Governor and Resident Commissioner, whose number of endorsement petitions shall not exceed ten thousand (10,000).

Aspirants to the office of Mayor shall present four percent (4%) of the sum of all votes polled by the candidates of the political party in the preceding General Election, or four thousand (4,000) endorsement petitions, whichever is less.

When an aspirant to the office of Mayor files his/her candidacy together with a group of candidates for municipal legislators, it shall be understood that they represent a single slate, therefore, the latter shall not be required to file endorsement petitions for primaries.

The number of endorsement petitions required for an aspirant to the office of senator or representative-at-large, and district senator or representative, shall be equal to four percent (4%) of the total sum of the votes polled by the candidates of the political party in the preceding General Election, or four thousand (4,000) endorsement petitions, whichever is less. For the office of municipal legislator, if the aspirant is not part of a slate, three percent (3%) of the total sum of the votes polled by the candidates of the political party in the preceding General Election for the elective public office concerned shall be calculated and divided by the number of candidates nominated by said political party.

Parties by petition and independent candidates shall use, as a basis to determine the number of endorsement petitions for primaries they are required to file, one percent (1%) of the valid votes polled by all the candidates in the preceding General Election for the elective public office concerned. For the offices of senator and representative-at-large, as well as for district senator, district representative, and municipal legislator of said political parties, or independent candidates therefor, one percent (1%) shall be calculated using as a basis the total

sum of all valid votes polled by the candidates in the preceding General Election for the elective public office concerned, and divided by the number of candidates that ran for such office.

Any person who commits fraud by filing endorsement petitions for primaries with false information, forging a signature on said endorsement petition, or including unauthorized information about a voter or aspirant on said endorsement petition or on a related report, as established in Chapter XII of this Act, shall be guilty of a misdemeanor. Any candidate who intentionally files endorsement petitions with false information or forged signatures may be disqualified. The primaries commission of the political party concerned shall have twenty (20) days to pass judgment on the validity of the petitions filed. Any petition that is not rejected during said term shall be deemed to be accepted and be accredited to the aspirant who filed it. Aspirants shall only have seven (7) days from the date on which the rejected petitions were returned to substitute said petitions.

In no case may more than one hundred twenty percent (120%) of the required petitions be filed. No aspirant may file more than fifty percent (50%) of the maximum number of the required petitions during the last fifteen (15) days of the period to file endorsement petitions for primaries. The endorsements required by this Act shall be received and remitted to the Commission from the date of certification of the candidacy by the political party until December fifteenth (15<sup>th</sup>) of the year preceding the year in which a General Election shall be held. In the case of independent candidates, endorsements shall not be filed after the day of the primaries. After this date, if the candidate fails to meet the requirements set forth in this Act, he/she shall not be included on the ballot as an independent candidate. The aspirant or candidate shall have a term of fifteen (15) days to substitute any endorsements rendered invalid by the Commission.

Section 8.013. – Endorsement Petition Form for Primaries. –

Endorsement petitions for primaries shall be filed on a special form containing the following information about the petitioner:

1. Name and surnames;
2. Date of birth;
3. Gender;
4. Name of the mother and father;
5. Voter identification number;
6. Precinct number; and
7. Signature.

The form shall also include the following information regarding the aspirant:

1. Legal name and any nickname to be used on the ballot;
2. Political party;
3. Code assigned by the Commission; and
4. Elective public office.

Finally, the form shall contain a space for the code and signature of the official authorized to administer the oath.

Each voter shall sign and swear to an endorsement petition for primaries for only one aspirant to the nomination of a given elective public office. Whenever a political party may nominate more than one candidate for a given elective public office, each voter may sign and swear to endorsement petitions for primaries for the same number of aspirants as the party has notified the Commission it shall nominate for the General Election. Each form shall have at least an original and two (2) copies, which shall be distributed in the following manner:

(a) The original shall be delivered in person by the aspirant or his/her representative to the Secretary of the Commission, who shall give a written receipt for each original or group of originals filed;

(b) The first copy shall be kept by the aspirant to whom said petition refers; and

(c) The second copy shall be delivered to the voter who signed it.

Section 8.014. – Officials to Administer Oaths for Endorsement Petitions for Primaries. –

Endorsement petitions for primaries may be sworn before officials authorized by law to administer oaths, as well as before an *ad hoc* notary duly registered in and authorized by the Commission. The Commission shall establish the requirements, functions, and duties of *ad hoc* notaries through regulations

The persons who administer oaths related to endorsement petitions for primaries shall be deemed to be officials of the Commission for all legal purposes, and shall keep a record of all the persons to whom oath has been tendered. If need be for any investigation by the Commission, this record shall be signed and remitted to the Commission. The aspirant must apply for and keep the reports of the persons who administer oaths for a period of at least thirty (30) days after the period for filing endorsement petitions has concluded.

Upon administering the oath, the authorized officials must sign in the space designated for such purposes on the endorsement petition for primaries and indicate the serial number that, according to chronological order, pertains to the oath certified in each case. The numbers for each official shall be of a single series, from number one up to the last oath authorized by him/her.

Section 8.015. – Information Form. –

Every voter who wishes to exercise the rights and privileges granted by this Act to aspirants in primaries shall file with the Commission an information form on candidacy for primaries, so that the Commission shall open a record for him/her and take the administrative steps needed to receive endorsement petitions for

primaries on his/her behalf. In said form, the aspirant shall include a picture of him/herself or an emblem with which he/she wishes to be identified on the ballot.

The Commission shall use the picture or emblem furnished by each aspirant by placing it beside his/her name on the ballot.

If any candidate has failed to meet the requirement of submitting his/her picture or emblem when only sixty (60) days are left before holding the primaries, the Commission shall choose a geometric shape as the emblem to identify said candidate on the ballot.

Section 8.016. – Criteria to Invalidate Endorsement Petitions for Primaries. –

The grounds to invalidate an endorsement petition for primaries shall be the following:

(a) The petitioner is not a voter who is affiliated with the aspirant's party;  
or

(b) The petitioner is not a voter of the precinct or precincts that cover the candidacy; or

(c) Some of the fields or requirements of the petition are incomplete; or

(d) The petitioner has already exercised and exhausted his/her petitioning right for that same elective public office; or

(e) The petitioner's record has been excluded from the General Voter Registry; or

(f) The endorsements were not filed within the term established by this Act.

Section 8.017. – Certification of Aspirants. –

The Secretary shall issue a certification of the aspirants who have completed the necessary requirements and shall appear on the appropriate ballot.



Section 8.018. – Acceptance of Aspiration for Candidacy in Primaries. –

Every aspirant to a candidacy for an elective public office must appear in the Registry of Affiliated Voters of the appropriate party and be sworn by an official duly qualified to administer oaths stating that he/she accepts the nomination as candidate, that he/she shall abide by the official regulations of his/her political party, and that he/she meets the applicable constitutional requirements to hold the elective public office to which he/she aspires, as well as with the provisions of this Act.

Section 8.019. – Withdrawal from Participating in Primaries. –

Any aspirant may withdraw from participating in a primary up to the same day in which said primary shall be held through written notice sworn before an authorized official, which shall be filed with the Secretary of the Commission.

Section 8.020. – Disqualification of Aspirants and Candidates. –

Any aspirant or duly nominated candidate may be disqualified as such by the Court of First Instance if he/she fails to meet the requirements imposed by the Constitution or by law, or when it is shown that he/she has violated any of the provisions of this Act or its regulations.

The challenged aspirant or candidate shall respond under oath to said claim within ten (10) days of being notified.

If the Court of First Instance, designated in accordance with Chapter IV of this Act, should find that a real controversy arises from the allegations, it shall schedule a public hearing to be held within ten (10) days as of the filing of the challenged aspirant's or candidate's response. The Court of First Instance may reduce said term if the circumstances of the case so warrant.

Section 8.021. – Design of Primary Ballots. –

The primaries commission of the political party concerned shall provide, through regulations, the contents, patterns, design, and form of the ballots to be used for voting in the primaries. The primaries commission of each political party shall order the preparation of the ballots pertaining to each precinct, after their design and content have been approved, on or before fifty-five (55) days prior to the primaries. The ballot shall be designed in such way that the text contained therein is both in Spanish and English.

The ballots shall be different for each political party, and different colors and/or design patterns shall be used for each elective public office subject to primaries. A blank column or section with a number of spaces equal to the maximum number of votes allowed on such ballot shall be provided for the voter to write in the name of the candidate he/she wishes to nominate for office besides those appearing on the ballot.

The names of the aspirants shall be inserted on the ballot in the order determined by the central governing body of the political party concerned. The ballot shall always include at least one of the given names and one legal surname of each aspirant.

Section 8.022. – Prohibitions Regarding Emblems. –

No aspirant shall use any emblem on a voting ballot which is expressly prohibited by this Act, nor may he/she use the insignia of a political party or any part thereof as his/her emblem.

Section 8.023. – Voting in Primaries. –

The voter may vote for a number of aspirants to an elective public office equal to that which the political party has notified to the Commission that it shall nominate for the General Election. Political parties may require affiliation in order to vote in their primaries.

Section 8.024. – Precinct Canvass. –

The Local Primary Commission shall be responsible for the primary canvass of its precinct, and shall file a Tally sheet with the Commission stating the results. Such Tally sheet shall be filed within twenty-four (24) hours following the holding of the primary. The Commission shall establish the procedures and forms to be used by the Local Primary Commission through regulations.

Section 8.025. – Aspirants Elected in Primaries. –

In a political party primary, those aspirants who poll the largest number of votes, according to the number of candidates that may be nominated for a particular elective public office, shall be officially nominated as candidates for such party.

Section 8.026. – Tie in Primary Vote Results. –

After the general canvass has been carried out, if there is a tie in the results of a primary, a second primary shall be called between the tied candidates who polled the largest number of votes. The Primaries Commission of the Political Party concerned shall determine the date on which the second primary shall be held within thirty (30) days after the recount has concluded.

Section 8.027. – General Provision on Primaries. –

The primary voting and canvassing processes shall be governed by the provisions of Chapters IX and X of this Act in all matters that are not incompatible with the provisions of this Title.

## CHAPTER IX

### PROCEDURES BEFORE AN ELECTION; VOTING

Section 9.001. – Date of Elections. –

A general election shall be held every four (4) years on the first Tuesday after the first Monday in November. Likewise, all elections which are in order

pursuant to this Act shall be held on the dates they are called, as provided hereinbelow.

Section 9.002. – General Call. –

The Commission shall announce the date on which an election shall be held not less than sixty (60) days in advance by a proclamation which shall be published in at least two (2) newspapers of general circulation. In the case of any other election, such election shall be called pursuant to the terms and conditions established in this Act, in any other law, or through regulations.

Section 9.003. – Holiday. –

The day of a general election shall be a legal holiday in Puerto Rico.

No government agency shall authorize the use of parks, coliseums, auditoriums, or public facilities, and shall provide that they remain closed to the public on the day a general election is held, except when such facilities are being used by the Commission. Likewise, there shall be no horse racing on any racetrack in Puerto Rico on the day a general election is held.

In the case of a referendum, plebiscite, consultation, or special election, the aforementioned prohibitions shall take effect within the election-related geographic delimitation where such election shall take place, or as provided by an enabling Act.

Section 9.004. – Purpose of a General Election. –

The purpose of a General Election is to elect all the officials of the Government of Puerto Rico who, pursuant to the Constitution of Puerto Rico and other special statutes, must hold elective public offices by popular vote.

Section 9.005. – Purpose of Special Elections. –

The purpose of a special election is to elect one or more officials within a geographic delimitation to fill a vacancy in an elective public office in the Government of Puerto Rico, pursuant to the Constitution and other special statutes.

Section 9.006. – Special Elections. –

1. District Legislator Elected in Representation of a Political Party:

a) Before the fifteen (15) months preceding the holding of a General Election. Whenever a vacancy occurs in the office of a district senator or representative elected in representation of a political party before the fifteen (15) months preceding the following general election.

1) The political party shall have a term of sixty (60) days following the date of notice of such vacancy to present before the Commission a candidate to fill the same. Within said term, the political party may adopt an alternate substitution method in order to fill the vacant office insofar as it is approved by its central governing body and it complies with the guarantees of due process and equal protection of the law. When a political party presents only one candidate, the Chair shall certify that said candidate is entitled to take office.

2) In the event that the political party does not adopt an alternate substitution method and has proposed more than one (1) candidate, the Governor shall, within thirty (30) days of the filing of the candidacy, call a special election in such district where the vacancy arose. Only such candidates certified by the political party concerned may participate in such special election.

3) The special election shall be held not later than ninety (90) days after it was called and the person elected in said special election shall hold the office until the term of his/her predecessor has expired.

4) When the political party has failed to present a candidate within sixty (60) days, the Governor shall, within thirty (30) days of the expiration of said term, call a special election in which any voter affiliated to any political party may participate as a candidate, as well as any independent candidate.

b) Fifteen (15) months prior to a general election. –

When, within the fifteen (15) months preceding a general election, a vacancy occurs in the office of a district senator or representative who was elected in representation of a political party, said office shall be filled by the Presiding Officer of the corresponding Legislative Body by proposal of the central governing body of the political party to which such senator or representative belonged.

2) Legislator-at-large Elected in Representation of a Political Party:

Whenever a vacancy occurs in the office of a senator or representative-at-large who has been elected in representation of a political party, said office shall be filled by the Presiding Officer of the corresponding Legislative Body, by proposal of the political party to which such senator or representative belongs, with a person selected in the same manner as his/her predecessor.

3) Independent Legislator:

When a vacancy occurs in the office of a senator or representative elected as an independent candidate for a district or at-large, the procedure below shall be followed:

a) The Governor, with the advice of the Commission, shall call the holding of a special election in the corresponding geographic delimitation within thirty (30) days following the date on which the vacancy occurred;

b) Any voter affiliated to a political party or duly qualified as a voter and who fulfills the requirements entailed by such office may be nominated as a candidate in said special election; and

c) The special election shall be held not later than ninety (90) days after being called, and the person elected in such special election shall hold the office until the term of his/her predecessor has expired.

4. Mayor or Municipal Legislator:

Whenever a vacancy occurs in the office of mayor or municipal legislator, the same shall be filled pursuant to Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act.”

5. Independent Mayor or Municipal Legislator:

Whenever a vacancy occurs in the office of mayor or municipal legislator elected as an independent candidate, the Governor, with the advice of the Commission, shall call the holding of a special election in the corresponding municipality within thirty (30) days following the date on which the vacancy occurred. The special election shall be held not later than ninety (90) days after being called, and the person elected in such special election shall hold the office until the term of his/her predecessor has expired.

However, whenever a vacancy occurs in the office of mayor elected as an independent candidate within twelve (12) months before a general election, the provisions of Act No. 81 of August 30, 1991, as amended, known as the “Autonomous Municipalities Act,” shall be observed.

Section 9.007. – Persons Entitled to Vote in a Special Election. –

The persons entitled to vote in a special election shall be those who, at the closing of the General Voter Registry for said election, are voters of the geographic delimitation where said special election shall be held. The geographic delimitation where the special election is to be held shall be the same for which the predecessor who held the vacant elective public office was elected.

Party affiliation shall be required to vote in a special election in which a political party has nominated more than one candidate for an elective public office left vacant by an official elected for such political party.

Section 9.008. – Voter Distribution. –

Puerto Rico shall be divided into voter precincts. The Commission shall designate and number voter precincts in Puerto Rico in correlative order, taking as

a basis the municipal divisions, as provided by law, and the division of senate and representative districts as periodically determined by the Constitutional Board of Review of the Senate and Representative Districts set forth by the Constitution of the Commonwealth of Puerto Rico.

Section 9.009. – Political Party Names and Insignias on the Ballot. –

The name and insignia used by any political party on the election ballot shall be the same used by said party in the preceding General Election. Any change in the name or insignia of the political parties must be notified to the Commission through a certification issued by the political party's central governing body not later than sixty (60) days before the General Election.

Furthermore, before that date, every candidate for Governor, Resident Commissioner, Legislator, Mayor, and Municipal Legislator may file with the Commission any change in the name that will appear on the ballot, which shall always include one given name and one legal surname. Likewise, he/she may submit a simple and distinguishable picture or emblem to be placed beside his/her name on the ballot, except for municipal legislators, who shall only appear on the ballot by name.

The name, picture, or emblem shall not contain identification of or references to titles or offices held, or to campaign slogans.

Section 9.010. – Preparation and Distribution of Official and Sample Ballots.–

The Commission shall direct the preparation of ballots corresponding to each precinct, after having approved their design and content, on or before fifty-five (55) days before a General Election.

Sample ballots of those to be used at each polling place on Election Day shall also be printed, both in Spanish and English. These sample ballots shall be printed on a type of paper different from that of the official ballots and shall be



distributed at least thirty (30) days prior to the date of the election. These ballots shall be delivered to the Election Commissioners of the political parties in the amounts approved through regulations. In the case of parties by petition, local parties by petition, and independent candidates, the proportion to be delivered shall be equal to twenty percent (20%) of the petitions lawfully required for registration in the geographic delimitation where they wish to appear on the ballot in a General Election.

Section 9.011. – Ballot. –

In each general election, three (3) ballots, each in a different color, shall be designed, one of which shall include, under the insignia of the appropriate political party, its candidates for Governor and Resident Commissioner; another one shall include, under the insignia of the appropriate political party, its candidates for Legislators; and the other one shall include, under the appropriate political party insignia, the names of the candidates for Mayor and Municipal Legislators. The ballot shall be designed in such a way that the voter has total control thereof until the time in which he/she records it [or] casts his/her vote in an electronic voting or canvassing device. Instructions shall be printed both in Spanish and English.

Subject to the provisions of this Act, the Commission shall determine, through regulations, the design and text that shall appear on the ballots to be used in each election.

Instructions both in Spanish and English, respectively, as to the manner of voting shall be printed on each ballot. The text of the instructions in English shall read as follows, according to the ballot in question:

State Ballot:

## INSTRUCTIONS TO CAST A VOTE ON THE STATE BALLOT

On this ballot you have the right to vote for one candidate for Governor and one candidate for Resident Commissioner.

### HOW TO CAST A STRAIGHT-PARTY VOTE

In order to vote for a straight party, place a single valid “mark” in the blank space under the emblem for your party of preference and make no other markings on the ballot.

### HOW TO CAST A SPLIT-TICKET (SPLIT BALLOT) VOTE

To cast a split ticket vote, place a valid “mark” under the emblem for your party of preference and place a “mark” next to the candidate outside of your party’s column, or write in the name of another person of your preference for the appropriate office using the last column for Direct Nomination [sic] Votes. Bear in mind that you can only vote for one (1) candidate for Governor and one (1) candidate for Resident Commissioner.

### HOW TO VOTE FOR INDIVIDUAL CANDIDATES

When a voter has no interest in voting for a particular party and wants to vote exclusively for individual candidates, the voter must place a valid “mark” next to the candidate or candidates of his or her preference, or may vote for other persons not listed on the ballot as candidates by writing their names under the

appropriate position title using the Direct Nomination [sic] column. Bear in mind that you may only vote for one (1) candidate for Governor and one (1) candidate for Resident Commissioner.

#### Municipal Ballot:

#### INSTRUCTIONS TO CAST A VOTE ON THE MUNICIPAL BALLOT

On this ballot you have the right to vote for one candidate for Mayor and the exact number of Municipal Legislators shown on one of the columns. If you vote for more than one Mayoral candidate or more than the number of Municipal Legislators you are entitled to elect, you will void your vote for those offices.

#### HOW TO CAST A STRAIGHT-PARTY VOTE

In order to vote for a straight party, place a single valid “mark” in the blank space under the emblem for your party of preference and make no other markings on the ballot. This single “mark” will be valid for the Mayoral candidate and all Municipal Legislature candidates under that emblem.

#### HOW TO CAST A SPLIT-TICKET (SPLIT BALLOT) VOTE

To cast a split ticket vote, place a valid “mark” under the emblem for your party of preference and place a “mark” next to the candidate outside of your party’s column, or write in the name of another person of your preference for the appropriate office using the last column for Direct Nomination [sic] Votes. Bear in

mind that you can only vote for one (1) candidate for Mayor and no more than the total number of Municipal Legislators listed on one of the columns.

### HOW TO VOTE FOR INDIVIDUAL CANDIDATES

When a voter has no interest in voting for a particular party and wants to vote exclusively for individual candidates, the voter must place a valid “mark” next to the candidate or candidates of his or her preference, or may vote for others [sic] persons not listed on the ballot as candidates by writing their names under the appropriate position title using the Direct Nomination [sic] column. Bear in mind that you may only vote for one (1) candidate for Mayor and no more than the total number of Municipal Legislators you are entitled to elect for this Municipality.

### HOW TO VOTE FOR INDEPENDENT CANDIDATES

A voter interested in voting exclusively for an independent candidate may place a single “mark” or valid marking inside the blank square titled “Independent Candidates” and that single marking will count for all independent candidates in said column.

Legislative Ballot:

### INSTRUCTIONS TO CAST A VOTE ON THE LEGISLATIVE BALLOT

On this ballot you have the right to vote for only five (5) legislative candidates, as follows: one (1) single candidate for District Representative; two (2)

candidates for District Senator; one (1) single candidate for Representative At-Large; one (1) single candidate for Senator At-Large.

### HOW TO CAST A STRAIGHT-PARTY VOTE

In order to vote for a single party, place a single valid “mark” in the blank space under the emblem for your party of preference and make no other markings on the ballot. This single “mark” will be valid for all five legislative candidates you are entitled to vote for on this ballot. For Representative and Senator At-Large positions, only the candidate in the first position on the ballot under the party emblem for which you have voted will get the single-party [sic] vote for the precinct: the Representative in position No. 4 and the Senator in position No. 10.

### HOW TO CAST A SPLIT-TICKET (SPLIT BALLOT) VOTE

To cast a split-ticket vote, place a valid “mark” under the emblem for your party of preference and place a “mark” next to one or more candidates outside of your party’s column, or write in the name of another person of your preference using the last column for Direct Nomination [sic] Votes. Bear in mind that you may not vote for more candidates than those stated earlier. (No more than one District Representative; no more than two District Senators; no more than one Representative At-Large; no more than one Senator At-Large). This also becomes a mixed vote [sic] ballot when you place a marking for another Representative or Senator At-Large candidate in the same column for the party, under which you

voted, that may be different from the one shown on position # 4 or position # 10. When casting a mixed [sic] vote, the vote you give to another candidate is lost to the candidate for that same position under the party emblem for which you voted.

### HOW TO VOTE FOR INDIVIDUAL CANDIDATES

When a voter has no interest in voting for a particular party and wants to vote exclusively for one or more candidates, the voter must place a valid “mark” next to the candidates of his or her preference, or may write the name(s) of other persons of the voter’s preference not listed as candidates, under the appropriate position title in the Direct Nomination [sic] column.

### HOW TO VOTE FOR INDEPENDENT CANDIDATES

A voter interested in voting exclusively for an independent candidate may place a single “mark” or valid marking inside the blank square titled “Independent Candidates” and that single marking will count for all independent candidates in said column.

The text on the ballots shall be printed with black ink on heavy paper or other thick and opaque material, so that the voter may cast the vote by making written marks that will not show through to the back.

The insignia of each political party shall be printed at the top of the appropriate column, with sufficient space for the voter to make a mark under said insignia, and thereunder, immediately after it, the list of the candidates together with the office for which they have been designated. When there are two (2) or more offices having the same title, said title shall appear only once above the list of

candidates for such office. The names of the candidates shall be placed at a uniform distance from each other to allow for their legible printing, and with the name of each candidate to the left, a number and sufficient blank space for any valid mark. The name of the candidate that appears on the ballot shall always include at least one given name and one legal surname.

The ballot for Legislators shall, at least, have the insignia for each political party printed at the top of the appropriate column, with sufficient space for the voter to make his/her mark under said insignia, and thereunder, there shall be a thick line, and immediately under that, the name of the candidates for District Representative, and below it, separated by another thick line, the names of the candidates for District Senators. Immediately under that, separated by yet another thick line, there shall be the names of the candidates for Representatives-at-Large, and below them, separated by another thick line, the names of the candidates for Senators-at-Large. The Commission shall direct that the names of the Senators and Representatives-at-Large be printed in the same sequence in which they were certified for each municipality or precinct by the central governing body of the political party entitled to nominate candidates.

Each ballot shall also contain a column with the heading "Write-In", without any insignia, and which shall contain, like all other columns corresponding to political parties, the titles of the offices which are to be voted on in the election and, under said titles, instead of the names of the candidates, as many blank lines as there are candidates to be voted on for each class of office. A voter wishing to vote for candidates that do not appear in the columns of the political parties, or as independent candidates, may do so by writing the name or names in the corresponding place, in the write-in column, and may also vote for other candidates appearing in other spaces on the ballot by making a mark in the space of

each one of said candidates, provided they are not incompatible with the candidates voted for in the “write-in” column.

The special commission shall provide, through regulations, the design and content of the ballots to be used in case of a special election in which a political party nominates more than one (1) candidate to fill a vacancy in an elective public office left by an official who was elected in representation of said political party.

On the other hand, in the case of a special election to fill a vacant elective public office left by an official who was elected as an independent candidate or in representation of a political party that failed to nominate any candidate to fill the vacancy within the term established herein, the design and content of the ballot to be used in said special election shall be provided by the Commission, through regulations.

Section 9.012. – Order in which Candidates Appear on the Ballot. –

The names of the candidates shall be printed on the ballot from left to right, beginning with the candidates of the political party whose candidate for Governor polled the majority of votes in the preceding General Election. It shall continue with the candidates of the political party that came in second; and so on, in the order of votes polled, until the candidates of all political parties that participated in the preceding General Election and remained registered are placed.

Then, the candidates of parties by petition and local parties by petition shall appear in the order in which they completed their registration, and afterwards, independent candidates in the order in which they completed the requirements for their certification. On the right side of the ballot, there shall be a blank space for each elective public office where voters may write in the name of a person they wish to elect for a particular office included on said ballot.



The ballot shall also have the insignia of each political party participating in the election, which shall appear in the same order provided herein for the candidates of each political party.

Section 9.013. – Voter Lists. –

Sixty (60) days prior to the day of a General Election, the Commission shall deliver to each political party nominating a candidate for Governor one (1) copy of the voter list to be used on Election Day, with the exception of those who register after the update thereof and up to the time voter registration is closed. The Commission may also deliver a copy of the voter list of the corresponding geographic delimitation to local parties, local parties by petition, and independent candidates by request on or before the closing of the General Voter Registry.

Voter lists to be used in a referendum or plebiscite shall be delivered by the Commission as established through special legislation. In the absence of such a provision in said special legislation, the delivery shall be made on or before thirty (30) days of the holding of such referendum or plebiscite.

For a special election, the request and delivery of voter lists shall be provided through regulations adopted by the Commission, or the special commission, as the case may be.

Section 9.014. – Polling Places. –

The local commission, with the approval of the Commission, shall determine the location of the polling places in polling centers within the Electoral Unit where its voters reside, not later than fifty (50) days before an election. The Commission shall also inform the central governing bodies of all political parties, independent candidates, or organizations entitled to participate in the election, on the number of polling places to be used and the maximum number of voters per polling place that the Commission may determine for that election. All the polling places of an Electoral Unit shall be established in the same polling center.

Section 9.015. – Special Polling Place for Provisional Voting. –

In each precinct, polling center, or Electoral Unit, as established by the Commission, a special polling place shall be set up for voters who do not appear in the voter lists but demand their right to vote. The Commission shall establish, through regulation, the requirements and procedures of this special polling place where voters claim that they do not appear in the voting lists corresponding to their polling center due to administrative errors attributable to the Commission.

Section 9.016. – Easy Access to Polling Place. –

In each precinct, polling center, or Electoral Unit, as established by the Commission through regulation, an easily accessible polling place shall be set up to facilitate the voting process for voters with disabilities.

Section 9.017. – Location of Polling Centers. –

Polling centers shall preferably be established in such Commonwealth or municipal public buildings that may be available in the corresponding municipality, and which are located at the side of highways, roads, or streets that are easily accessible to automobiles and pedestrians. Officials in charge of Commonwealth government buildings or buildings of any of its agencies or instrumentalities, as well as those of any municipal government, shall make them available for an election without requiring remuneration or surety of any kind for their use.

The Commission may also establish polling centers in private premises and housing facilities, according to regulations adopted by the Commission to such effect. Compensation may be paid by the Commission for the use of private premises where polling centers are set up.

If there are no adequate premises in an Electoral Unit or, or when force majeure or public safety so require, polling centers may be established in the nearest adjacent Electoral Unit accessible through state or local roads. Upon

reaching this decision, the Commission shall immediately notify the Chair of the local commission, and shall immediately put it into effect. The Commission shall give to such change the broadest publicity possible among the voters who must attend said polling center.

Section 9.018. – Change in Polling Center. –

The Commission may transfer any polling center, up to the very day of the election, if the local commission of such precinct so requests, by reason of force majeure or public safety.

Section 9.019. – Oath of the Polling Officials. –

Before entering upon the duties of their offices in the unit or polling place, every polling place inspector, clerk, and observer must swear as follows:

“I do solemnly swear that I will faithfully and honestly discharge, in accordance with the Election Code of Puerto Rico and the laws in effect in the Commonwealth of Puerto Rico, the duties of the office of \_\_\_\_\_ to which I have been appointed at Polling Place No. \_\_\_\_\_ of Electoral Unit \_\_\_\_\_ of Precinct \_\_\_\_\_; that the incompatibilities prescribed in the Election Code do not exist with regards to my acceptance of this office; that I am not an aspirant or candidate for any elective public office in this election; that I am a registered and qualified voter of the municipality of \_\_\_\_\_ and holder of Voter Identification Card No. \_\_\_\_\_; and that I will discharge the duties of this office in accordance with the provisions of the Election Code and the regulations approved by the State Election Commission.

\_\_\_\_\_  
Affiant

Sworn and signed before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in \_\_\_\_\_, Puerto Rico.

\_\_\_\_\_  
Official administering the oath”

Such oath may be sworn before any official authorized by the Commission or any official entitled by law to administer oaths in Puerto Rico.

Section 9.020. – Substitution of Polling Officials. –

On Election Day, and at any time before the start of the canvass, any political party, independent candidate, or participating organization may appoint a substitute for any appointed polling official, as provided herein.

The substitute or polling official who arrives after the time scheduled for the beginning of the voting shall not exercise his/her right to vote in that polling place unless he/she is a voter therein.

Section 9.021. – Authority of the Polling Officials. –

Every regular Polling Place Board inspector shall be entitled to voice and vote in the procedures of the Polling Place Board.

The Commission shall provide, through regulations, the assignment of the duties to be carried out by each of the regular inspectors.

Substitute inspectors and clerks may perform the duties assigned to them by the Polling Place Board and may participate in the works thereof, but substitute inspectors may only vote as members thereof when they are substituting officially appointed inspectors.

The Chair of the Polling Place Board shall be the inspector of the majority major party.

The observers of aspirants and candidates for representatives and senators shall have the same duties as the regular inspectors.

Section 9.022. – Minimum Equipment Required in Polling Places. –

Each polling place shall have election material available in quantities to be determined through regulations. Likewise, the Commission shall provide the necessary facilities and equipment through regulations so that persons with disabilities may exercise their right to vote.

Section 9.023. – Election Material. –

In a General Election, the Commission shall provide each polling place with enough election material to guarantee the vote of every person registered in the polling place, as well as the access of regular inspectors to voter lists. It shall also provide every Electoral Unit Board with election material to be used in the event it is needed in any polling place, as established through regulations. A written receipt shall be given in both cases for the election material received. The Commission shall adopt, through regulations, the method of delivery and disposition of the equipment and material needed for the election.

The local commissions shall be responsible for the custody and safekeeping of all election material and equipment until they deliver them to the appropriate Electoral Unit Boards, and shall ensure that said material and equipment are returned for delivery to the Commission. An itemized receipt shall be signed upon delivery and receipt of all material and equipment to the Electoral Unit Board.

The Electoral Unit Boards shall deliver election material and obtain a receipt to such effect, and shall ensure that said material is returned for later transfer to the local commission.

Section 9.024. – Indelible Mark; Selection and Procedure. –

The Commission shall determine the ink to be used to mark the fingers of voters in accordance with the provisions of this Act, as well as the method to deliver and dispose of the same.

Such ink must be indelible, hard to imitate, and invisible. The Commission shall select the ink in such a way that its contents cannot be known by the public.

Those voters that for physical, religious, or personal reasons object to the use of said ink at the time of voting shall arrive at the polling place before it closes and shall only cast their vote after it has closed.

Section 9.025. – Delivery of Election Material. –

On Election Day, inspectors shall be at their respective polling places at the time established by the Commission, ready to receive the election material from the local commission's unit board or its representative.

In an election, each local commission shall deliver to each Electoral Unit Board the election material supplied for use at each polling place in the precinct. The local commission shall require a receipt signed by the members of the unit board who were present at the time of the delivery. The Electoral Unit Board shall be responsible for safekeeping and transferring the election material to the appropriate polling center.

In the event that the Electoral Unit Board is absent, the local commission shall be responsible for delivering the election material to the appropriate polling center, guaranteeing its safety and control at all times.

On election or registration day, the Puerto Rico Police shall provide enough regular personnel to ensure order in every Electoral Unit.

The Municipal Police Corps, in those municipalities that have one, shall collaborate with the Puerto Rico Police in their duty to maintain order and safety in polling centers on Election Day, or in registration centers when there is a partial registration.

Section 9.026. – Inspection of Election Material. –

Every Electoral Unit Board shall deliver election materials to the corresponding Polling Place Boards. Said boards shall receive, inspect, and prepare said election material, as provided through regulations.

Section 9.027. – Voting Procedure. –

Polling places shall open at nine o'clock in the morning (9:00 a.m.) and close at five o'clock in the afternoon (5:00 p.m.).

Members of the Puerto Rico Police and the Municipal Guard who are on duty on Election Day shall vote with priority in their respective polling places.

The voter's identity shall be verified through an examination of his/her personal description in the voter lists and in his/her voter's identification card. If this verification is sufficient to establish the voter's identity, he/she shall sign or make a mark on the line where his/her name is written in the voter list and ink his/her finger with indelible ink.

Once the aforementioned process is completed, and only then, shall the voter proceed to vote by means of a system in which he/she maintains control of the ballot up to the time of interacting with the electronic voting device and the vote is duly saved. Every voter shall be guaranteed the secrecy of his/her vote. Immediately after voting, all voters shall leave the polling center.

Polling place inspectors may explain the voting procedure to the voter if he/she requests them to do so. Any other person in a polling place is forbidden to instruct any voter as to the manner of voting.

The Commission shall implement the provisions of this Section through regulations.

#### Section 9.028. – Manner of Voting. –

The Commission shall provide, through regulations, the manner in which voters shall mark their ballots to consign their vote, as provided in this Act. The method of marking the ballots shall be the simplest possible, conforming to the ballots' design, and shall allow for casting a straight-ticket or a split-ticket vote, as well as a vote for individual candidates.

The Commission shall give extensive publicity to such standards during thirty (30) days prior to an election through any mass medium it deems convenient.

Section 9.029. – Ballots Spoiled by Voters. –

If a voter spoils any of the ballots by accident or mistake, he/she shall be entitled to rectification as provided through regulations.

Section 9.030. – Physical Inability to Mark a Ballot. –

Any voter who is unable to mark the ballots due to disability shall have the right to choose a person who, all the while safeguarding the secrecy of the vote, shall mark the ballots as instructed by the voter. The person chosen by the voter may be an official assigned to the voter's polling place.

The Commission shall provide other alternatives so that persons with disabilities may exercise their right to vote in an independent and secret manner. However, the voter shall be entitled to use the method of his/her preference.

Section 9.031. – Challenge of a Voter. –

Any voter who has solid grounds to believe that a person who has come to vote is doing so illegally based on one or more of the grounds set forth in Section 6.017, may challenge the vote of said person on the grounds that made it illegal, pursuant to the provisions of this Act, but such challenge shall not prevent the voter from casting his/her vote. In the case of a challenge on the grounds of age, it shall be the duty of the challenger to bring and provide the Polling Place Board with a birth certificate or a negative certificate which indicates that said voter is not of legal voting age.

In the case of a challenge on the grounds of lack of citizenship, it shall be necessary for the challenger to bring and provide the Polling Place Board with a certificate from the competent authority indicating that the individual challenged is not a citizen of the United States of America.

The ballots of all voters whose vote is challenged, together with the documents and information that sustain the challenge, shall be placed in a sealed and labeled envelope issued by the Commission, or in any other means that



guarantees the secrecy of the vote, and shall include the name of the challenged voter, his/her voter identification card number, the grounds for such a challenge, the voter identification card number of the challenger, and his/her name in print. If the challenged voter denies the challenge, he/she shall do so by signing under oath through the means provided by the Commission; but if he/she fails to deny it, his/her vote shall not be counted or adjudicated. The voter shall be given notice of the grounds for the challenge and his/her right to contest. Also, he/she shall be notified that if he/she fails to deny the challenge, his/her vote shall be rendered null and void. To that effect, the voter shall be read the following: “You are entitled to contest this challenge. If you fail to make a statement denying such challenge, your vote shall not be counted and rendered null and void.”

Challenged ballots shall not be adjudicated in the polling place, and such ballots, as well as the documents related to such challenge, shall be returned in the medium determined by the Commission, along with the election material being sent to the Commission, in order to determine their adjudication. The ruling of the Commission shall be based solely on evidence.

#### Section 9.032. – Arrest of a Voter for Voting Illegally. –

The day an election is held, any voter or polling place inspector who challenges the vote of any person, and who is certain that such person has voted or intends to vote illegally in that precinct or municipality, may have the person arrested and immediately taken before a judge, or may file a sworn complaint as prescribed by the Commission through regulations.

The Courts of First Instance in every judicial region and designated pursuant to Chapter IV of this Act shall remain open on Election Day during voting hours to receive and hear all complaints under this Section.

Unit coordinators are hereby empowered to administer the oaths regarding complaints made by any person.

Section 9.033. – Voting of Polling Officials. –

As soon as the voting is concluded in a polling place, and only then, may the polling officials assigned to such polling place cast their votes, secretly, provided that they are registered voters of the precinct in which they are working as officials, and have their voter identification card and present it to the other members of the Polling Place Board, together with their appointment. If their names do not appear on the voter list of the polling place in which they are working, they will register on said list stating the official position they hold, their voter identification card number, their personal information, and the number of the precinct and Electoral Unit in which they are registered.

These notes shall be entered on a special page which shall be included at the end of the voter list to such effect.

The polling official shall have his/her finger inked with an indelible substance as provided by the Commission through regulations.

Section 9.034. – Closing of Polling Places and Closed Line System. –

Polling places shall close at five o'clock in the afternoon (5:00 p.m.) on the day of an election. Voting will continue uninterruptedly until all voters who are inside the polling place at the time it is closed have voted. If it were not possible for all voters within the polling place to vote while the same is still open, they shall be placed in a closed line and shall be given a number indicating their turn to vote.

Section 9.035. – Persons Entitled to Absentee Vote. –

Duly qualified voters who are entitled to the process of absentee voting are those who are outside of Puerto Rico on the day of an election and fall in one of the following categories:

(a) Personnel stationed outside of Puerto Rico on active duty for the United States Armed Forces, Coast Guard, Public Health Service, National Oceanic and Atmospheric Administration, or Puerto Rico National Guard.

(b) Persons studying outside of Puerto Rico in an educational institution duly accredited by a competent authority of the place where the institution is located.

(c) Persons working in the Agricultural Employment Program under a contract handled by the Department of Labor and Human Resources of Puerto Rico.

(d) Persons stationed outside of Puerto Rico in the diplomatic or foreign aid service of the Government of the United States of America, or in a personnel exchange program between the Government of Puerto Rico and a foreign government.

(e) Spouses and children or dependent relatives of voters who are in any of the four (4) aforementioned groups, and who are a part of the immediate family group that lives under the same roof with said voter, provided that they meet the requirements to be voters under the provisions of this Act.

(f) The crew of commercial airlines, merchant marines, and crew members of any private air or sea carrier who are working outside of Puerto Rico on the day of an election.

(g) Persons confined in penal institutions in the United States of America who were sentenced in the Courts of Puerto Rico or in the United States District Court for the District of Puerto Rico, and who were domiciled in Puerto Rico at the time they were sentenced.

(h) Any employee or official of the Government of Puerto Rico, its branches, subdivisions, agencies, and municipal governments, who is outside of Puerto Rico on official business on that date.

(i) Athletes and technical support personnel who are participating in athletic competitions (or high-performance athletes participating in training programs outside of Puerto Rico on the day of an election) representing Puerto

Rico on the day of an election and are certified by the Puerto Rico Olympic Committee or any of its federations.

(j) Professionals and their family unit who are residents of Puerto Rico but, because of work or school, must remain temporarily outside of Puerto Rico for a term not to exceed eleven (11) months.

(k) Any other person domiciled in Puerto Rico whose employer requires him/her to carry out or provide lawful business or services of any kind outside of Puerto Rico for any period of time which includes the date of an election, and whose employer does not provide paid leave to return to the Island to vote.

(l) Any person who, on the date of a General Election, is undergoing medical treatment outside of Puerto Rico due to a catastrophic illness, thus declared in a sworn statement and in a certification issued by the medical institution where said treatment will be administered. Any relative or person who is accompanying the person receiving such treatment may also request the absentee vote.

The Commission is hereby authorized to adopt, through regulations or resolution, those measures that it deems necessary to guarantee the Federal rights of voters covered by the provisions of the laws of the United States of America on absentee vote and regarding the mechanisms to exercise the same.

The Commission shall develop an affirmative orientation program for those persons entitled to absentee vote and shall take the steps needed to obtain the lists of those voters included in the category described in Subsection (a) of this Section and make such lists available to political parties.

#### Section 9.036. – Absentee Vote Application. –

A voter may request the absentee vote not less than sixty (60) days prior to the date of an election, as provided by the Commission through regulations,

by filling out an application and providing attesting evidence proving that he/she qualifies therefor.

Section 9.037. – Absentee Voters. –

Any voter entitled to vote as an absentee voter in a specific election, as established in Section 9.036, shall cast his/her vote in accordance with the procedure provided by the Commission through regulations. Only those absentee ballots sent on or before an election, and received on or before the last day of general canvass for that election, shall be considered validly cast pursuant to this Section. The Commission shall establish through regulations the manner in which the mailing date of absentee ballots shall be validated.

It shall be understood that every applicant for absentee vote whose application is accepted has cast his/her vote, and it shall thus be notified to his/her polling place.

The Commission shall prepare an application for absentee vote, which shall be numbered consecutively at the time it is received at the Commission, and that together with the form provided by federal law, shall be the only ones authorized to be used.

Section 9.038. – Absentee Vote Administrative Board. –

An Absentee Vote Administrative Board is hereby created permanently with the purpose of managing the application, voting, and adjudication process of absentee votes. This Board shall be composed of a person designated by the Chair and a representative of each Election Commissioner. The Board shall draft regulations for each election in order to comply with the provisions of this Act.

Section 9.039. – Advance Voters. –

Duly qualified voters shall be entitled to voluntarily cast their advance vote if they are in Puerto Rico and fall under any of the following categories:

(a) Members of the Puerto Rico Police, the Municipal Police Corps, the Custody Officer Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who will be on duty during the hours in which the voting process takes place on election day and who are not on leave granted by the agency in question;

(b) Inmates of penal institutions in Puerto Rico;

(c) Persons who have attained the age of eighteen (18) by the day of the election and are under the custody of the Juvenile Detention Facility Administration;

(d) The members of the Commission, the Secretary, Vice Chairs and Deputy Secretaries, the Alternate Commissioners, the Members of local election commissions, their alternates, and members of the permanent registration boards, as well as those Commission employees assigned by the Commission to essential duties on the day of an election; the legal advisors of the Commissioners, and Commission employees assigned to the offices of the Election Commissioner. In the case of a special election or primary, the persons assigned to essential duties on the day of an election and the Chairs of the local commissions may cast their vote by mail or in person, as provided by the Commission;

(e) Employees of private companies contracted by the Commission and employees of government agencies required to provide technical and support services on the day of an election;

(f) Health professionals and employees who will offer essential services on the day of an election, during voting hours, and present proof thereof;

(g) Journalists and photojournalists accredited by the Department of State, who are assigned to work for a media outlet on the day of an election, and present proof thereof;

(h) Athletes and members of sports teams affiliated to Sports Federations recognized by the Sports and Recreation Department who are participating in sporting competitions outside of Puerto Rico on the day of an election.

(i) Professionals who will be outside of Puerto Rico on business within a term not to exceed fifteen (15) days before an election, but who can exercise their right to vote not later than two (2) days before the election;

(j) Persons who are admitted to a duly authorized hospital, treatment center, or long-term health care facility that can certify that they shall still be admitted therein on the day of an election;

(k) The judges of the Court of First Instance and the Court of Appeals who are appointed by the Supreme Court convened as a whole to hear cases related to the voting process and who will be working on election day;

(l) Candidates for elective public office in the election that is taking place may voluntarily avail themselves of the advance vote.

The Commission may include other advance vote categories, which shall require the participation and the unanimous vote of all Election Commissioners. Likewise, the Commission shall approve the regulations necessary for implementing new categories. These regulations shall be approved not later than the term established by law for the approval of the regulations for the General Election and the general canvass.

#### Section 9.040. – Advance Vote Application. –

Applications for advance voting shall be filed for each election by submitting a form and attesting evidence, as provided by the Commission through regulations. The deadline to apply for advance voting shall be the closing date of the General Voter Registry for the election in question. Those persons who fall into one of the categories set forth in subsections (f), (k), and (l) of Section 9.039 are hereby exempted from submitting an application for advance vote.

Section 9.041. – Advance Vote Procedure. –

Voters authorized to vote in advance shall cast their vote in accordance with the procedures established by the Commission through regulations. All candidates for an elective office shall vote in advance and the Commission shall establish the procedure to such purposes through regulations.

Section 9.042. – Provisional Voting. –

Those persons who demand their right to vote but do not appear on the voter lists may be provisionally added in accordance with the procedure established by the Commission through regulations.

Section 9.043. – Voters with Priority. –

Members of the Puerto Rico Police and the Municipal Police Corps, as well as employees of the State Election Commission, who are rendering services on the day of an election or on the date that advance voting takes place, shall vote with priority in their respective polling places.

Section 9.044. – Protection of the Candidates for Governor and Resident Commissioner. –

The Puerto Rico Police is hereby directed to provide adequate protection to the candidates for Governor from the time they become official candidates in a General Election until the results thereof are certified.

## CHAPTER X

### CANVASS

Section 10.001. – Canvass. –

Once the canvass has begun, no member of the Polling Place Board may, under any circumstance, leave the polling place. Election officials shall remain at the polling place until all the canvass is finished and the results of the canvass have been announced by posting a copy thereof on the door of the polling place in question.



The Commission, through regulations to that effect, shall establish the manner in which said canvass shall be made.

The Commission shall also establish, through regulations, the contingency protocol for the electronic voting or canvassing system that shall be implemented in case any problem should arise.

Section 10.002. – Unadjudicated Ballot. –

Any decision regarding the adjudication of a ballot shall require the unanimous vote of the Polling Place Board inspectors. In any case in which the inspectors cannot agree on the classification or adjudication of a ballot, they shall mark it on the back with the phrase “unadjudicated”, stating in writing below the phrase, their respective opinions and signing said statements, including the political party or independent candidate they represent.

Section 10.003. – Challenged Ballot. –

The Commission shall mix any challenged ballot that may be adjudicated pursuant to the procedure established through regulations with the other ballots, and be adjudicated in favor of the candidates for whom the mark was made, unless, for any reason, such ballot has been protested or unadjudicated.

If it is proven after an election that a challenged ballot was voted on by a person or a voter with no right to vote in that election, the Commission shall refer the issue and the pertinent documentation to the Secretary of Justice, so that he/she may determine whether there has been any violation of law and act accordingly.

Section 10.004. – Protest Ballot. –

Votes on protest ballots shall not be counted for candidates. Protest ballots shall be put in an envelope duly identified with the precinct, Electoral Unit, polling place, and number of ballots by type contained within, and the inspectors shall sign it and enter the number of ballots on the tally sheet. The envelope shall then be sent to the Commission so that it may evaluate and decide on the protest ballots.

Section 10.005. – Split-Ticket Ballot. –

For a ballot to be considered a split-ticket vote, it shall contain at least one valid vote for a candidate in the column of the political party marked by the voter, taking into account the number of candidates for which the voter has a right to vote, and at least one valid vote for any other candidate of another party.

If there are more candidates marked on a ballot for the same elective public office than the number for which the voter has a right to vote, the vote for said office shall not be counted, but the vote in favor of the candidates correctly selected for the other offices on the ballot shall.

Section 10.006. – Tally Sheets. –

Each polling place shall have tally sheets. There shall be as many copies of tally sheets as there are political parties and independent candidates participating in the election. The inspectors and representatives of political parties or independent candidates present at the polling place shall be responsible for completing all parts thereof, and each one of them shall keep a copy thereof after the canvass is over.

Section 10.007. – Return of Election Material. –

When the canvass has been completed, the Polling Place Board shall return all election material of such polling place to the Electoral Unit Board, as provided by the Commission through regulations. The Electoral Unit Board shall process the voting results of all the polling places in the Electoral Unit and return all election material corresponding to its polling places to the local commission of its precinct, as provided by the Commission through regulations. The original and the copies of the voter lists of the polling place, as well as the originals of all tally sheets and logs, shall be returned to the local commission inside the election material bags.

As soon as the local commission receives the election material from all the polling places in each of the electoral units in the precinct, it shall certify the summary of the voting of said precinct. Once it concludes the summary, the local

commission shall immediately send all the election materials of the polling places in the precinct to the Commission, as provided by the Commission through regulations. It shall be the responsibility of the local commission to make the pertinent arrangements with the Puerto Rico Police in order to provide the necessary security and protection to these materials from the time they leave the local commission until they are delivered to the Commission. The local commission shall be responsible for the custody of such materials until they are delivered to the Commission.

It shall be an election-related offense, as classified in Section 12.004 of this Act, for the members of the Polling Place Board, Electoral Unit Board, or local commission to abandon their work without having concluded, uninterrupted, all canvassing works and procedures established in this Act.

Section 10.008. – Partial and Preliminary Results. –

(a) Partial. – The Commission shall combine the results of the polling places of each Electoral Unit in each precinct, as they are received, so as to issue partial election results not later than at noon of the day following the election. Such partial results shall be based on the combination of the results of the polling places received at the time such results are issued.

(b) Preliminary. – The Commission shall announce the preliminary results not later than seventy-two (72) hours following an election. The results shall be based on the combination of the results of all the polling places of each Electoral Unit. This shall not constitute the certification of any candidate, aspirant, proposal, or issue. The Commission shall not be able to certify any candidate, aspirant, proposal, or issue until the general canvass is carried out pursuant to Section 6.009 of this Act.

Section 10.009. – General Canvass. –

After the Commission has received the election materials, it shall proceed to carry out a general canvass. The person to be in charge of the general canvass shall be selected by the Chair, but shall require the unanimous ratification of the Election Commissioners who constitute the Commission.

During the general canvass, only the protest, challenged, unadjudicated, provisional, and absentee ballots received during the general election shall be handled. These ballots shall be evaluated by the Commission in order to be either adjudicated or voided. Once the general canvass begins, it shall continue until it is completed.

The general canvass of the election shall be conducted by using the tally sheets of the polling places and any other document used in the course of the election. The Commission shall correct all arithmetical errors there may be on the tally sheets and shall count such tally sheets as they have been corrected.

If the Commission fails to correct an error found on a tally sheet, or if there were any discrepancies regarding the number of voters and the number of ballots canvassed at the polling place, a recount of all the ballots of such polling place shall be conducted pursuant to Section 6.010 of this Act.

The results of the general canvass of an election, as declared by the Commission and published by the Chair, shall be final, unless contested within the terms provided by this Act.

Section 10.010. – Recount. –

When the manual, preliminary or general result of an election shows a difference between two candidates for the same elective public office of one hundred (100) votes or less, or zero point five percent (0.5%) or less of the total votes cast for such office, the Commission, by request of any of the candidates in the controversy, shall conduct a manual recount of the votes cast in the polling

places involved. In the case of senators and representatives-at-large, a manual recount of the polling places involved may be requested if the difference between the eleventh (11<sup>th</sup>) and twelfth (12<sup>th</sup>) candidate is one hundred (100) votes or less, or zero point five percent (0.5%) or less of the total votes adjudicated for the office in question. In the case of municipal legislators, a manual recount of the polling places involved may be requested if the difference between the last candidate and the one that follows is five (5) votes or less. The request for recount authorized herein shall have the effect of a contested action, and there shall be no certification of the winner until the manual recount of said polling places is made, as requested. The Commission shall perform the manual recount by using the tally sheets and the ballots of the polling place as described below.

The Commission shall revise the tally sheets against the manual recount and adopt the former, duly revised, as the official tally sheet of the polling place in question. The Commission shall endorse said tally sheets with a statement signed by all the polling officials working at the tables, attesting to the changes made and the reasons why they were made.

The Commission shall retain the contents of all election material bags opened by the officials working at the tables and they shall sign a written statement attesting to the return of all contents of the election material bags to the Commission.

Candidates entitled to a recount shall submit to the Commission a list of observers for said process within seventy-two (72) hours after the Commission's notice. The Commission may not begin the recount process until the candidate has submitted the list of observers within the term set forth in this Act.

#### Section 10.011. – Tie in the Results of an Election. –

In case of a tie for an elective public office between two or more candidates, the Commission shall hold a new election between the tied candidates. Said

election shall be held not later than thirty (30) days after the general canvass of the election concerned is concluded. The Governor and the Legislative Assembly shall appropriate any additional funds necessary to defray the costs of such election; thus, fund advances, incurring debt, or applying for an emergency credit line is hereby authorized in order to carry out the election within the term fixed while the aforementioned appropriation is processed.

In the event of a tie for the office of municipal legislator between two or more candidates, a new election shall not be held, but the candidate to be certified as elected shall be the one who appeared first according to the order in which they were placed on the ballot. If the tie were between candidates of different political parties, the candidate to be certified as elected shall be that of the political party that polled the greatest number of votes under their insignia on the municipal ballot.

Section 10.012. – Results of the Election. –

The Commission shall declare elected for each office such candidate who polls the highest number of votes. For the record, it shall issue an election certificate to be furnished to the candidate elect once it is credited that he/she has completed the Public Funds and Property Management Course and submitted his/her Audited Balance Sheet. Municipal legislators are exempted from this last requirement.

Section 10.013. – Public Funds and Property Management Course. –

Every candidate elected in a general election, special election, or alternate selection method shall take a course regarding the management of public funds and property offered by the Office of the Comptroller.

(1) The course shall have the duration of six (6) hours up to a maximum of twelve (12) hours.

(2) The Office of the Comptroller of Puerto Rico shall be the entity responsible for designing and offering the course established in subsection (1), and shall develop it in coordination with the Commission and other agencies related to the fiscal management of public funds and property.

(3) The different agencies comprising the three branches of government shall provide help and technical assistance to the Office of the Comptroller in the design and offering of such course when so requested.

(4) The course shall include the accounting principles used in government, state, and municipal auditing systems and procedures, Federal funds, and any other subjects the Office of the Comptroller deems to be essential and pertinent information for candidates elect to know with regards to government management.

(5) The Governor elect and the Resident Commissioner elect shall be the only candidates who may opt out of taking the course.

(6) The Commission is hereby empowered to approve the regulations necessary to enforce the provisions of this Act, in coordination with the Office of the Comptroller of Puerto Rico.

**Section 10.014. – Resident Commissioner Elect. –**

The Commission shall issue a certification to the Governor stating the name of the person who polled the highest number of votes for the office of Resident Commissioner in the United States. Such certification shall be issued after the general canvass has been completed. The Governor shall immediately issue a certificate of election to such person, as required by the laws of the United States of America.

**Section 10.015. – Minority Party Representation. –**

After the Commission has conducted the general canvass and determined the eleven (11) candidates elected as senators-at-large, the eleven (11) candidates elected as representatives-at-large, the two (2) senators for each senate district, and

one (1) representative for each representative district, it shall proceed to determine the number and the names of the additional candidates of the minority parties who shall be declared as elected, if any, in accordance with Section 7 of Article III of the Constitution of Puerto Rico. The Commission shall declare them elected and issue the appropriate certificate of election to each of said candidates of the minority parties.

(1) In order to implement the provisions of subsection (a) of Section 7 of Article III of the Constitution of Puerto Rico, when a party that failed to poll two-thirds of the total number of votes cast for the office of Governor did poll more than two-thirds of the total number of votes cast for the candidates for one or both legislative chambers, the additional senators or representatives corresponding to each of said minority parties shall be determined as follows:

(a) the number of votes cast for the candidate for the office of Governor of each minority party is divided by the total number of votes cast for the candidate for the office of Governor of all minority parties;

(b) such quotient is multiplied by nine (9), in the case of senators, and by seventeen (17), in the case of representatives, and

(c) The total number of senators or representatives elected from each party by direct vote is then subtracted from the product of the previous multiplication.

The result of the last mathematical operation indicated above shall be the number of additional senators and representatives to be adjudicated to each minority party, until completing the appropriate number, so that the number of minority party members in such cases where subsection (a) of Section 7 of Article III of the Constitution of Puerto Rico applies is nine (9) in the Senate or seventeen (17) in the House of Representatives of Puerto Rico.



(2) For the purposes of the provisions of subsection (b) of Section 7 of Article III of the Constitution of Puerto Rico, when a party that has indeed polled more than two-thirds of the total number of votes cast for the office of Governor polls more than two-thirds of the total number of votes cast for the candidates for one or both legislative houses, if there should be two (2) or more minority parties, the number of senators or representatives for each of said minority parties shall be determined by dividing the number of votes cast for the candidate for the office of Governor of each minority political party by the total number of votes cast for the candidate for the office of Governor of all political parties, and multiplying the result by twenty-seven (27) in the case of the Senate of Puerto Rico, and by fifty-one (51) in the case of the House of Representatives of Puerto Rico. In this case, any fraction of less than one-half of one resulting from the operation expressed herein shall be discarded and not considered. The result of the operation indicated herein shall be the number of senators or representatives that shall correspond to each minority party, and, insofar as possible, this shall be the total number of senators or representatives of said minority party. There shall never be more than nine (9) senators or more than seventeen (17) representatives for all the minority parties combined. In case any fractions result from the aforementioned operation, the largest fraction shall be considered as one in order to complete said number of nine (9) senators and seventeen (17) representatives from all the minority parties, and, if in the process, said number of nine (9) or seventeen (17) were not completed, then the next largest remaining fraction shall be considered, and so on, until the maximum number of nine (9) in the case of the Senate of Puerto Rico, and seventeen (17) in the case of the House of Representatives of Puerto Rico, has been completed for all the minority parties.

In applying the third from last paragraph of Section 7 of Article III of the Constitution of Puerto Rico, every fraction of less than one-half of one shall be

discarded and not considered; and, in the event there are two (2) equal fractions, a special election, as per the provisions of this Act, shall be held. No minority party shall be entitled to additional candidates or to the benefits provided by Section 7 of Article III of the Constitution of Puerto Rico, unless in the general election it polled, for its candidate for Governor, a number of votes equal to three percent (3%) or more of the total number of votes cast in said general election for all the candidates for Governor.

Section 10.016. – Contesting the Election. –

Any candidate who contests the election of another candidate shall, within ten (10) days following the date in which the certificate of election for each elective public office in the general canvass was served, file with a Judge of the Court of the Judicial Region of San Juan, as designated under Chapter IV of this Act, a brief explaining, under oath, grounds for said contest, which must be of such nature that, if proved, would suffice to change the results of the election.

A true and exact copy of the brief shall be delivered in person, in the manner provided hereinafter, within five (5) days following its filing.

The person whose election is contested shall have ten (10) days, following the date of receipt of the notice of the brief, to file an answer with the Court, under oath, to the contester's brief, and shall certify the delivery of a copy thereof to the contester or his/her legal counsel. If the person, however, fails to answer within the term stated above, it shall be construed that he/she accepts the contest as true.

The notice, brief, and answer prescribed in this Act shall be served by any person competent to testify, and shall be served, in person, to the parties concerned, their representatives in election-related issues as per the Rules of Civil Procedure, or at the residence or office of the person to whom they are addressed. For the purposes of this Section, a political party candidate's representative in

election-related issues shall be the local commission member who represents his/her political party in the precinct where the candidate resides.

Section 10.017. – Effect of Contesting the Election. –

The filing of an action with the Court of First Instance contesting the results of an election shall not prevent the person from being certified as elected, taking office, and performing the duties thereof. In the case of senators and representatives, the contested candidate shall not be certified until the Court resolves said contest, which shall be done not later than the first day of January following a general election, or sixty (60) days following a special election.

In case of the election of candidates for offices other than senator or representative, if a partial or total contest of the election arises between two (2) or more candidates for an office or offices, and the Court is unable to decide which of them was elected, the Court shall direct that a new election be held in the precinct or precincts affected, to be carried out under the regulations prescribed to such effect.

Section 10.018. – The Senate and the House of Representatives as Sole Judges of the Election of their Members. –

As per the Constitution of Puerto Rico, the Senate of Puerto Rico and the House of Representatives of Puerto Rico shall be the sole judges of the legal qualifications of their respective members, the validity of the tally sheets, and the canvass of the election of their members. In the event of a contest over the election of a member of the Senate or the House of Representatives, the Commission shall place all documents and papers related to the election of the official in dispute at the disposal of the legislative house concerned.

Section 10.019. – Preservation and Destruction of Ballots and Tally Sheets. –

The Commission shall preserve all voted ballots and tally sheets pertaining to a primary, general or special election for a period of thirty (30) days from the date of the certification of the election. Those ballots and tally sheets from an election where an aspirant or candidate for Resident Commissioner was elected shall be preserved for the term provided by the corresponding Federal law. Once the aforementioned term has expired, as the case may be, the Commission shall destroy the ballots and tally sheets unless there is a contested election pending in Court, in which case these shall be preserved until a final and binding decision is rendered.

The thirty (30)-day preservation term shall also apply for referendums and plebiscites, except as otherwise provided in the special legislation for said referendum or plebiscite.

## CHAPTER XI

### REFERENDUM – CONSULTATION – PLEBISCITE

Section 11.001. – Applicability of this Act. –

Every referendum, consultation, or plebiscite held in Puerto Rico shall be governed by the special law approved to such purposes and by the provisions of this Act in all that is necessary or pertinent, and for which said special law does not provide.

Section 11.002. – Duties of Election-Related Bodies. –

The Commission shall have the responsibility of directing, implementing, and supervising any referendum, consultation, or plebiscite, in addition to any other function conferred thereto by virtue of special law. Unless otherwise provided by virtue of a special law, the established local election-related bodies

shall perform the functions pertinent to their charge, according to the special nature of the referendum, consultation, or plebiscite in question.

Section 11.003. – Legal Holiday. –

The day on which a referendum, consultation, or plebiscite is to be held shall be a legal holiday throughout Puerto Rico. However, the day a referendum or plebiscite is held within a particular geographic delimitation shall only be a legal holiday within said geographic delimitation. No government agency shall authorize the use of parks, coliseums, auditoriums, or public facilities within said geographic delimitation in which a referendum or plebiscite is held, and shall provide that they remain closed to the public.

Section 11.004. – Persons Entitled to Vote. –

Every duly qualified voter may vote in any referendum, consultation, or plebiscite. The Commission shall include in the voter lists for the referendum, consultation, or plebiscite all those voters that appear in the General Voter Registry and who are eighteen (18) years of age or older on the date of the referendum, consultation, or plebiscite.

Section 11.005. – Emblems. –

The emblems printed on the ballot in a referendum, consultation, or plebiscite may not be used by any candidate or political party until after four (4) years have elapsed from the date on which such referendum, consultation, or plebiscite is held.

Section 11.006. – Participation of Political Parties and Political Action Committees. –

In every referendum, consultation, or plebiscite, any political party, or citizen group duly certified by the Commission may advocate for or against any of the options to be voted on in the same and, in the course thereof, may perform any

lawful political activity subject to the limitations provided in this Act and in the “Puerto Rico Political Campaign Financing Oversight Act.”

Section 11.007. – Notice of Participation. –

Political parties may participate in referendums, consultations, or plebiscites provided that their central governing bodies notify the Commission of their intention within thirty (30) days following the effective date of the special law authorizing the plebiscite, consultation, or referendum in question.

Likewise, any citizen group duly certified by the Commission that opts to participate in a referendum, consultation, or plebiscite shall notify such intention within thirty (30) days following the effective date of the special law.

Section 11.008. – Financing. –

Any special law providing for the holding of a referendum, consultation, or plebiscite shall provide for the necessary funds for the holding thereof, as well as the amount of money, if any, that shall be authorized and granted to the political parties and citizen groups for their campaigns. The Election Comptroller shall have the power to oversee the income and expenditures of said political parties and citizen groups.

Section 11.009. – Ballot. –

The Commission shall design and print the ballot to be used in every referendum, consultation, or plebiscite, as provided in the special law that provides therefor. Such ballot shall contain the text of the proposal, both in Spanish and English, to be submitted for the citizens’ vote, just as it appears in said law. If the ballot design is not provided by the aforementioned special law, it shall be established by the Commission through regulations.

Section 11.010. – Notice of the Results and Prevailing Proposal. –

The Commission shall certify to the Governor the results of the referendum, consultation, or plebiscite, as well as the proposal which, according to the terms of

the special law, has prevailed after the proper canvass of the votes. In every case in which the result of a referendum, consultation, or plebiscite shall have the mandatory effect of law, an express provision shall exist regarding the terms, conditions, and procedural mechanisms for its implementation.

## CHAPTER XII

### PROHIBITIONS AND ELECTION-RELATED CRIMES

#### Section 12.001. – Media Expenses of the Government of Puerto Rico. –

During the year of a general election until the day after the election is held, the agencies of the Government of Puerto Rico, the Legislative Assembly of Puerto Rico, and the Judicial Branch, are hereby forbidden to incur expenses in the purchase of time and space in media outlets, as well as the purchase and distribution of propaganda or promotional materials, to expound their government plans, projects, achievements, accomplishments, projections, or plans. Those press notices and announcements expressly required by law are excluded from this provision. Excluded as well are the campaigns of the Puerto Rico Tourism Company to promote internal tourism, insofar as they do not mention the achievements of the Government Administration or the performance of any official corporation thereof, and any notice or call to legislative or administrative public hearings published and circulated without the use of mass media outlets. Moreover, notices or calls to legislative or administrative public hearings, published and circulated without the use of mass media outlets, are excluded.

Also excluded from the above provision are those notices that are used to divulge public service, urgent, or emergency information, which shall only be allowed upon proper authorization by the Commission. When any message, notice, announcement of informational, educational, and promotional material of the island of Puerto Rico as a tourist destination or international investment market in advertising campaigns, published or issued by the Tourism Company or the

Industrial Development Company outside of the Island, the Commission shall have a term of two (2) business days, to state in writing its approval of or objection to such message, notice, or announcement. The aforementioned term shall be counted from the time in which the request for authorization is made to the Commission, and in case it elapses without the Commission having stated its approval or objection, the message, notice, or announcement in question shall be deemed to be approved. In the event that the Commission states an objection to the publication or issuance of the message, notice, or announcement, said objection shall be duly grounded.

In the case of announcements or notices required by law to government agencies, the Legislative Assembly, and the Judicial Branch of Puerto Rico, and the municipalities, the Commission shall have a term of two (2) business days to state in writing its approval of or objection to the notice or announcement for which authorization was requested. The aforementioned term shall be counted from the time in which the request for authorization is made to the Commission, and in case it elapses without the Commission having stated its approval or objection, the message, notice, or announcement in question shall be deemed to be approved. The issuance of approval documents by the Board shall not be necessary.

The provisions of this Section shall not apply to the office of the Resident Commissioner, which shall be governed by the statutes of the Federal Election Law, 2 U.S.C. §441(a)(1)(A) *et seq.*

Violations related to this Section shall entail an administrative fine to the government agency or instrumentality of up to ten thousand dollars (\$10,000) for the first violation, and up to twenty-five thousand dollars (\$25,000) for subsequent violations. Funds thus obtained shall be covered into the Special Fund to finance voting automation expenditures, as provided in Section 1.004 [sic] of this Act.



Section 12.002. – Distance Between Propaganda Distribution Facilities. –

No facility for the dissemination of propaganda of any political party, aspirant, candidate, independent candidate, citizen group, or political action committee may be established at a distance of less than fifty (50) linear meters from another such facility, measured from the two closest points between the perimeters of the facilities. The local commission may close any propaganda distribution facility established at a distance of less than fifty (50) linear meters from another previously established facility, measured from the two closest points between the perimeters of the facilities, after determining the dates on which the places were established, in each case. It may also close the operations of any propaganda distribution facility established at a distance of one hundred (100) linear meters from a private or public school, an office of the Permanent Registration Board, or a polling center, measured from the two closest points between the perimeters of the facilities. The Chair of the local commission shall notify such decision to the local Commander of the Puerto Rico Police for immediate action.

The Commission shall adopt, through regulations, the standards needed for the operation of propaganda distribution facilities within the established limits. The implementation of this Section shall be the exclusive responsibility of the local commission.

Section 12.003. – Use of Communications Material and Equipment. –

The use or display of material for propaganda in polling centers or polling places is hereby prohibited.

Section 12.004. – Opening Propaganda Distribution Facilities. –

Any person who is in charge of a propaganda distribution facility located within a one hundred (100) linear meter-radius, as measured between the two closest points from the perimeter of the property where the propaganda distribution

facility is set up and the property where a polling place or Permanent Registration Board is located, and who keeps such facility open to the public on the day of an election shall be guilty of a misdemeanor and be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both, at the discretion of the Court.

Under special circumstances, and with the previous authorization of the Local Commission, only with the unanimous approval of the Commissioners may propaganda distribution facilities be established at less than one hundred (100) linear meters from a school or Permanent Registration Board. The political party, candidate, or political action committee in question shall file a duly sworn application to locate the propaganda distribution facility within the banned limits. The application shall include the following information:

1. Name of the political party, candidate, or political action committee.
2. Address of the proposed facility.
3. Distance in meters between said facility and the school or Permanent Registration Board.
4. A detailed description and evidence of the unsuccessful actions taken to acquire a facility that complies with the established limits.

Once the application is received, the Local Commission shall consider the same not later than the next meeting after said application was filed.

The Local Commission shall consider, among other factors, the size of the town or city and the availability of other facilities when reviewing the application to set up a propaganda distribution facility within the established limits.

The Local Commission shall issue its decision either authorizing or rejecting the application not later than seventy-two (72) hours from considering the matter, after the meeting. The party affected by the decision of the Local Commission shall have seventy-two (72) hours to request review before the Commission.

Section 12.005. – Violations of Election-Related Laws. –

Any person who knowingly and fraudulently violates any of the provisions of this Act or who, having an obligation imposed thereby, willfully fails or refuses to comply with it, shall be guilty of an election-related crime. If no specific penalty is set forth in this Act for such violation, said person shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6) months, or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

This provision shall not apply to matters and controversies under the jurisdiction of the Chair, which entail the imposition of administrative fines pursuant to the provisions of subsection (o) of Section 3.009.

Section 12.006. – Improper Use of the Voter Identification Card. –

Any person who falsely makes, alters, forges, imitates, transfers, or obtains a voter identification card based on false facts or knowing that he/she is not entitled to it, or any person who circulates, publishes, passes, or tries to pass said card for genuine and true knowing that it is false, altered, forged, imitated, or that it contains false information, shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment as provided by Section 16 and 66 of the Puerto Rico Penal Code.

Section 12.007. – Violation of Rules and Regulations. –

Any person who willfully violates any rule or regulation of the Commission, adopted and promulgated as authorized in this Act, shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

This sanction shall not apply to matters and controversies under the jurisdiction of the Chair, which entail the imposition of administrative fines pursuant to the provisions of subsection (o) of Section 3.009.

Section 12.008. – Dismissal or Suspension from Employment for Serving as a Member of a Local Commission. –

It shall be illegal for an employer to authorize or consent or dismiss an employee or official, or for a person to threaten to dismiss or dismiss, suspend, dock the pay, demote, or impose or try to impose onerous working conditions on an employee or official because said employee or official has been summoned to attend and attends, as a regular local or alternate commissioner, a meeting duly called by the local commission if the affected local commissioner has sent a copy of the summons to his/her employer or supervisor before the meeting is held.

Any person who violates the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, be sanctioned by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.009. – Alteration of Election-Related Documents. –

Every person who, without being duly authorized by law, or who, having such authorization to intervene with election material, violates the forms and ballots used or to be used in an election for the purpose of extracting, altering, substituting, defacing, destroying, or mislaying such documents to prevent them from being counted during canvass, or who fraudulently makes any erasure or alteration on any ballot, voter identification card, endorsement petition for primary, political party registration application, tally sheets, incident log, voter list, or voter registry shall be guilty of a third-degree felony and, upon conviction, be sanctioned by imprisonment pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code.

Section 12.010. – Forged Signatures or Unauthorized Information in Endorsement Petitions for Primaries. –

Any person who forges a signature in an endorsement petition for primary or includes a voter's information without his/her authorization in said petition or in a related report, shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code, or a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.011. – Installation of Mechanical Devices. –

Any person who installs, connects, or uses, or causes anyone to install, connect, or use any mechanical, electronic, or any other type of device for the purpose of obtaining information or allowing any other person to obtain information about any aspirant, candidate, independent candidate, political party, political action committee, campaign committee, or citizen group without the prior consent of said aspirant, candidate, independent candidate, political party, political action committee, campaign committee, or citizen group, or the legal representative thereof, or to disclose the manner in which the aforementioned voted, shall be guilty of a third-degree felony and, upon conviction, be punished by imprisonment pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code, or a fine of not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.012. – Penalty for Obstruction. –

Any person who willfully and knowingly obstructs, intimidates, interrupts, or illegally interferes with the election-related activities of a political party or political action committee, campaign committee or citizen group, aspirant, candidate, independent candidate, or voter shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6)

months, or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.013. – Breaking into Facilities. –

Any person who illegally breaks into a facility, building, or structure in which material belonging to political parties, aspirants, candidates, independent candidates, campaign committees, or political action committees is kept, with the intention to find out about the contents of said material or information, shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code, or be imposed a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or both penalties, at the discretion of the Court.

Section 12.014. – Improper Use of General Voter Registry Information. –

Any Commission or political party employee or official, aspirant, candidate, citizen group representative in the process of registering a political party, any representative thereof, or any natural or juridical person who, in the discharge of his/her duties or by accident, gains access to the information contained in the General Voter Registry and uses said information for purposes other than those provided in this Act shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment, pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code, or be imposed a fine of not less than two thousand dollars (\$2,000) nor more than three thousand dollars (\$3,000), or both penalties, at the discretion of the Court.

Section 12.015. – Improper Use of Public Funds. –

Any public employee or official who unlawfully uses public funds or property for use by a political party, aspirant, person considering aspiration, candidate, independent candidate, campaign committee, or political action

committee shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment for a minimum term of one (1) year and a maximum term of three (3) years, or a fine which shall not be less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000), or both penalties, at the discretion of the Court.

Section 12.016. – Job Offers. –

Any aspirant, candidate, independent candidate, lobbyist, elected official, or person who, on behalf thereof, offers or agrees to appoint, or to obtain the appointment of a specific person for any public office as an incentive or reward for voting in favor of said aspirant, candidate, or independent candidate, or for contributing to his/her campaign, or for obtaining help or assisting in his/her election, and any person accepting or seeking such an offer, shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6) months, or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.017. – Conviction of an Aspirant or Candidate. –

Any aspirant, candidate, or independent candidate convicted of any election-related crime shall, in addition to the penalties provided in this Act, be subject to disqualification as an aspirant, candidate, or independent candidate by the Court of First Instance, as provided by this Act.

Section 12.018. – Registration Offenses. –

Any person who:

(a) willfully registers or allows him/herself to be registered in the General Voter Registry knowing that he/she is not entitled to such registration, or that said registration is based on false facts; or

(b) induces, helps, or advises another person to carry out said fraudulent registration; or

(c) illegally attempts to prevent a duly qualified person from registering in the General Voter Registry; or

(d) knowingly alters the data furnished by an applicant for the purpose of delaying the registration or jeopardizing the applicant's right to vote; or

(e) obstructs or hinders the officials of the Commission in the fulfillment of their duties; or

(f) obtains more than one (1) voter identification card fraudulently shall be guilty of a fourth-degree felony and, upon conviction, be punished by imprisonment pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code, or a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.019. – Jeopardizing the Right to Register and Vote. –

Any employer or representative thereof who refuses to allow a worker or employee to register or vote when the latter is qualified shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.020. – Tearing Off or Defacing Documents. –

Any person who willfully and knowingly tears off or defaces any election-related documents displayed in public places shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.021. – Operation of Establishments Dispensing Alcoholic Beverages. –

Any person who opens or operates a commercial establishment, bar, shop, club, house, apartment, depot, barracks, or pavilion for the dispensing, sale, traffic,



or free consumption of spirits, distillates, wines, ferments, or alcoholic beverages, from midnight of the day preceding an election until nine o'clock in the evening on the day it is held, shall incur a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed ninety (90) days or a fine of five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Restaurants and bars in cruise ships and commercial establishments in hotels, inns, and condo-hotels certified by the Puerto Rico Tourism Company, are hereby exempted from the aforementioned provision when such establishments are part of the services or amenities they offer their guests or visitors and participants of conventions, and when the sale, dispensing, or distribution of alcoholic beverages is conducted for consumption within the confines of the hotel, inn, condo-hotel or cruise ship. Commercial establishments that operate within the duty-free zones of ports and airports of the Puerto Rico Ports Authority are also exempted, provided that the sale of alcoholic beverages is for delivery to the buyer after he/she has boarded the airplane or ship.

Section 12.022. – Election Day. –

Any person who:

(a) through violence, intimidation, abuse of authority, deceit, or any illegal action, obstructs, hinders, pretends, or influences to change or prevent the vote of a qualified voter, or who offers or receives a bribe or financial offer to abstain from, obstruct, prevent, influence, or change that vote; or

(b) without being entitled to vote, attempts to do so or who, although having the right to vote, attempts to do so more than once; or

(c) during the day set for an election process, disturbs such process in or outside of a polling place and up to a radius of one hundred (100) meters therefrom, by violence or noise, disrespectful language or behavior, or who,

without being a law enforcement officer, carries a firearm or any object for the purpose of inflicting bodily injury; or

(d) illegally enters, attempts to enter, or allows another person to illegally enter any polling place, except in the manner provided by this Act or by regulation of the Commission; or

(e) hinders or attempts to hinder the election officials in the performance of their duties under this Act; or illegally removes, or consents to the removal of any election material from the place where such material should legally be maintained, displayed, or kept; or attempts to, or allows the use of election forms or false or unofficial ballots, during the election or process; or

(f) knowingly attempts to or violates the secrecy of a vote; or defaces or marks a ballot in an illegal manner for the purpose of identifying, invalidating, or substituting it; or discloses the contents of a ballot already marked by him/her or by another voter, to any person before depositing it in the ballot box; or destroys any equipment used in an election;

(g) coerces or requires anyone through threat, intimidation, force, violence, subterfuge, or deceit to use any image recording device with the intention of infringing a voter's right to a secret vote shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a minimum term of one (1) month and a maximum term of six (6) months, or a minimum fine of one hundred dollars (\$100) and a maximum fine of five hundred dollars (\$500), or both penalties, at the discretion of the Court.

#### Section 12.023. – Double Voting. –

Any person who, without being entitled to vote, succeeds in doing so or who, although having the right to vote, should do so more than once, shall be guilty of a fourth-degree felony and, upon conviction, shall be punished by

imprisonment, pursuant to the provisions of Sections 16 and 66 of the Puerto Rico Penal Code.

Section 12.024. – Competence of the Court of First Instance, Appointment of a Special Prosecutor, and Applicable Rules of Procedure. –

The procedures for violations of this Act shall be heard, initially, before the Court of First Instance with competence over the precinct where the violation is committed, and before the Judge appointed pursuant to Chapter IV of this Act.

The Secretary of Justice of Puerto Rico, by request of an Election Commissioner, shall appoint one (1) attorney or prosecutor; by request of the Election Commissioner concerned, to act as Special Prosecutor before the Courts in election-related criminal proceedings that arise under this Act, once the judge has found probable cause in said proceedings. The political party of the Election Commissioner who requests the designation of a Special Prosecutor shall pay the expenses and fees in which said Special Prosecutor incurs. No political party may have more than one (1) Special Prosecutor simultaneously. The foregoing does not constitute a limitation for the political party to substitute the Special Prosecutor, if it deems it necessary.

The Secretary of Justice shall submit a quarterly report to the Commission on the election-related complaints or criminal cases under his/her consideration or filed with the Courts.

Every criminal proceeding instituted under the provisions of this Act shall be handled pursuant to the Rules of Criminal Procedure of Puerto Rico in effect at the time it is heard in Court.

Section 12.025. – Statute of Limitations. –

Criminal action to be taken regarding election-related crimes classified as felonies shall prescribe after five (5) years. Criminal action for election-related

crimes classified as misdemeanors, as well as those that entail fines, shall prescribe after three (3) years.

Violations of the provisions of this Act and the rules and regulations promulgated thereunder that are not specifically classified and punishable as election-related crimes, and that are subject to administrative fines, shall prescribe after three (3) years.

### CHAPTER XIII ADDITIONAL PROVISIONS

#### Section 13.001. – Severability. –

Should any clause, paragraph, section, subsection, chapter, or part of this Act be ruled unconstitutional, null, or inapplicable by a Court with competent jurisdiction, the ruling to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of such ruling shall remain limited to the clause, paragraph, section, subsection, title, or part of this Act specifically ruled null, unconstitutional, or inapplicable.

#### Section 13.002. – Jurisdiction of the Bodies Created Under this Act. –

The bodies and institutions created or acknowledged under this Act shall have exclusive jurisdiction in all matters related to the authorities, responsibilities, and duties established in this Act and the regulations promulgated thereunder. In addition, no matter or controversy of this nature shall fall under the investigative or decision-making scope of the Ombudsman, established under Act No. 134 of June 30, 1977, as amended.

#### Section 13.003. – Repeal. –

Act No. 4 of December 20, 1977, as amended, known as the new “Puerto Rico Electoral Act,” and the rules and regulations adopted by virtue thereof, are hereby repealed. Those administrative and human resources rules and regulations that would be repealed with the approval of new regulations are hereby exempted.

Section 13.004. – Transitory Provisions. –

Officials who, before the amendments of this Act take effect, hold the offices of Chair, Alternate Vice Chair, Secretary, deputy secretaries, as well as members of Advisory Boards, shall remain in their respective offices until the appointments to such offices are made pursuant to the provisions of this Act. The Commission shall determine the transitory provisions related to the administration of human resources whose appointment is in effect at the time of the approval of this Act.

On the date provided in Section 7.001(4) to submit petitions for registration, this shall not be applicable to the parties that have initiated the registration process pursuant to Act No. 4 of December 20, 1977, better known as the “Puerto Rico Electoral Act.”

The Commission shall have ninety (90) days to approve all its rules and regulations.

Section 13.005. – Effectiveness. –

This Act shall take effect immediately after its approval. However, all provisions related to the campaign oversight and contribution limits of Act No. 4 of December 20, 1977, better known as the “Puerto Rico Electoral Act,” shall remain in effect until a new law regarding campaign oversight and contribution limits is approved.

(H. B. 3488)  
(Conference)

**(No. 230-2011)**

(Approved November 21, 2011)

## **AN ACT**

To amend Sections 2.003, 3.002, 3.004, 3.008, 3.009, 4.005, 5.002, 5.007, 5.009, 6.002, 6.004, 6.007, 6.014, 7.001, 8.001, and 8.011; amend Section 8.012 and divide it into subsections; and amend Sections 9.014, 9.021, 9.027, 9.031, 9.039, 9.040, 9.041, 10.012, 12.001, 12.004, and 13.004 and add a new Section 12.024, renumber current Section 12.024 as 12.025 and current Section 12.025 as 12.026 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” in order to make wording and technical corrections, eliminate text repetition, and clarify definitions and requirements; to provide for administrative and operating offices that are subject to political balance, the duties of vice chairs, the hiring of personnel in Registration Boards, and the presence of observers in polling centers; to standardize the language regarding the appointment of judges; to specify terms and schedules for various election-related duties; to fix the minimum amount of votes required to remain registered as a political party at three percent (3%) of the votes polled for the office of Governor and to standardize the language regarding Major Parties; to clarify the language regarding the base number of votes on which to calculate the number of endorsements required for a candidacy; to specify the eligibility for advance voting and to protect its voluntary nature; to provide that any candidate elect shall submit a revised balance sheet to the State Election Commission, in compliance with the norm in effect since 2008; to correct references to other laws, standardize transitory provisions, and for other related purposes.

## **STATEMENT OF MOTIVES**

One of the objectives of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” was to establish a standard criterion with regard to the voting level required for a political party to remain registered as such. The previous Electoral Law of Puerto Rico of 1977, as amended, provided three (3) different modalities for registration renewal. Notwithstanding this intent, the

text approved in Act No. 78-2011, *supra*, as it happens with any human endeavor, contains wording and technical errors such as the inconsistency in maintaining fragments of text that distinguish between the percentage of straight-ticket votes and votes for the office of Governor. This inconsistency needs to be eliminated to clearly establish that, in order to remain registered, a political party needs to obtain three percent (3%) of the votes for the office of Governor, which has always been the easiest criterion for the parties to meet.

With the approval of this measure, we also clarify other definitions and correct repetitive language and references to Sections that, during the approval process, underwent changes and are no longer in agreement. The following paragraphs contain some examples of the amendments to be made.

Section 8.012 of Act No. 78-2011, *supra*, provides the requirements for endorsement petitions in order to file a candidacy. In most cases, those parties that remained registered are required to collect a number of endorsements equal to at least four percent (4%) of the votes cast in favor of the party's candidate for that office in the previous election. Thus, the previous five percent (5%) requirement was eliminated. In the case of independent candidates and parties by petition, the requirement became even more flexible by being set at only one percent (1%) of the total number of votes cast for that office, considering that collecting such endorsements poses a challenge to them.

However, the two parts of said Section concerning aspirants to the offices of mayor and legislator failed to include the condition that the number of endorsements to be collected is based on the votes cast for that same office, which, in the language used in said Section, reads: "for the elective public office concerned." It is necessary to apply this condition to every office and to clarify that the votes to be considered are those cast for the specific office the candidate is

running for, that is, for mayor of a specific municipality, for senator or representative of a specific district, or for senator or representative-at-large for a specific party, so as to prevent any unnecessary misunderstandings. The opportunity can also be taken to divide said Section into subsections in order to facilitate future amendments or references to specific provisions thereof, as well as to change a reference regarding aspirants to the office of municipal legislator to the paragraph that addresses municipal offices.

An important aspect of Act No. 78-2011 is making the process of advance voting and absentee voting more expeditious. Even though the degree of flexibility that the citizens of many states of the Union enjoy is not achieved, this represents a step forward from the near impossibility of carrying out the previous process. However, promoting the opportunity to vote in advance in Sections 9.039, 9.040, and 9.041 brought up the issue of whether, while trying to encourage and facilitate the process, the voluntary nature thereof was being affected. Advance voting serves as an instrument for persons with possible conflicts between unavoidable duties or pressing needs and their right to vote, but it is not intended as an imposition. Therefore, it must be clarified that, in the case of Law Enforcement officers, advance voting is not an absolute requirement, but rather an option only applicable up to a certain number of officers assigned to work that shift, while offering others the alternative of preferential shifts on Election Day; likewise, the language that seemed to make advance voting mandatory for elected officials is corrected.

On the other hand, Section 10.012 of the Puerto Rico Election Code for the 21<sup>st</sup> Century provides certain procedural requirements that a candidate elect must meet after the election in order to be certified by the State Election Commission.



The relevant provision in the previous Electoral Law of Puerto Rico of 1977, as amended, was subsection (a) of Section 4.001. Said subsection was amended by virtue of Act No. 27-2008, in order to require all candidates who are elected in a general election to submit a revised balance sheet in lieu of an audited report, as was previously provided. According to the chain of legislation, the intent of this amendment was to recognize the specific technical meaning of an “audited report” or “audited statement” in public accounting. Meeting such a requirement could, on the one hand, become onerous to candidates who do not keep extensive accounting records because they were wage-earning individuals or persons of modest income and, on the other hand, it would potentially impose on Certified Public Accountants the responsibility for subsequent actions based on such report without said Certified Public Accountants necessarily having all the true elements of a thorough audit on a person. In conclusion, the goal was achieved by allowing the submittal of a revised balance sheet, in which the responsibility for the truthfulness of the contents lies with the subject of such statement, together with all other financial documents already required from every candidate or elected official.

At present, all the facts that led to the passing of Act No. 27-2008 are still in effect; therefore, the same language should be incorporated into the Puerto Rico Election Code for the 21<sup>st</sup> Century.

Through this Act, the text is corrected to clarify the legislative intent. Likewise, we address provisions on the powers and duties of the State Election Commission and its Chair, as well as the registration and voting processes which, similarly, retained fragments of text that are inconsistent with the legislative intent. The intent of the Legislative Assembly to promote greater administrative flexibility by clearly establishing which areas require the so-called “political

party balance” with regards to its personnel is reasserted by these corrections. Moreover, the text related to keeping an expeditious recruitment of personnel for the Registration Boards is also reestablished.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1. – Section 2.003 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 2.003. – Definitions. –

For the purposes of this Act, the following terms or phrases shall have the meaning stated hereinbelow:

(1) ...

...

(33) ‘Party Registration’ – Authority granted under this Act to political parties to enjoy the rights and prerogatives conferred thereby according to their category. Those parties that poll three percent (3%) or more of the total number of valid votes cast shall remain registered.

...

(59) ‘Unadjudicated Ballot’ – A ballot cast by a voter on which the poll inspectors have been unable to agree as to its adjudication, thus the ballot is referred to the Commission as established in this Act.

(60) ‘Void Ballot’ – Ballot on which the vote has been cast, but after the election, the State Election Commission determines to render invalid. It shall not be deemed to be a cast vote.

...

(63) ‘Protest Ballot’ – A ballot cast by a voter from which the insignia of any party has been ripped off; on which a name has been written other than in the column for write-in candidates; on which a candidate’s

name has been crossed out; or that bears initials, words, marks, or designs of any kind other than those permitted to cast a vote. It shall not be considered a cast vote.

(64) ...

(65) 'Party' – A political party that participated in the previous general election and polled not less than three percent (3%) of the total number of votes for the candidacy for Governor and not more than twenty-five percent (25%) of valid votes cast for all candidates for Governor.

(66) ...

...

(71) 'Major Party' – A political party that participated in the previous general election and polled at least twenty-five percent (25%) of the number of votes cast for the candidacy for Governor by all voters who participated in said general election.

(72) ...

...

(86) 'Electronic Canvassing System' – Any machine, software, or device used by the State Election Commission, and under the supervision thereof, to count votes cast during any election event held in Puerto Rico, as well as any of its components, including, but not limited to, cables, electrical connections, landline or wireless data connections, battery systems, ballot boxes, software, and any other hardware or software component needed for the machine to count votes and transmit voting tallies and results.

(87) ...

(88) ‘Court’ – Any of the parts or judges of the General Court of Justice of Puerto Rico designated through the random method and established to hear election-related cases in accordance with this Act and the ‘Puerto Rico Political Campaign Financing Oversight Act.’

(89) ...

(90) ...

(91) ...

(92) ...

...”

Section 2. – Section 3.002 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.002. – Functions, Duties, and Powers of the Commission. –

The Commission shall be responsible for planning, organizing, structuring, directing, and supervising the electoral entity and all election-related processes that govern any election to be held in Puerto Rico, pursuant to this Act and its regulations. In carrying out this function, the Commission shall have the following duties, in addition to any others provided in this Act:

(a) ...

...

(e) To address, investigate, and resolve matters or controversies submitted for its consideration by any interested party, except those regarding contributions and expenditures of political parties, aspirants, candidates, independent candidates, campaign committees, political action committees, corporations, unions, and elected officials, and to political campaign financing, which shall be under the exclusive jurisdiction of the Election Comptroller, as established under the ‘Puerto Rico Political Campaign Financing Oversight

Act’; when circumstances so warrant, and when so provided by resolution, the Commission may designate examining officials, whose duties and procedures shall be established by resolution or regulation of the State Election Commission and who shall submit reports and recommendations to said Commission;

(f) ...  
...”

Section 3. – Section 3.004 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.004. – Decisions of the Commission. –

...

(c) Any amendment to or modification of the regulations for general elections and general canvass adopted within less than ninety (90) days before the general election shall require the participation and unanimous vote of all the Election Commissioners. Provided, that any amendment regarding the additional inclusion of other absentee voting categories or during the ninety (90) days prior to a general election, or on the day of the general election, and until the canvass has been completed, shall be made by unanimous vote in the Commission, and if unanimity cannot be achieved in this last case, the proposed issue shall be defeated and may not be resolved by the Chair.

...”

Section 4. – Section 3.008 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.008. – Removal and Vacancy of the Offices of Chair, Alternate Chair, and Vice Chairs. –

The Chair, Alternate Chair, and Vice Chairs may be removed from office for any of the following reasons:

1. ...
2. ...
3. ...
4. ...
5. ...

Complaints regarding the aforementioned grounds for removal shall be filed with the Office of the Secretary of the Commission, and shall be referred to and addressed by a panel of three (3) judges of the Court of First Instance, duly designated through the random method, as provided by Section 4.005 of this Act. Any final ruling pronounced by this panel of judges may be reviewed pursuant to the process established in Chapter IV of this Act.

In the event of the Chair's absence, the First Vice Chair shall temporarily assume the administrative functions of such office during such absence, but in no case may said situation exceed the term of fifteen (15) business days. If such term is exceeded, the Alternate Chair shall hold the office of Chair of the Commission until the Chair returns. In case that an Alternate Chair has not been duly appointed, the First Vice Chair shall continue discharging the administrative functions of the Chair on a temporary basis, until the Chair or an Alternate Chair takes office.

...

If, for any reason, a vacancy arises in the office of Chair, the Alternate Chair shall hold said office until a successor is appointed and takes office for the remaining term of his/her predecessor. The Election Commissioners shall have a thirty (30)-day term to select a new Chair. If said period elapses and the Election Commissioners have not appointed the person who shall fill the vacancy, the Alternate Chair shall continue as Acting Chair and the Governor shall have thirty (30) days to designate a new Chair with the previous advice and consent of the

majority of the members that constitute each legislative house. The alternate Chair shall continue discharging his/her duties as Acting Chair until the confirmed Chair takes office.

...”

Section 5. – Section 3.009 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.009. – Powers and Duties of the Chair. –

A. The Chair shall be the executive officer of the Commission and be responsible for the execution and supervision of election-related processes within an atmosphere of absolute integrity and impartiality. In discharging such task, he/she shall have the powers, attributions, and prerogatives inherent to such office, including, but not limited to, the following:

(a) ...

(b) Structuring and managing the main offices and divisions of the Commission, as they are detailed hereinbelow:

(i) ...

...

(vii) Office of Budget. – Shall advise the Chair of the Commission on the drawing of the budget, as well as in all budgetary and programmatic matters pertaining to administrative management. It shall also oversee the proper management of the budget according to sound norms of fiscal administration and in harmony with the purposes of the laws that set them forth.

(viii) Office of Procurement. – Shall be responsible for advising the Chair on the purchase of goods and services, always ensuring quality and market competition and the sound use of public funds pursuant to the laws and regulations currently in effect.

(ix) ...

(x) Office of Electronic Information Systems and Processing (hereinafter, OSIPE, Spanish acronym) – Shall maintain an electronic voter registry, manage and operate the adopted electronic voting or canvassing processes, and provide technical support to the divisions of the Commission. The necessary personnel shall be appointed to perform such function in order to comply with the foregoing. This office shall be subject to standards of political party balance.

(xi) Election Research Center. – Shall be in charge of periodically gathering election-related procedures and assessing them in light of technological, procedural, and legislative developments in Puerto Rico and other democratic jurisdictions. This office shall be subject to standards of political party balance.

...

(xiii) Office of Election Affairs. – Shall guarantee that all active and potential voters, the Permanent Registration Boards, the Local Commissions, and the Polling Centers



have the necessary information and materials for voters to exercise their right to vote. This office shall be subject to standards of political party balance.

(xiv) ...

...

(c) Selecting, recruiting, and appointing the personnel needed to carry out the purposes of this Act, as well as fixing their appropriate compensation according to the financial resources of the Commission and subject to the standards detailed below:

- (1) The appointments made by the Chair of the directors and deputy directors of the main divisions and offices shall be confirmed by the majority vote of the Commissioners. Provided, that the directors and heads, as well as the deputy directors and seconds-in-command of each division, shall be supporters of different major political parties.
- (2) The personnel to be recruited by the Commission to carry out special election-related projects shall be appointed, in equal number of members, from supporters of the major political parties, political parties, and duly registered parties by petition.
- (3) Any appointment of personnel shall be subject to the regulatory standards adopted to such effect, and no person who has been convicted of a crime involving moral turpitude, or of an election-related offense, may be appointed. Likewise, Commission personnel shall not be

aspirants or candidates running for elective public office, with the exception of employees appointed to discharge functions in the offices of the Election Commissioners.

(4) ...

(d) ...

(e) ...

(f) The Chair of the Commission shall appoint the deputy director of the OSIPE taking into consideration the recommendation of the Election Commissioner of the political party whose candidate for Governor came in second place in the previous General Election.

...

...

(s) ...

Before imposing any fine, the Chair shall serve the parties with an order to show cause for which the administrative fine should not be applied, giving them the opportunity to correct any error. The Commission shall establish, through regulations, the specific actions subject to a fine, as well as the applicable amount to each.

B. Functions and Duties of the First Vice Chair: The First Vice Chair, in addition to any other duties and functions assigned to him/her by the Chair, and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the election operations, management, planning, auditing, personnel, security, and press areas has been complied with as established by the Commission through

regulations, without it being construed that he/she is to direct and supervise, through his/her own initiative, the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate onto the First Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair.

C. Functions and Duties of the Second Vice Chair: The Second Vice Chair, in addition to any other duties and functions assigned to him/her by the Chair of the State Election Commission, and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the Office of the Secretary, the Information Systems Center, Legal Affairs, Systems and Procedures, Education and Training, and the Election Research Center, has been complied with as established by the Commission through Regulations, without it being construed that he/she is to direct and supervise the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate onto the Second Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair. The foregoing shall not impair the authority of the Chair to delegate onto the Second Vice Chair any task that he/she may deem pertinent. If there is no Third Vice Chair, the Chair of the State Election Commission shall delegate onto any of the Vice Chairs

the responsibility to inspect and report to the State Election Commission whether the work of the field operations area has been complied with as established by the Commission through Regulations.

D. Third Vice Chair: The Third Vice Chair, in addition to any other duties and functions assigned to him/her by the Chair of the State Election Commission, and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the field operations area has been complied with as established by the Commission through Regulations, without it being construed that he/she is to direct and supervise the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate to the Third Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair.”

Section 6. – Section 3.014 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.014. – Election Commissioners. –

The Election Commissioners and Alternate Commissioners representing the major political parties, parties, and parties by petition shall be appointed by the Governor of Puerto Rico by petition of the central governing body of the party they represent. They must be persons of recognized moral probity, duly qualified voters and residents of Puerto Rico at the time of their appointment, and knowledgeable about election-related matters.

...

...

The Election Commissioners shall have an office in the facilities of the Commission and be entitled to request the Chair to appoint two (2) executive assistants, two (2) secretaries, four (4) clerks or their equivalent, one (1) statistician, one (1) election planning analyst, and one (1) registration officials coordinator or the equivalent in the job classification plan in effect. Such personnel may be assigned by the Election Commissioners to perform election-related functions in their Offices at the headquarters of their Political Parties, as well as to use such equipment or property assigned to their offices in the Commission at the headquarters of their political parties. These persons shall be appointed as trust employees, render their services under the supervision of the Election Commissioner concerned, perform those tasks entrusted to them by the Commissioner, and earn the salary and be entitled to the benefits fixed by law and regulations for Commission personnel. The Election Commissioners may request to the Chair that their employees be hired by contract, but the sum to be paid for said contract shall, in no case, exceed the maximum compensation fixed for the regular position.”

Section 7. – Section 4.005 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 4.005 – Appointment of Judges in Election-Related Cases. –

All legal actions and proceedings, whether civil or criminal, provided and regulated by this Act shall be heard by the judges of the Court of First Instance designated randomly in the appropriate Judicial Region to hear these cases. The Supreme Court shall determine, through Resolution, the random method to be used in the judge selection process.”

Section 8. – Section 5.002 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.002 – Local Election Commissions. –

A Local Commission shall be constituted in each election precinct. It shall be permanent in nature, and shall be composed of a Chair, who shall be a Judge of the Court of First Instance appointed at the request of the Commission through the random method, as provided in Section 4.005 of this Act. There should also be a Local Commissioner and an Alternate Local Commissioner representing each political party. The duties of the Chairs of the local commissions shall be established through regulations by the Commission.

The judges who shall serve as Chairs in each Local Commission shall be appointed simultaneously with an Alternate Chair for each one of such Commissions, through the same method. The Alternate Chair shall carry out the functions of the Chair in case of absence, disability, death, removal, or when, for any reason, a vacancy arises in said office.

...  
...”

Section 9. – Section 5.003 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.003 – Political Party Representatives in Local Commissions. –

Local Commissioners and Alternate Local Commissioners shall be appointed by the Commission at the request of the Election Commissioners of the political party they represent. Such political party representatives shall be persons of recognized moral probity, and duly qualified voters in the election precinct to which they are appointed, but if there were more than one election precinct in a municipality, this requirement shall be met through their domicile in said

municipality. Furthermore, they cannot be aspirants or candidates for elective public office, with the exception of the candidacy for Municipal Legislator, nor may they wear the uniform of any military or paramilitary armed force while discharging duties as local commissioners or alternate local commissioners.

Each political party shall be entitled to have any Local Commissioner of each precinct who is an employee of the Government of Puerto Rico, its agencies, instrumentalities, public corporations, and municipalities, assigned by the Commission upon petition to carry out full-time duties in the appropriate local commissions or to perform additional functions assigned by the Commission, such as canvasses or recounts, for a term not to exceed one hundred and eighty (180) days of the election year, beginning on July 1 of the election year and, if necessary, until the general canvass is completed. Likewise, the agencies of the Government of Puerto Rico shall grant the time required by those employees who are Local Commissioners, without charging it to any kind of leave or docking their pay, to attend those meetings called by the Local Commission that have been previously notified by such employees to their employers.”

Section 10. – Section 5.007 of Act No. 78-2011, known as the “Puerto Rico Election Code the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.007. – Representation in the Permanent Registration Board. –

The members of the Permanent Registration Board shall be appointed by the Commission at the request of the Election Commissioners, upon coordination with the municipal chairs. These members shall be persons of recognized moral probity, duly qualified voters of the precinct or municipality, and high school graduates. These members cannot be aspirants or candidates for any elective public office, other than Municipal Legislator, or wear the uniform of any military or paramilitary armed force while discharging their duties as members of this Board.

Said members shall earn the salary and be entitled to the benefits determined by the Commission through laws or regulations. Likewise, they may be hired by contract but, in such cases, the compensation to be paid shall not exceed the maximum sum fixed for a regular position of an equal or similar category.

Any person who receives a pension for age or years of service from any of the Retirement Systems of the Government of Puerto Rico may be a member of the Permanent Registration Board and be entitled to earn compensation for his/her services without affecting his/her pension. These persons shall be hired by contract, and cannot be covered under any retirement system, nor shall they receive credit for the purposes of their pension for the services rendered.

Regular or Alternate Commissioners of the Local Election Commission may be members of the Permanent Registration Board.

Section 11. – Section 5.009 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.009. – Polling Place Board. –

In each Polling Place, there shall be a Polling Place Board composed of one officially appointed Inspector, one Substitute Inspector, and one Secretary in representation of each political party or independent candidate, as well as one observer for each of the aspirants and candidates for district representative and district senator. In the case of a referendum, consultation, or plebiscite, the members of each Polling Place Board shall be appointed by the central governing bodies of the parties or organizations participating in said election and certified to such effect by the Commission.

The Commission shall provide, through regulations, all that pertains to the forms and procedures to make such appointments effective.



In case of Observers, the Chair of the Commission, together with the Election Commissioner of the corresponding political party, shall be in charge of and be responsible for their accreditation. Furthermore, their functions shall be established through regulations.”

Section 12. – Section 6.002 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.002 . – Voters. –

A voter is any qualified person who has complied with all the registration requirements of the General Voter Registry. Every voter who exercises his/her right to vote shall do so in the precinct where he/she is registered. If a voter votes in a precinct other than the one where he/she is registered, only the vote cast for the offices of Governor and Resident Commissioner shall be adjudicated during the general canvass.”

Section 13. – The first, second, and fourth paragraphs of Section 6.004 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” are hereby amended to read as follows:

“Section 6.004. – Electoral Domicile. –

Every voter must vote in the precinct where his/her domicile is established. For election-related purposes, there can be but one domicile, constituted in the precinct where the voter has established a residence, or where the housing facility in which he/she resides is located, around which his/her personal and family activities revolve, or where such voter has manifested his/her intention to remain.

A voter shall not lose his/her domicile due to the fact that he/she has one or more residences available which are used for work or study engagements or for personal and family activities. Nevertheless, the voter shall maintain an access to the residence he/she claims to be his/her domicile. A person who resides

permanently in a housing facility, elderly home, retirement center, assisted living community, or a similar facility for pensioners, veterans, or persons with special needs may claim said residence to be his/her electoral domicile, if it meets the condition that his/her main personal activities revolve around it for health or disability reasons, if he/she has expressed his/her intention to remain there indefinitely, and if he/she maintains an access and resides therein with reasonable frequency.

...

The intention to remain, as established in this Section, shall be determined based on the will of the voter.”

Section 14. – Section 6.007 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.007. – Registration Application. –

Any person who wishes to be listed in the General Voter Registry shall fill out a sworn registration application, which shall include at least the following information concerning the applicant:

(a) ...

...

(o) ...

Every voter shall be assigned a unique and permanent voter identification number, which shall be used to identify the voter’s file. This number shall be different from the last four (4) digits of the social security number. Any material that makes reference to the last four (4) digits of the social security number shall be managed and kept confidential by the Commission pursuant to the provisions of Act No. 243-2006 and the applicable Federal legislation, and shall not be disclosed to third parties except as required by law or the Court.

Every applicant who is a naturalized citizen of the United States shall present a certificate attesting to his/her naturalization, or a United States passport in effect at the time of registration. In the case that the applicant was born in a foreign country but is a United States citizen, he/she shall submit, at the time of registration, a certificate from the Department of State of the United States of America verifying such facts, or a United States passport in effect. If the person was born in the United States of America, or its territories or possessions, he/she shall present a duly certified copy of his/her birth certificate, a passport, or other official document attesting unequivocally to the date and place of his/her birth. Every applicant shall receive a copy of this election-related transaction upon completion of the same, and another copy shall be kept in the Commission's archives.

Any person who submits his/her registration application within sixty (60) days before the closing of the Voter Registry shall present a certified copy of his/her birth certificate.

The Commission shall provide a place to register at the location of the Permanent Registration Board.”

Section 15. – Section 6.014 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.014. – Voters’ Access to their Voter Registration File and Commissioners’ Access to a Copy of the General Voter Registry. –

The Commission shall create and maintain election-related information systems via telephone or electronic media to allow voters direct access to verify their voter registration status. These systems shall be accessible to voters with disabilities. Election Commissioners may request a copy of the General Voter

Registry and the Commission may issue the same either on paper or in electronic format.”

Section 16. – Section 6.017 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.017. – Challenge Process. –

(A) ...

...

(B) ...

...

(C) The voter’s registration challenge petition form based on the aforementioned grounds (1), (2), (3), and (4) shall be filed under oath with the local commission of the voter’s precinct. The required oath may be administered by any member of the local commission, notary public, Court Clerk, or official duly authorized by law to administer oaths in Puerto Rico.

Once the Chair of the Local Commission receives the challenge petition form, he/she shall schedule a hearing to be held within the following ten (10) days, to hear the pertinent evidence. The challenged voter, the challenger, and any other person as requested by the parties shall be summoned. The Local Commissioners of the various political parties, as well as the municipal chairs of the political committees of the various political parties, shall also be notified. The Commission, after a petition and justification to such effect, shall be empowered to extend the term to hold said hearings. Notices containing the names of challenged voters shall be published periodically and timely by the Commission in a newspaper of general circulation during the term established by law to carry out such process.

In challenge petition forms filed for the aforementioned ground (2), the Chair of the Local Board shall appoint a Political Party Balance Board that

includes party representation in order to verify the accuracy of the challenge at the challenged voter's address. If such challenge is confirmed, a hearing shall be unnecessary and the publication of the name of the challenged voter shall proceed, pursuant to the foregoing paragraph. The Commission shall establish regulations for this process, which shall include all guarantees of the due process of law.

...

Section 17. – Section 7.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 7.001. – The Parties. –

Any political party or citizen group shall be qualified insofar as it meets the following requirements:

(1) Major Party. – A party whose candidate for Governor polled a number of votes equal to or greater than twenty-five percent (25%) of the total votes cast for all candidates for Governor in the preceding General Election.

(2) Party. – A party whose candidate for Governor polled a number of votes that was not less than three percent (3%) nor greater than twenty-five percent (25%) of the total valid votes for all candidates for Governor.

(3) ...

...”

Section 18. – Section 8.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.001. – Aspirants to Candidacies for Elective Public Office. –

The following provisions shall constitute the essential principles of any aspiration to a candidacy whereby a person may become an aspirant:

(a) ...

(b) The State Election Commission shall establish the requirements for an aspirant to become a candidate.

(1) ...

...

(7) Any aspirant to an elective public office who holds an office as head or appointing authority of an agency, department, government entity, or public corporation in the Executive Branch, except for the Governor, shall tender his/her resignation to said office thirty (30) days before the beginning of the term to file candidacies. This provision shall, likewise, be extensive to the following officials: the Comptroller of Puerto Rico, the Ombudsman, and the Administrative Director of the Courts, when he/she has not been appointed as Judge.

...”

Section 19. – Section 8.011 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.011. – Date to File Candidacies and Deadlines. –

The Commission and the political parties shall open the process for filing candidacies from October first (1<sup>st</sup>) to October thirty-first (31<sup>st</sup>) of the year preceding a general election year. The deadlines that shall apply to the different processes and activities related to said primaries shall be established by the Commission through Regulations. The deadline in all instances shall be set at 12:00 in the afternoon. When any such date falls on a day other than a business day, such date shall be rolled over to the next business day.

Aspirants to candidacies shall file their income and expenditures reports with the Office of the Election Comptroller on the dates set by the Comptroller,

and the required reports shall be governed by the provisions of the Puerto Rico Political Campaign Financing Oversight Act.”

Section 20. – Section 8.012 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.012. – Endorsement Petitions for Primaries and Independent Candidacies. –

- (1) Any voter who wishes to run in a primary, in addition to meeting all the requirements set forth by law and regulations, shall file with the Commission the number of endorsement petitions required by this Act for the elective public office to which he/she intends to aspire.
  - (a) The number of endorsement petitions for primaries shall, in no case, exceed four thousand (4,000), except in the case of aspirants to the offices of Governor or Resident Commissioner, whose number of endorsement petitions shall not exceed ten thousand (10,000).
  - (b) Aspirants to the office of Mayor shall present four percent (4%) of the total sum of all votes polled by the candidate for mayor of his/her political party for the concerned municipality in the preceding General Election, or four thousand (4,000) endorsement petitions, whichever is less.
  - (c) When an aspirant to the office of Mayor files his/her candidacy together with a group of candidates for municipal legislators, it shall be understood that they represent a single slate and, therefore, the latter shall not be required to file endorsement petitions for the primaries. However, the endorsement petitions of a candidate for municipal legislator who does not belong to a

single slate shall be calculated at three percent (3%) of the total sum of all votes polled by the candidates of his/her political party in the preceding General Elections for the elective office concerned, divided by the number of candidates nominated by said political party.

- (d) Aspirants to district senator or senator-at-large, and district representative or representative-at-large shall submit four percent (4%) of the total sum of votes polled by the candidates of his/her political party in the preceding General Election for the elective public office concerned, divided by the amount of candidates nominated by said political party, or four thousand (4,000) endorsement petitions, whichever is less. Aspirants to district representative shall present four percent (4%) of the total sum of votes polled by the candidate of his/her political party in the preceding General Election, or four thousand (4,000) endorsement petitions, whichever is less.
- (2) Parties by petition and independent candidates shall use, as a basis to calculate the amount of endorsement petitions for primaries that they are required to file, one percent (1%) of the valid votes polled by all candidates in the preceding General Election for the elective public office concerned. For the offices of senator and representative-at-large, as well as for district senator, district representative, and municipal legislator of said parties or independent candidates, one percent (1%) shall be calculated using as a basis the total sum of all valid votes polled by the candidates in the preceding General Election for the elective public office concerned.



- (a) Any person who commits fraud by filing endorsement petitions for primaries with false information, forging a signature on said endorsement petition, or including unauthorized information about a voter or aspirant on said petition or on a related report, as established in Chapter XII of this Act, shall incur a misdemeanor. Any candidate who intentionally files endorsement petitions with false information or forged signatures may be disqualified. The primaries commission of the political party concerned shall have twenty (20) days to pass judgment on the validity of the petitions filed. Any petition that is not rejected during said term shall be deemed to be accepted and accredited to the aspirant who filed it. Aspirants shall only have seven (7) days from the date on which the rejected petitions were returned to substitute said petitions.
- (b) In no case may more than one hundred twenty percent (120%) of the required petitions be filed. No aspirant may submit more than fifty percent (50%) of the maximum amount of petitions required during the last fifteen (15) days of the period for filing endorsement petitions for primaries. The endorsements required by this Act shall be received and remitted to the Commission from the date of certification of the candidacy by the political party or from the time the independent candidacy is requested, until December 15 of the year preceding the year in which General Elections shall be held. The aspirant or candidate shall have a fifteen (15)-day term to substitute any endorsement petitions rendered invalid by the Commission.”

Section 21. – Section 8.023 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.023. – Voting in Primaries. –

The voter may vote for a number of aspirants to an elective public office equal to that which the political party has notified to the Commission that it shall nominate for the General Election. Political parties may require affiliation in order to vote in their primaries. A voter who wishes to vote in the primaries of a party that has required affiliation and refuses to do so, due to not being a member of said party, may be challenged.”

Section 22. – Section 9.007 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.007. – Persons Entitled to Vote in a Special Election. –

The persons entitled to vote in a special election shall be those who, at the closing of the General Voter Registry for said election, are affiliated to the political party where the vacancy arose and live within the geographic delimitation where said special election is to be held. The geographic delimitation within which the special election is to be held shall be the same for which the predecessor who held the vacant elective public office was elected.

Party affiliation shall be required to vote in case of a special election in which a political party has nominated more than one candidate for an elective public office left vacant by an official elected for such political party.”

Section 23. – Section 9.011 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.011. –Ballot. –

In each general election, three (3) ballots, each in a different color, shall be designed, one of which shall include, under the insignia of the appropriate political

party, its candidates for Governor and Resident Commissioner; another one shall include, under the insignia of the appropriate political party, its candidates for Legislators; and the other one shall include, under the insignia of the appropriate political party, the names of the candidates for Mayor and Municipal Legislators. The ballot shall be designed in such a way that the voter has total control thereof until the time his/her vote is recorded in an electronic voting or canvassing device. Instructions shall be printed both in Spanish and English.

...”

Section 24. – Section 9.014 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.014. – Polling Places. –

The local commission, with the approval of the Commission, shall determine the location of the polling places in polling centers within the Electoral Unit where its voters reside, not later than seventy-five (75) days before an election. The Commission shall also inform the central governing bodies of all political parties, independent candidates, or organizations entitled to participate in the election, on the number of polling places to be used and the maximum number of voters per polling place that the Commission may determine for that election. All the polling places of an Electoral Unit shall be established in the same polling center.”

Section 25. – Section 9.021 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.021. – Authority of Polling Place Officials. –

Every regular Polling Place Board Inspector shall be entitled to voice and vote in the procedures of the Polling Place Board.

The Commission shall provide, through regulations, the assignment of the duties to be carried out by each of the regular Polling Place Inspectors.

Substitute Inspectors and clerks may perform the duties assigned to them by the Polling Place Board and may participate in the works thereof, but Substitute Inspectors may only vote as members thereof when they are substituting officially appointed Inspectors.

The Chair of the Polling Place Board shall be the Inspector of the majority major party.”

Section 26. – Section 9.027 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.027. – Voting Procedure. –

Polling places shall open at eight o’clock in the morning (8:00 a.m.) and close at four o’clock in the afternoon (4:00 p.m.).

...”

Section 27. – Section 9.031 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.031. – Challenge of a Voter. –

Any voter who has solid grounds to believe that a person who has come to vote is doing so illegally, based on one or more of the grounds set forth in Section 6.017, except for the provisions of paragraph A(2), may challenge the vote of said person on the grounds that made it illegal, pursuant to the provisions of this Act, but such challenge shall not prevent the voter from casting his/her vote. In the case of a challenge on the grounds of age, it shall be the duty of the challenger to bring and provide to the Polling Place Board with a birth certificate or a negative certificate which indicates that said voter is not of legal voting age. Likewise, in the case of a challenge on the grounds that the challenged individual has died, it shall be necessary for the challenger to bring and provide to the Polling Place Board with a death certificate, or if it is based on the grounds that the individual

challenged is registered more than once in the General Voter Registry, the challenger shall provide a certification from the Commission to such effect.

...”

Section 28. – Section 9.039 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.039. –Advance Voters. –

Duly qualified voters shall be entitled to voluntarily cast their advance vote if they are in Puerto Rico and fall under any of the following categories:

(a) Members of the Puerto Rico Police, up to five thousand (5,000) voters, the Municipal Police Corps, the Custody Officer Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who will be on duty during the hours in which the voting process takes place on Election Day and who are not on leave granted by the agency in question;

(b) ...

...

(k) The judges of the General Court of Justice who are appointed pursuant to the provisions of Section 4.005 of this Code to hear cases related to the voting process and who will be working on Election Day.

(l) ...

The Commission may include other advance vote categories, which shall require the participation and the unanimous vote of all Election Commissioners. Likewise, the Commission shall approve the regulations necessary for implementing the new categories. These regulations shall be approved not later than the term established by law for the approval of the regulations for General Elections and general canvass.”

Section 29. – Section 9.040 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.040. – Advance Vote Application

Applications for advance voting shall be filed for each election by submitting a form and attesting evidence, as the Commission provides through regulations. The deadline to apply for advance voting shall be the closing date of the General Voter Registry for the Election in question. Notwithstanding the foregoing, those persons who fall into one of the categories set forth in subsections (f), (k), and (l) of Section 9.039 may apply for advance voting by submitting a form and attesting evidence not later than fifteen (15) days before the election event.”

Section 30. – Section 9.041 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.041. – Advance Vote Procedure. –

Voters authorized to vote in advance shall cast their votes in accordance with the procedures established by the Commission through regulations.”

Section 31. – Section 10.007 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.007. – Return of Election Material

When the canvass has been completed, the Polling Place Board shall return...

...

It shall be an election-related offense, as classified in Section 12.005 of this Act, for the members of the Polling Place Board, Electoral Unit Board, or local commission to abandon their work without having concluded, uninterruptedly, all canvassing works and procedures established in this Act.”

Section 32. . – Section 10.008 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.008. – Partial and Preliminary Results

(a) Partial. – ...

...

(b) Preliminary. – The Commission shall announce the preliminary results not later than seventy-two (72) hours following an election. The results shall be based on the combination of the results of all the polling places of each Electoral Unit. This shall not constitute the certification of any candidate, aspirant, proposal, or issue. The Commission shall not be able to certify any candidate, aspirant, proposal, or issue until the general canvass is carried out pursuant to Section 10.009 of this Act.”

Section 33. – Section 10.009 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.009. – General Canvass

After the Commission has received the election material bags, it shall proceed to carry out a general canvass. The person who shall be in charge of the general canvass shall be selected by the Chair, but shall require the unanimous ratification of the Election Commissioners.

During the general canvass, only the protested, challenged, unadjudicated, provisional, and absentee ballots received during the general election shall be handled. These ballots shall be evaluated by the Commission in order to be either adjudicated or voided. Once the general canvass begins, it shall continue until it is completed.

The general canvass of the election shall be conducted by using the tally sheet and every other document used in the course of the election. The Commission shall correct all arithmetical errors there may be on the tally sheets, and shall count such tally sheets as they have been corrected.

If the Commission fails to correct an error found on a tally sheet, or if there were any discrepancies regarding the number of voters and the number of ballots canvassed at the polling place, a recount of all the ballots of such polling place shall be conducted pursuant to Section 10.010 of this Act.

The results of the general canvass of an election, as declared by the Commission and published by the Chair, shall be final, unless contested within the terms provided by this Act.”

Section 34. – Section 10.012 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.012. – Results of the Election. –

The Commission shall declare elected for each office such candidate who polls the highest number of votes. For the record, it shall issue an Election Certificate to be furnished to the candidate elect once it is credited that he/she has completed the Public Funds and Property Management Course and submitted his/her Audited Balance Sheet. Municipal legislators are exempted from this last requirement.”

Section 35. – Section 12.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.001. – Media Expenses of the Government of Puerto Rico. –

...

...

...



...

Violations related to this Section shall entail an administrative fine to the government agency or instrumentality of up to ten thousand dollars (\$10,000) for the first violation, and up to twenty-five thousand dollars (\$25,000) for subsequent violations. Funds thus obtained shall be covered into the Special Fund to finance voting automation expenditures, as provided in Section 3.001 of this Act.”

Section 36. – Section 12.004 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.004. – Opening Propaganda Distribution Facilities. –

Any person who is in charge of a propaganda distribution facility located within a one hundred (100) meter-radius, as measured along public thoroughfares, between the two closest points from the perimeter of the property where the propaganda distribution facility is set up and the property where a polling place or Permanent Registration Board is located, and who keeps such facility open to the public on the day of an election shall be guilty of a misdemeanor and be punished by imprisonment for a term not to exceed six (6) months or a fine not to exceed five hundred dollars (\$500), or both, at the discretion of the Court.

Under special circumstances and with the previous authorization of the Local Commission, only with the unanimous approval of the Commissioners may propaganda distribution facilities be established at less than one hundred (100) linear meters, as measured along public thoroughfares, from a school or Permanent Registration Board. Should there be no unanimity, the Chair of the Local Commission shall resolve the issue. Such determination may be appealed before the State Election Commission within a term established through regulations approved by the State Election Commission. The political party, candidate, or political action committee in question shall file a duly sworn application to locate

the propaganda distribution facility within the banned limits. The application shall include the following information:

1. ...  
...”

Section 37. – A new Section 12.024 is hereby added to Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century”; current Sections 12.024 and 12.025 are hereby renumbered as Sections 12.025 and 12.026, respectively, to read as follows:

“Section 12.024. – Interference with Electronic Voting System. –

Any person who unlawfully takes any electronic voting or canvassing system or device, or any of its components, software, or password, shall be guilty of a second-degree felony.

Any person who manipulates, attempts to manipulate, or destroys any electronic voting or canvassing system or device, or any of its components, software, or system content with the intent to prevent someone from casting his/her vote, change a duly cast vote, intervene to prevent a duly cast vote from being counted, cause an unduly cast vote to be counted, or alter the results of the same, shall be guilty of a third-degree felony.

Section 12.025. – ...

Section 12.026. – ...”

Section 38. – Section 13.004 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 13.004. – Transitory Provisions

Officials who, before the amendments of this Act take effect, hold the offices of Chair, Alternate Chair, Vice Chairs, Secretary, deputy secretaries, as well as members of Advisory Boards, shall remain in their respective offices until

the appointments to such offices are made pursuant to the provisions of this Act. The Commission shall determine the transitory provisions related to the administration of human resources whose appointment is in effect at the time of approval of this Act.

On the date provided in Section 7.001(4) to submit petitions for registration, this shall not apply to the parties that have initiated the registration process pursuant to Act No. 4 of December 20, 1977, better known as the 'Puerto Rico Electoral Act.'

The Commission shall have ninety (90) days to approve all its rules and regulations.”

Section 39. – This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 230-2011 (H. B. 3488) (Conference)** of the **6<sup>th</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend Sections 2.003, 3.002, 3.004, 3.008, 3.009, 4.005, 5.002, 5.007, 5.009, 6.002, 6.004, 6.007, 6.014, 7.001, 8.001, and 8.011; amend Section 8.012 and divide it into subsections; and amend Sections 9.014, 9.021, 9.027, 9.031, 9.039, 9.040, 9.041, 10.012, 12.001, 12.004, and 13.004 and add a new Section 12.024, renumber current Section 12.024 as 12.025 and current Section 12.025 as 12.026 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” etc.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 30<sup>th</sup> day of April, 2012.

María del Mar Ortiz Rivera

(S. B. 1254)  
(Conference)

**(No. 239-2014)**

(Approved December 22, 2014)

## **AN ACT**

To amend Sections 1.001, 2.001, 2.002, 2.003, 3.001, 3.002, 3.004, 3.006, 3.007, 3.008, 3.009, 3.010, 3.014, 3.015, 4.005, 5.002, 5.003, 5.006, 5.007, 6.004, 6.006, 6.007, 6.013, 6.016, 6.017, 7.001, 7.005, 7.006, 8.001, 8.004, 8.009, 8.011, 8.012, 8.014, 8.018, 8.027, 9.006, 9.011, 9.013, 9.014, 9.027, 9.031, 9.034, 9.039, 10.005, 10.013, 11.009, 12.001, 12.010, 12.018, and 12.020; add a new Section 8.014 to Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” in order to change the name thereof, address matters relating to the General Canvass of the Primaries of Political Parties, appointment of Commission’s Leadership Registration of New Voters, Election Procedures, Structure of the State Election Commission (CEE, Spanish acronym), Prerogatives of Political Parties, Appointment of Commission’s Leadership and limitations regarding their external activities, Electronic Canvassing, Definition of Vote, protection of the voter’s will, mobilization, political party balance, Early and Absentee Voting, the process to fill vacancies in certain elective offices and on expenses in mass media outlets during an election year in tourist areas and abroad by the Puerto Rico Tourism Company, the Puerto Rico Convention Center District Authority, and the Puerto Rico Industrial Development Company; reassert criminal provisions; amend Section 3.004 of Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act,” in order to adjust it to this Act; and for other related purposes.

## **STATEMENT OF MOTIVES**

Our constitutional law and government system guarantee all persons the right to equality, equity, and justice, as fundamental principles in the pursuit of the freedom and dignity that every human being seeks to enjoy. Access to these universally recognized rights is achieved through suffrage, whereby the individual and collective will of a people is expressed regarding the establishment of their nation’s government.

The rights of citizens are asserted by respecting their dignity and equality. The right to cast a secret ballot eradicated past discriminatory practices, which were rejected by governments that recognized that the political order is subordinate to the rights of men and women, because the will of the people is the source of political power.

The Preamble of the Constitution of the Commonwealth of Puerto Rico establishes that:

The democratic system is fundamental to the life of the Puerto Rican community; [...] in which the will of the people is the source of public power, the political order is subordinate to the rights of man, and the free participation of the citizen in collective decisions is assured.

Furthermore, the United Nations unanimously adopted the role that transparent and open elections play in ensuring the world citizens' fundamental right to participatory governance.

To ensure that said universal rights are not subordinate to the control of a few but rather vested with all guarantees against oppression and manipulation, it is critical to reinforce our electoral system through legislation that establishes transparent and reliable processes aimed at guaranteeing that the will of an individual and the people's majority be perfected by means of the vote.

For all of the foregoing, it is essential to provide election processes with greater guarantees, transparency, and purity so that those participating in the same, and, most of all, the people that already placed their trust in our democracy, may be certain that the will of each voter, as expressed in the votes cast, shall be respected and adjudicated.

However, the greatest guarantees of transparency and commitments to democratic justice are futile if clear, enforceable, and measurable rules are not prescribed regarding the manner in which the people shall exercise their right to vote and the manner in which their will shall be recognized, tallied, canvassed, and validated through the election process.

This Act seeks to restore voters' trust and their expectations regarding the purity of the Primary process whereby political parties' aspirants and candidates for elective offices are selected; extend the opportunities for the registration of new voters in order to encourage their participation in the election process, stress on the importance of voting, and protect the will of voters, which is nothing but upholding the rights conferred to them by the Constitution of the Commonwealth of Puerto Rico and the universal community.

These rights were curtailed by the amendments introduced to the current Election Code. The provisions proposed herein clearly show consensus on the implementation of an electronic canvassing system, including the sources of financing therefor, the reestablishment or establishment of security controls and measures to guarantee that votes will be cast independently and secretly by all voters under the different classifications of early or absentee voting, emphasizing, particularly, on the most vulnerable voters' groups, such as persons with disabilities or who are bedridden or hospitalized. The amendments introduced under Act No. 230-2011, and the interpretations thereof made back then by the Chairperson of the CEE caused such an innovative voting system in the United States and Latin America to be tarnished due to complaints regarding the mismanagement of ballots sent to voters who never requested to vote through such means. The media revealed cases of many voters who never requested this type of early voting ballot, and of ballots that were marked and even sent to the CEE by persons who were not the actual voters. These issues are hereby corrected in order to restore public trust in a

system that served as a model for other countries and that could have been discredited for the way in which it was employed in the preceding elections. It is critical to defend the rights of fragile voters establishing by law the manner in which such votes would be administered by political party balance boards, thus preventing their will from being undermined by third parties and consecrating their participation in the election process.

Likewise, in order to expedite the processing of applications for voter reactivation, transfer or relocation without disregarding controls, but rather keeping all safety measures to prevent fraud and the misuse of the system, we propose to incorporate electronic mechanisms and methods for requesting, processing, and completing this type of electoral transactions successfully, according to the voter's will.

The State Election Commission is an administrative body created by law to safeguard these constitutional guarantees. In order to render it more agile and adjust it to the economic reality of the Island, amendments to its internal, functional, and operational organization are proposed herein, thus keeping participation and political balance principles. Contrary to other jurisdictions, the reliability of the Island's electoral system curiously rests on the distrust between political parties and their opportunity to oversee each and every one of the internal processes developed by the State Election Commission (CEE). From 1977 to the 2004 General Election, as a general rule, only three political parties participated in the CEE, keeping control of operating expenses, particularly those related to payroll. One of the administrative changes that are promoted in this legislation is related to the operations of this administrative entity. The CEE used to operate based on the presence of every duly registered party in most electoral and administrative operations developed during a four-year term, especially during the general election year.



A. Permanent Registration Boards

In the case of Permanent Registration Boards, their operations are mainly focused on administrative issues; that is, assisting voters and offering registration services, rather than on an oversight process among political parties. In fact, in the administrative processes carried out by said boards, every political party shall always have the opportunity—at the meetings of the Local Commission—to question, challenge, and defend the interests of such party in any administrative process carried out by the members of a registration board. There is no practical need to recognize an absolute right to each registered political party to appoint an administrative representative to participate in said operations.

B. Political Party Balance Board

The Political Party Balance Board system shall allow all political parties to oversee most election-related and administrative operations. We recognize that administrative duties may be carried out, on behalf of political parties, with the presence of at least two (2) political parties, leaving the indispensable presence of each political party for the critical areas of the election system.

In brief, these changes along with others that the Commission may introduce after the approval of this Act shall bring about savings in the administration of election-related affairs of the agency.

One of the amendments introduced herein seeks to reassert in the electoral law that unlawful transfers, as well as the filing of endorsements fraudulently constitute election-related crimes, regardless of whether such actions are taken to support a candidate or to register a political party.

Lastly, Section 12.001 is hereby amended to exempt from the prohibition on media expenses the campaigns launched in tourists zones or abroad by the Puerto Rico Tourism Company, the Puerto Rico Convention Center District Authority, or the Puerto Rico Industrial Development Company to promote the Island of Puerto Rico as a tourist or investment destination.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Sections 2.001 and 2.002 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” as amended, are hereby amended to read as follows:

“Section 2.001.- Title.-

This Act shall be known as the “Commonwealth of Puerto Rico Election Act.”

Section 2.002.- Declaration of Purpose.-

The State, by the consent of the governed, constitutes the governing body of every democratic system. The greatness and strength of said body rests primarily on the will and participation of the citizens in the election processes wherefrom the operation and functioning thereof arise.

The right to vote stems from various sources: first, from the right of all human beings to elect their own governments; second, from the United States Constitution; and third, from the Constitution of Puerto Rico—which sets forth the right to universal, equal, secret, direct, and free suffrage, whereby every citizen may cast his vote as dictated by his conscience—and from the statutes that enforce constitutional provisions.

The guarantee of the right to vote is the most effective instrument of citizen expression and participation in a democratic government system. This electoral franchise may be organized through political parties to which a series of rights are recognized, though they are still subject to the rights of individual voters recognized under Section 6.001 of this Act.

This Act acknowledges the people's capability...

...

Section 2.- Section 2.003 of Act No. 78-2011, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," as amended, is hereby amended to read as follows:

"Section 2.003.- Definitions.-

For purposes of this Act, the following terms or phrases shall have the meaning stated hereinbelow:

(1) ...

...

(3) "Government Agency" - Any department, bureau, office, instrumentality, public corporation or subsidiaries thereof, municipalities, or political subdivisions of the Commonwealth of Puerto Rico.

...

(6) "Aspirant" - Any person who participates in the internal selection process of one or more duly registered political parties interested in or who carries out activities, fundraisers, or events with the intent to hold any internal office or seeking nomination for or election to public office.

(7) "Political Party Balance" - The political equilibrium between major political parties that shall exist in the offices and divisions of the Commission as provided in this Act and the regulations adopted by the State Election Commission. It applies to technical and managerial or administrative positions, without it constituting a duplication in the assignment of duties or the creation of redundant or parallel positions. In the offices and divisions of the Commission where political party balance is required, the positions of director or head and deputy director or second-in-command shall be held by persons affiliated to the different major political parties. The provisions regarding political party balance may only be

claimed by parties that meet the requirements established in this Act, according to the “Major Party” definition that appears hereinbelow.

...

(18) “Election Cycle” - Period from the date on which the filing of primary candidacies is formally open, in accordance with this Act, to December 31<sup>st</sup> of the general election year.

(19) ...

(20) ...

(21) ...

(22) ...

(23) ...

(24) “Political Action Committee” - Committee or political group, independent group, or any other organization engaged in promoting, furthering, or supporting or opposing an aspirant, candidate, or political party, and collecting or allocating funds for such purposes, whether or not it identifies or affiliates with any party or candidacy. Furthermore, it includes such organizations engaged in promoting, furthering, or supporting or opposing any matter presented in a plebiscite or referendum.

(25) ...

(26) ...

(27) ...

(28) ...

(29) ...

(30) “Special Election” - Process whereby voters choose one or more officials within a certain geographic delimitation to fill one or more vacancies in an elective public office in the Commonwealth of Puerto Rico.

(31) ...

(32) ...

(33) ...

(34) ...

(35) ...

(36) ...

(37) “Government” - All the agencies that constitute the Legislative, Executive, and Judicial Branches of Puerto Rico.

(38) “Political Party Balance Board” - A board designated by political parties represented in the Local or State Commission in order to address issues referred thereto. The Board shall be composed of at least two (2) representatives from different parties appointed by the Election Commissioner or the Local Commissioner of each political party.

(39) ...

(40) ...

(41) ...

(42) ...

(43) ...

(44) ...

(45) ...

(46) ...

(47) ...

(48) ...

(49) ...

(50) ...

(51) “Mobilization” - Any mechanism or system designed to communicate with voters for the purpose of encouraging and transporting them in motor vehicles to vote in an election. It also includes all actions taken by the offices of the Election

Commissioners and the headquarters of Political Parties by means of the telephone, Internet, social media, radio, press, television, banners, etc., and any other communication mechanism for the purpose of encouraging voters to go to their respective polling places.

(52) ...

(53) ...

(54) ...

(55) ...

(56) ...

(57) ...

(58) ...

(59) ...

(60) ...

(61) “Split-ticket Ballot” – A ballot on which the voter marks the insignia of a political party and shows a valid vote for any candidate or combination of candidates up to the number of elective offices for which the voter has a right to vote, whether in the columns of other parties, or independent candidates, or by writing any name or names in the write-in column. In the event that a dispute arises regarding the validity of a vote marked under an insignia in the State ballot, it shall be understood that no mark has been made under the insignia and the vote shall be adjudicated to the candidates.

(62) “Unadjudicated Ballot” - A ballot cast by a voter on which the poll inspectors have been unable to agree as to its adjudication, thus the ballot is referred to the Commission, as established by this Act, to be adjudicated during the General Canvass.

(63) ...

(64) ...

(65) “Untallied Ballot” – A cast ballot that the voting or electronic canvassing system did not count. Said ballot shall be reviewed and adjudicated during the General Canvass or Recount.

(66) ...

(67) ...

(68) ...

(69) “Political Party” - Major party, party, party by petition, local party, local party by petition.

(70) ...

(71) ...

(72) ...

(73) ...

(74) ...

(75) ...

(76) ...

(77) ...

(78) “Chair” - The Chair of the State Election Commission.

(79) “Primary” - The process whereby candidates running for elective public offices are chosen through direct vote, pursuant to the provisions of this Act and the Rules adopted by the State Election Commission and the central governing body of each political party.

(80) “Special Projects” - Specific and particular projects to be carried out by the Commission within an established timeframe or due date. In these projects, there shall be representation of the main political parties and the third party that remains registered in a General Election or the first party by petition that registers immediately after the preceding General Election.

(81) ...

(82) ...

(83) ...

(84) ...

(85) ...

(86) ...

(87) ...

(88) ...

(89) ...

(90) ...

(91) ...

(92) ...

(93) “Electoral Unit” - The smallest geographic delimitation into which the precincts have been divided for election-related purposes.

(94) “Electronic Voting” - Process whereby voters cast their votes using an electronic device or medium, including, but not limited to: the telephone, a direct-recording electronic system, the Internet, a special device for persons with severe physical disabilities, and others that do not require the use of a paper ballot.

(95) “Early Voting” – A process whereby the Commission allows certain voters who are in Puerto Rico on election day to cast their vote before the date set for said election.

(96) “Absentee Voting” – A process whereby the Commission allows certain voters who will be outside of Puerto Rico on election day to cast their vote.”

Section 3.- Section 3.001 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:



“Section 3.001.- State Election Commission.-

A State Election Commission is hereby created to be composed of a Chair, who shall be its executive officer, and an Election Commissioner representing each of the major political parties, parties, and parties by petition.

The vice chairs, alternate commissioners, one Secretary, and the deputy secretaries may participate in the meetings of the Commission. These officials shall have voice but no vote, and shall not be considered to constitute a quorum.

The Election Commissioners of the Commission shall earn an annual compensation, and any differential established by law, equal to that of a Secretary of the executive departments of the Commonwealth of Puerto Rico other than the Secretary of State. The Chair of the Commission shall earn an annual compensation, and any differential established by law, equal to that of an Associate Justice of the Supreme Court of Puerto Rico. Whenever the presence of the Alternate Chair is required by the Chair or the Commission in order to keep him informed of the matters being discussed, the Alternate Chair shall receive the per diem determined by the Commission. Likewise, the Commissioners and the Chair may render services under contract without exceeding the total annual salary fixed herein. Any Election Commissioner, Chair, Alternate Chair, Vice Chair, Secretary, or Deputy Secretary of the Commission is hereby expressly banned from receiving any additional compensation for conducting lobbying tasks before any government, municipal, or legislative body, or receiving any additional compensation from any government, municipal, legislative, or judicial agency. Teaching contracts or services or tenures in the University of Puerto Rico are hereby excluded from this provision.

Alternate Chairs shall have voice and vote and shall be necessary to constitute a quorum in such cases where they are replacing the Election Commissioner and the latter has authorized such proxy upon notice to the Chair and the members of the Commission.

...

Section 4.- Subsections (o) and (p) of Section 3.002 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.002.- Functions, Duties, and Powers of the Commission.-

...

(o) To initiate and develop a plan for the implementation of an electronic voting or canvassing system, or both, in which the voter is able to control the ballot and interact with the electronic device, so that the vote cast is duly saved. Upon analysis, the Commission shall determine which electronic canvassing system shall be implemented; such system shall include, but not be limited to, a financial projection of the cost of staggered or immediate implementation so that the Commission may request a budget allocation, which shall be deposited in the fund created for this purpose;

(p) To enter into collaboration agreements with other departments, agencies, government entities, and public or private corporations, universities, and international election organizations to which it belongs upon the Commission’s approval.”

Section 5.- Section 3.004 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.004.- Decisions of the Commission.-

(a) Every motion filed with the Commission by any of the Election Commissioners shall be immediately considered for discussion and vote without having to be seconded.

(b) Every election-related issue shall be required to be agreed upon by the Commission and be approved by unanimous vote of the Election Commissioners present at the time of voting. The Chair shall decide in favor or against any matter that did not receive a unanimous vote. In these cases, the decision of the Chair shall be deemed to be that of the Commission, and may be appealed in the manner provided in this Act.

(c) Any amendment to, or modification of, the general elections and general canvass regulations adopted within less than ninety (90) days before the general election shall require the participation and unanimous vote of all Election Commissioners. Provided, that any amendment regarding the additional inclusion of other absentee voting categories or arising during the ninety (90) days prior to a general election, or on the day of the general election, and until the canvass has been completed, shall be made by unanimous vote in the Commission, and if unanimity cannot be achieved in this last case, the proposed issue shall be defeated and may not be resolved by the Chair.”

Section 6.- Section 3.006 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.006.- Commission Documents.-

Unless otherwise provided in this Act, all records, briefs, documents, files, and materials of the Commission shall be deemed to be public documents and may be examined by any Election Commissioner or interested party. Notwithstanding, the Commission shall not provide any person with copies of the General Voter Registry or voter identification cards, ballots, tally sheets, or official checklists that shall be used in an election, except as provided further on sample ballots. Registration documents shall be deemed to be private, and copies thereof shall only be available to registered voters, the Election Commissioners, the Commission and

its official entities, or any competent court in the discharge of its functions, when so required by this Act.

Election Commissioners shall be entitled to request a copy of the documents of the Commission, and these shall be issued free of charge within ten (10) days following the request.

Neither the Registry of Affiliated Voters nor the primary voting lists of political parties shall be deemed to be public documents. Only the Election Commissioner of the political party in question shall have access to such documents.”

Section 7.- Section 3.007 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.007.- Chair, Alternate Chair, and Vice Chairs of the Commission.-

Election Commissioners shall appoint a Chair and an Alternate Chair, pursuant to this Act, who shall act as representatives of the public interest in the Commission. The participation and the unanimous vote of all Election Commissioners shall be required to appoint a Chair, an Alternate Chair, and Vice Chairs.

The Chair and the Alternate Chair shall be appointed not later than July first (1st) of the year following a general election. The term to hold such office shall be four (4) years as of the aforementioned date, until their successors are appointed and take office.

The Election Commissioner of the majority major party whose candidate for Governor polled the largest number votes in the immediately preceding election shall be charged with the nomination of the candidate(s) for the offices of Chair and Alternate Chair to be considered by the remaining Commissioners.

The First Vice Chair shall be appointed by the Election Commissioner of the majority major party whose candidate for Governor polled the largest number of votes in the immediately preceding election.

The Second Vice Chair shall be appointed by the Election Commissioner of the party whose candidate for Governor polled the second largest number of votes in the immediately preceding election.

The Third Vice Chair shall be appointed by the party that remained registered and that polled the third largest number of votes in the immediately preceding election, or in default thereof, the first party by petition that registers immediately after the preceding General Election.

The Chair, as well as the Alternate Chair and the Vice Chairs, shall be of legal age, residents of Puerto Rico as of the date of their appointment, duly qualified voters, of recognized professional capability and moral probity, and knowledgeable about election-related matters.

The office of Vice Chairs shall be trust positions of the political parties they represent. These may be dismissed from office due to a decision of the Election Commissioner of the Party they represent or due to any of the grounds for removal established in Section 3.008 of this Act.

Vice Chairs shall earn the annual salary established by the Commission through regulations to that effect, which shall not be equal to or greater than that of the Chair or the Election Commissioners. The Chair and the Vice Chairs may avail themselves of the benefits of any Retirement System or Retirement Investment Plan provided by the Government of Puerto Rico, or any other in which they were enrolled or participating as of the date of their appointments.

If the appointment as Chair falls on a person holding office as judge of the General Court of Justice of Puerto Rico, said appointment shall result in a total and absolute discharge from and an impediment for the execution of any judicial or any other functions germane to judgeship. During his tenure as Chair of the Commission, he shall earn the salary that, in accordance with this Act, corresponds to the office of Chair or to his position of Judge, whichever is greater. Once the Chair ceases to hold office in the Commission, due to resignation or because the term of his appointment has expired, he shall earn, upon his return to the office of judge, the salary he would have been entitled to if he had continued holding such office uninterruptedly. The appointment as Chair shall not have the effect of interrupting the course of the term of appointment as judge.”

Section 8.- Section 3.008 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.008.- Removal from and Vacancy in the Offices of Chair, Alternate Chair, and Vice Chairs.-

The Chair, Alternate Chair, and Vice Chairs may be removed from office for any of the following reasons:

1. ...
2. ...
3. ...
4. ...
5. ...

Complaints regarding the aforementioned grounds for removal shall be filed with the Office of the Secretary of the Commission, and shall be referred to and addressed by a panel of three (3) judges of the Court of First Instance designated by the Chief Justice of the Supreme Court of Puerto Rico, as provided by Section 4.005 of this Act. Any final ruling pronounced by this panel of judges may be reviewed pursuant to the process established in Chapter IV of this Act.

In the event of the Chair's absence, the First Vice Chair shall temporarily assume all the functions of such office during said absence, but in no case may said situation exceed the term of fifteen (15) business days. If such term is exceeded, the Alternate Chair shall hold the office of Chair of the Commission until the Chair returns. In case that an Alternate Chair has not been duly appointed, the First Vice Chair shall continue discharging all the administrative functions of the Chair on a temporary basis, until the Chair or an Alternate Chair takes office.

If, for any reason, a vacancy arises in the office of Chair, the Alternate Chair or, in its default, the First Vice Chair shall hold said office until a successor is appointed and takes office for the remainder of the unexpired term of his predecessor. Election Commissioners shall have a thirty (30)-day term to select a new Chair. If said period elapses and the Election Commissioners have not appointed the person who shall fill the vacancy, the Alternate Chair or, in its default, the First Vice Chair shall continue discharging his duties as Acting Chair and the Governor shall have thirty (30) days to designate a new Chair upon advice and consent of the majority of the members that constitute each legislative house. The Alternate Chair or, in its default, the First Vice Chair shall continue discharging his duties as Acting Chair until the confirmed Chair takes office.

If, within one hundred eighty (180) days prior to the holding of a general election, a vacancy arises in the office of Chair, or if the Chair were absent for the aforementioned reasons, the Alternate Chair or, in its default, the First Vice Chair shall hold such office until the general election and canvass process have concluded, or until the Chair returns to his duties.

The Alternate Chair shall not be prevented from practicing his profession or trade, except as provided in this Act. Should his services be needed, he may not have or maintain any relationship with any other public or private entity.

...”

Section 9.- Section 3.009 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.009.- Powers and Duties of the Chair.-

(A) ...

(a) ...

(b) Structuring and managing the main offices and divisions ...

(i) ...

(ii) ...

...

(vi) ...

(vii) ...

...

(c) ...

(1) Directors and deputy directors of the main divisions and offices who are appointed by the Chair shall be confirmed by a majority vote of the Commissioners. Provided, that the directors and heads, as well as the deputy directors and seconds-in-command of each division shall be identified as supporters



of different major political parties. If there is a political party balance agreement in effect entered into by the Election Commissioners of the Major Parties, the official designated by the appropriate Commissioner shall be immediately appointed; provided, that said official meets all the minimum requirements for said office. The Commission shall have a term of six (6) months to reevaluate any political party balance agreement already entered into as of December 1<sup>st</sup>, 2014 aimed at cutting back on public spending.

(2) The personnel to be hired by the Commission to carry out special projects shall represent all major political parties and the third party that remained registered in a General Election or the first party by petition that registers immediately after the preceding General Election.

(3) ...

(4) ...

(5) Any person who aspires to hold an office or position of trust or a political party balance in the State Election Commission shall be a qualified voter at the time he submits his job application and be an affiliated voter of the corresponding political party.

(6) Any person who aspires to hold a position of trust or of political party balance shall also meet all the requirements established by said political party.

(d) ...

(e) ...

(f) ...

(g) ...

...

...

(B) ...

(C) Functions and Duties of the Second Vice Chair: The Second Vice Chair, in addition to any other duties and functions assigned to him by the Chair of the State Election Commission, and under the direction of the latter, shall inspect and report to the State Election Commission whether the work of the Office of the Secretary, the Information Systems Center, Legal Affairs, Systems and Procedures, Education and Training, and the Election Research Center, has been performed as prescribed by the Commission through Regulations, without it being construed as he is to direct and supervise the work of the heads and officials of the areas or divisions of the Commission, who shall answer directly to the Chair. The Chair shall have the authority to delegate to the Second Vice Chair any assignment, supervision, issue, or special project that has not been delegated by this Act to another Vice Chair. The foregoing shall not impair the authority of the Chair to delegate to the Second Vice Chair any task that he may deem pertinent. If there is no Third Vice Chair, the Chair of the State Election Commission shall delegate to any of the Vice Chairs or Offices the responsibility to inspect and report to the State Election Commission whether the work of the field operations area has been performed as prescribed by the Commission through Regulations.

...”

Section 10.- Section 3.010 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.010.- Secretary and Deputy Secretaries of the Commission.-

Election Commissioners shall appoint one (1) Secretary and up to two (2) Deputy Secretaries. The Commission shall appoint a Secretary upon the recommendation of the Election Commissioner of the Majority Major Party, the participation of all the Election Commissioners, and their unanimous vote. If unanimity is not reached by the Election Commissioners within thirty (30) days

following the recommendation of the Election Commissioner of the Majority Major Party, the Chair may appoint the person recommended by the Election Commissioner of the Majority Major Party as Secretary. Said Secretary shall hold office while he enjoys the trust of the Election Commissioner from the Major Party whose candidate for Governor polled the largest number of votes in the immediately preceding election. The First Deputy Secretary shall be appointed by the Election Commissioner of the Major Party whose candidate for Governor polled the second largest number of votes in the immediately preceding election; unless the Election Commissioner of the Major Party whose candidate for Governor polled the second largest number of votes in the immediately preceding election is the same party that originally appointed or recommended the Secretary, in which case the First Deputy Secretary shall be appointed by the Commissioner of the Majority Major Party whose candidate for Governor polled the largest number of votes in the immediately preceding election. The Second Deputy Secretary shall be appointed by the party that polled the third largest number of votes and remained registered in the immediately preceding General Election or by the first party by petition that is registered immediately after the preceding General Election.

Deputy Secretary positions shall be trust positions of the political parties that recommend them and may be removed from office by the Election Commissioners of the parties they represent.

The Secretary and Deputy Secretaries shall be appointed not later than July 1<sup>st</sup> of the year following the election and, every four (4) years thereafter or until their successors are appointed.”

Section 11.- Section 3.014 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.014.- Election Commissioners.-

The Election Commissioners and Alternate Commissioners representing major parties, parties, and parties by petition shall be appointed by the Governor of Puerto Rico by petition of the central governing body of the party they represent. They must be persons of recognized moral probity, duly qualified voters and residents of Puerto Rico at the time of their appointment, and knowledgeable about election-related matters.

Alternate Commissioners shall perform the duties of Election Commissioners in case of absence, disability, resignation, death, removal, or when the office becomes vacant for any reason, and until the Election Commissioner in question returns to his duties or a new designation is made. The Election Commissioners and Alternate Commissioners shall not be aspirants or candidates for office, nor hold elective public offices.

The annual salary of Alternate Commissioners shall be established by the Commission through regulations to such effect, which may not be equal to or greater than that of Election Commissioners. Alternate Commissioners may avail themselves of the benefits of a Retirement System or Retirement System Investment Plan provided by the Government of Puerto Rico or any one in which they were enrolled or participating in as of the date of their appointment.

Election Commissioners shall have an office in the facilities of the Commission and be entitled to request the Chair to appoint two (2) executive assistants, two (2) secretaries, four (4) clerks or their equivalent, one (1) statistician, one (1) election planning analyst, and one (1) registration officials' coordinator or their equivalents according to the job classification plan in effect. Political parties by petition shall be entitled to have an office in the facilities of the Commission and to request the Chair to appoint the same number of employees stated above, except for the registration officials' coordinator. Only a political party by petition that

constitutes the third member in the Registration Boards shall be entitled to appoint a registration officials' coordinator. Such personnel may be assigned by the Election Commissioners to perform election-related functions in their Offices at the headquarters of their Political Parties. These persons shall be appointed as trust employees, render services under the supervision of the Election Commissioner concerned, perform those tasks entrusted to them by the Commissioner, and earn the salary and be entitled to the benefits fixed by law and regulations for Commission personnel. The Election Commissioners may request to the Chair that their employees be hired by contract, but the sum to be paid for said contract shall, in no case, exceed the maximum compensation fixed for the regular position.”

Section 12.- Section 3.015 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 3.015.- Voting System.-

The Commission shall determine, through a resolution, the electronic voting or electronic canvassing system to be used in all polling places. The voter shall have possession and control of the electronic or paper ballot or ballots on which his votes were cast until, through his direct interaction with the electronic voting or canvassing device, his votes are duly registered and his ballot or ballots are saved in an electronic or conventional ballot box. The Commission shall notify the People, within at least twelve (12) months prior to the date of a General Election, all that pertains to the electronic voting or electronic canvassing system. The Office of Management and Budget shall earmark the necessary funds to establish the electronic voting system or electronic canvassing system, as the case may be. The Commission shall establish an electronic canvassing system education and practice program in public locations, shopping centers, elderly homes, schools, universities,

assemblies, conventions, and any other location coordinated through the Commission.

...

Section 13.- Section 4.005 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 4.005.- Appointment of Judges in Election-Related Cases.-

All judicial actions and proceedings, whether civil or criminal, provided in and regulated by this Act shall be heard by the judges of the Court of First Instance as designated by the Chief Justice of the Supreme Court of Puerto Rico. The Chief Justice of the Supreme Court of Puerto Rico shall make such designation within three (3) months before the date of the election in question, and notify such designation in writing to the State Election Commission specifying the appropriate judicial district.”

Section 14.- Section 5.002 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.002.- Local Election Commissions.-

A Local Commission shall be constituted in each election precinct. Local Commissions shall be permanent in nature and be composed of a Chair, who shall be a Judge of the Court of First Instance designated by the Chief Justice of the Supreme Court of Puerto Rico, as provided in Section 4.005 of this Act at the request of the Commission.

The judges who shall serve as Chairs in each local commission shall be appointed simultaneously with an Alternate Chair for each one of such Commissions. Alternate Chairs shall carry out the functions of the Chair in case of absence, disability, death, removal, or when, for any reason, a vacancy arises in said office.

...”

Section 15.- Section 5.003 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.003.- ...

Local Commissioners and Alternate Local Commissioners shall be appointed by the Commission at the request of the Election Commissioners of the political party they represent. Political party representatives shall be persons of recognized moral probity, and duly qualified voters in the election precinct to which they are appointed, but if there were more than one election precinct in a municipality, this requirement shall be met through their residence in said municipality. Furthermore, they cannot be aspirants or candidates for elective public office, with the exception of the candidacy for Municipal Legislator, nor may they wear the uniform of any military or paramilitary armed force while discharging duties as local commissioners or alternate local commissioners.

Each political party shall be entitled to have the Local Commissioner of each precinct who is an employee of the Government of Puerto Rico, or its agencies, instrumentalities, public corporations, and municipalities, assigned by the Commission upon petition to carry out full-time duties in the appropriate local commissions or to perform additional functions assigned by the Commission, such as canvass or recounts of the year in which the General Elections are held, beginning on July 1<sup>st</sup> of the election year until the general canvass or recount is completed. The

Commission may extend, by means of Resolution, the scope of this provision to the holding of other election events, such as a Special Election, Plebiscites, or Referendums.

Likewise, the agencies of the Government of the Commonwealth of Puerto Rico shall grant the time required by those employees who are Local Commissioners, without charging it to any kind of leave or docking their pay, to attend meetings called by the Local Commission that have been previously notified by such employees to their employers.”

Section 16.- Section 5.006 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 5.006.- Permanent Registration Board.-

The Commission shall constitute Permanent Registration Boards per precinct or municipality. Such Boards shall be composed of not more than three (3) members of the major parties or such parties that remained registered according to the results of the immediately preceding general election. If not all three major parties remained registered, the seat of the third member shall be filled by the non-major party that remains registered with the highest percentage of votes or the first party by petition that registers immediately after the preceding general election. If more than three parties remain registered, the three parties that polled the highest percentage of votes shall be entitled to be represented in the Permanent Registration Board. These Boards shall be attached to the Local Commission. The Commission shall prescribe by regulations the operating rules of these Registration Boards.

...”

Section 17.- Section 5.007 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:



“Section 5.007.- Representation in the Permanent Registration Board.-

The Members of the Permanent Registration Board shall be appointed by the Commission at the request of the Election Commissioners of the political parties entitled thereto in accordance with Section 5.006. Members of the Permanent Registration Board shall enjoy the trust of the parties they represent and may be dismissed by the Election Commissioner of the political parties they represent. These members shall be persons of recognized moral probity, duly qualified voters of the precinct or municipality, and high school graduates. These members cannot be aspirants or candidates for any elective public office, other than Municipal Legislator, nor may they wear the uniform of any military or paramilitary armed force while discharging duties as members of this Board. Said members shall earn the salary and be entitled to the benefits determined by the Commission through laws or regulations. Likewise, they may be hired by contract but, in such cases, the compensation to be paid shall not exceed the maximum sum fixed for a regular position of an equal or similar category.

...”

Section 18.- Section 6.004 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.004.- Voting Residence.-

Every voter must vote in the precinct where his domicile is established. For election-related purposes, there can be but one domicile, constituted in the precinct where the voter has established a residence, or where the housing facility where he resides is located, around which his personal and family activities revolve, or where such voter has manifested his intention to remain.

A voter shall not lose his domicile due to the fact that he has one or more residences available which are used for work or study engagements or for personal and family activities. Nevertheless, the voter shall keep access to the residence he claims to be his domicile. A person who resides permanently in a housing facility may claim said residence to be his voting residence, if it meets the condition that his main personal activities revolve around it for health or disability reasons, if he has expressed his intention to remain there indefinitely, and if he keeps access and resides therein with reasonable frequency.”

Section 19.- Section 6.006 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby repealed and replaced by a new Section 6.006, to read as follows:

“Section 6.006.- Guarantee of the Right to Vote.-

Except as otherwise provided in this Act or in an order issued by a competent Court of Law, the lawful registration of a voter shall not be rejected, cancelled, invalidated, or voided, nor shall a duly qualified voter be denied his right to vote through any regulation, order, resolution, interpretation, or any other means to prevent such exercise.

A voter may not be arrested while on his way to register or to vote, or while being registered or voting, unless such voter engages in actions that would give rise to a felony, election-related crime, or breach of the peace conviction.”

Section 20.- Section 6.007 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.007.- Registration Application.-

(a) ...

...

(h) ...

- (i) Residence address establishing domicile;  
 ...”

Section 21.- Section 6.013 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.013.- Reactivations, Transfers, Relocations, and Renewal of the Voter Identification Card.-

The Commission shall establish, by regulation, a system whereby any registered voter may request the reactivation of his registration after being inactive for not voting in a general election. Likewise, the Commission shall establish a system whereby registrations may be transferred from one precinct to another due to change of voting residence. The process to relocate voters who, due to a change of residence, request registration relocation from one Electoral Unit to another within the same precinct shall also be prescribed through regulations.

The Commission shall also establish a system whereby voters may request the renewal of their voter identification card if it has expired, pursuant to the provisions of this Act, if it has become deteriorated, or if it has been lost. A sworn statement attesting to the circumstances related to the loss shall be included with the request.

Before establishing the necessary administrative, technical, and programming controls, the Commission may adopt procedures to allow registered voters to carry out such transactions by regular mail or by electronic means such as telephone and the Internet. For such purposes, the Commission shall enter into collaboration agreements with Agencies that offer other services to voters, such as the Electric Power Authority, the Aqueduct and Sewer Authority, the Department of the Family, the Department of the Treasury, the Municipal Revenues Collection Center (CRIM, Spanish acronym), among others; to notify the Commission in the official form prescribed by the same, a voter’s change of residence or mailing address. The Local

Commission of each Precinct shall approve each one of such transactions as provided in Section 6.020 of this Act before they are processed by the corresponding Permanent Registration Board in accordance with the regulations adopted by the State Election Commission.”

Section 22.- Section 6.016 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.016.- Ongoing Process of Voter Registration, Reactivation, Transfer, Relocation, Identification Card Picture, and Modifications to the General Voter Registry.-

The Commission shall maintain an ongoing process of registration, reactivation, transfer, relocation, issuance of voter identification cards, and modifications to the General Voter Registry to be carried out by the Permanent Registration Boards at the centers established in the precincts or municipalities for such purposes, in accordance with the regulations approved by the Commission and the provisions of Section 6.015 of this Act.

The Commission shall develop and implement a Registration Plan in public and private high schools of the Island during the year following a general election. During the rest of the four-year term it shall also develop a plan to visit public and private universities, elderly care and assisted living centers, among others.”

Section 23.- Section 6.017 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 6.017.- Challenge Process.-

(A) ...

(1) ...

...

(7) ...

(B) ...

(a) ...

(b) ...

(c) Voter's residence address as it appears in the application for registration or in the updated Voter Registry.

(d) ...

(C) The voter's registration challenge petition form based on the aforementioned grounds (1), (2), (3), and (4) shall be filed under oath with the local commission of the voter's precinct. The required oath may be administered by any member of the local commission, notary public, Clerk of any court, or official duly authorized by law to administer oaths in Puerto Rico.

Once the Chair of the Local Commission receives the challenge petition form, he shall schedule a hearing to be held within the following ten (10) days, to hear the pertinent evidence. The challenged voter, the challenger, and any other person as requested by the parties shall be summoned. The Local Commissioners of the various political parties, as well as the municipal chairs of the political committees of the various political parties shall also be notified. The Commission, upon petition and justification to such effect, shall be empowered to extend the term to hold said hearings. Notices containing the names of challenged voters shall be published periodically and timely by the Commission in a newspaper of general circulation during the term established by law to carry out such process.

The validity of the challenge petition form shall be decided by the unanimous agreement of the members of the Local Commission present at the time it is considered. If there is no unanimous agreement, the challenge shall be decided by the Chair of the Local Commission, this being the only occasion when he may be involved in a challenge.

Once it has been decided that the challenge is valid, the Chair of the Local Commission shall direct the exclusion of the voter from the General Voter Registry. When a challenge is grounded on the provisions of subsections (5), (6), and (7) of this Section, the exclusion shall be effected as determined by the Commission through regulations.

The Chair of the Local Commission shall specify in the order of exclusion whether the decision was made by unanimous agreement or by the Chair's determination, and the reason therefor. The Commission, the Local Commissioners, the challenger, and the challenged voter shall also be notified.

If the challenged voter fails to appear at the hearing, such fact shall not prevent the challenger from presenting evidence.

Both the challenged voter and the challenger may appeal the determination before the Commission within the following five (5) days, except as provided for challenges on the grounds of voting residence.”

Section 24.- Section 7.001 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 7.001.- The Parties.-

Any political party or citizen group shall be qualified insofar as it meets the following requirements:

(1) Major Party.- A party whose candidate for Governor polled a number of votes equal to or greater than twenty-five percent (25%) of the total votes cast for all candidates for Governor in the preceding general election.

(2) Party.- A party whose candidate for Governor polled a number of votes that was not less than three percent (3%) nor greater than twenty-five percent (25%) of the total valid votes for all candidates for Governor.

(3) ...

(4) Party by Petition. - A citizen group that obtained its registration as a political party by filing with the Commission sworn registration petitions from voters equal to not less than three percent (3%) of the total valid votes cast for all candidates for the office of Governor in the preceding General Election. The petition shall include the name of the party to be certified and the party insignia. These petitions shall be sworn *ad honorem* by *ad hoc* notaries certified by the Commission or officials authorized by law to administer oaths.

The term to file registration petitions shall be from January first (1<sup>st</sup>) of the year following a General Election year to December thirtieth (30<sup>th</sup>) of the year immediately preceding a General Election year. A citizen group shall be registered as a party by petition once all required petitions are validated and upon the filing of a government plan, the candidates to be nominated, and the name and addresses of the group of voters that constitute its central governing body. The Secretary shall issue a certification of registration once the Commission determines that all the aforementioned requirements have been met. The Commission may adopt regulations as appropriate to establish guidelines to prevent fraud in the registration process.

The party by petition may nominate aspirants or candidates for elective public offices, in accordance with the procedures set forth in this Act, as of the time of their certification and through December 30<sup>th</sup> of the year preceding a General Election year.

(5) ...

(6) Local Party by Petition. - A citizen group that obtained its registration as a political party in a municipality, senate district, or representative district by filing with the Commission registration petitions that were sworn and signed in the corresponding geographic delimitation by a number of voters that is not less than five percent (5%) of the total valid votes cast in said delimitation for all candidates

for the office of Governor in the preceding General Election. The petition shall include the name of the party to be certified and the party insignia.

The term to file registration petitions shall be from January first (1<sup>st</sup>) of the year following a General Election year to December thirtieth (30<sup>th</sup>) of the year preceding the General Election year. A citizen group shall be registered as a party by petition once all required petitions are validated and upon the filing of a government plan, the candidates to be nominated, and the name and addresses of the group of voters that constitute its local governing body. The Secretary shall issue a certification of registration once all the aforementioned requirements have been met.

A local party by petition may designate the aspirants or candidates for elective public offices in accordance with the procedures set forth in this Act as of the time of their certification and through December 30<sup>th</sup> of the year immediately preceding a General Election year. Aspirants or candidates shall run for the public elective offices for which the citizens of the geographical delimitation in question may vote. The Commission may adopt regulations as appropriate to establish guidelines to prevent fraud in the registration process.”

Section 25.- Section 7.005 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 7.005.- Propaganda Distribution Facilities.-

Every political party, aspirant, candidate, citizen group, campaign committee, and political action committee that wishes to establish a propaganda distribution facility shall request an authorization from the Local Commission of the precinct where such a facility is to be located. Furthermore, such request shall include the name, street and mailing address, telephone numbers, and voter identification number of the person whom the requestor designates to be in charge of such facility. The requestor shall also be required to notify the Local Commission of any change



regarding the person designated to be in charge of the facility or such person's information. The notice of change shall be sent within five (5) days after such change is made. The Local Commission shall ensure strict compliance with Sections 12.002 and 12.004 of this Act.”

Section 26.- Section 7.006 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 7.006.- Credit for Transportation and Other Means for Mobilizing Voters.-

A credit is hereby established for expenses related to transportation and other means of mobilizing voters within Puerto Rico on the day of a General Election, which shall be determined by prorating the sum of one million, two hundred thousand dollars (\$1,200,000) among all the major parties, parties, and parties by petition, as well as independent candidates for Governor, based on the percentage of the total votes that the candidates for Governor polled in the previous General Election.

(a) Each major party and party shall be entitled to receive an advance of up to forty percent (40%) of the total amount of the credit pertaining thereto, using the percentage of votes polled by its candidate for Governor in the preceding General Election as guideline.

(b) Independent candidates for Governor and parties by petition that nominate candidates for Governor shall be given an advance of up to forty percent (40%) of the amount obtained by dividing one million, two hundred thousand dollars (\$1,200,000) by the number of voters that the majority major party polled in the preceding General Election, and then multiplying the amount corresponding to said party per voter by five percent (5%) of the total number of votes cast for all candidates for the office of Governor in the preceding General Election. The amount

in advance pertaining to major parties, parties by petition, and independent candidates for Governor shall be available for their use on or before October 1<sup>st</sup> of an election year, upon filing with the Secretary of the Treasury the contracts executed for transportation and other means of mobilizing voters, as well as for its administration and coordination.

The Commission shall guarantee, through regulations, that such funds shall be used solely and exclusively in the operation, administration, and coordination of transportation services for voters in motor vehicles or other means of mobilization on the day of the General Election. Provided, that the means of mobilizing voters on the day of the General Election include such actions taken by the offices of the Election Commissioners and the headquarters of the Political Parties by telephone, Internet, social media, radio, press, television, banners, etc., and any other communication mechanism for the purpose of encouraging voters to participate in the election process by attending their respective polling places, allowing Political Parties to spend up to twenty percent (20%) of the total credit established therein for such purposes.

The advance made to each major party, party, party by petition, and independent candidate for Governor shall be deducted from the appropriate sum in the additional credit established in this Section. After General Election results have been certified, the Commission shall adjust the estimates to such results in accordance with the preceding subsections (a) and (b) of this Section, and shall request the Secretary of the Treasury to proceed to pay or recover the appropriate amounts, as the case may be.”

Section 27.- Section 8.001 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.001.- Aspirants to Candidacies for Elective Public Offices.-

The following provisions shall constitute the essential principles of any aspiration to a candidacy whereby a person may become an aspirant:

(a) Political parties shall establish the requirements for aspirants to qualify for elective public office, except in the case of independent candidacies.

(b) The State Election Commission shall establish the requirements for an aspirant to become a candidate, which shall include:

(1) The aspirant’s intent to become a candidate by completing, under oath, the Commission’s information form for the purpose of initiating the candidacy process. Likewise, said aspirant shall file his candidacy electronically if so provided by the State Election Commission through resolution or regulations for such purposes.

(2) A certified copy of the income tax returns or a copy stamped by the Department of the Treasury filed during the preceding five (5) years, as well as a certification from the Secretary of the Treasury attesting to the person’s compliance with his obligation to file income tax returns for the past ten (10) years, and any outstanding debts in connection therewith, if any; in the event of an outstanding debt, the certification shall state that the aspirant has availed himself of a payment plan and is complying with the same. Candidates for municipal legislators shall meet the requirement of having filed income tax returns for the past five (5) years by furnishing an electronic filing certification (Form SC 2903). In the case of aspirants to Governor, Resident Commissioner, State Legislators, and Mayors, they shall submit certified copies of the income tax returns or a copy stamped by the Department of the Treasury for the last ten (10) years. The Secretary of the Department of the Treasury shall issue said copies and certifications free of charge. In the case that the required certification states that the person has failed to file income tax returns because such person did not earn any income nor resided in

Puerto Rico during any of the years covered in the preceding five (5)-year or ten (10)-year period, in the case of aspirants to Governor, Resident Commissioner, State Legislators, and Mayors, such person shall also be required to file a sworn statement attesting to such circumstances. The five (5)-year or ten (10)-year period, as the case may be, shall be the taxable years preceding the date on which the period to file candidacies for the corresponding General Election begins. In the case of the existence of Pre-nuptial Agreements, only the tax returns of the aspirant shall be filed, except in the case of aspirants to Governor who shall file the income tax returns of both spouses. In the case of Community Property both returns, the spouse's and the aspirant's, shall be submitted, even if they file separately. If the aspirant has created a trust, or is a shareholder, partner, or director of any corporation or partnership, he shall be required to report the total amount of assets and the administrator thereof. The Commission shall not accept nor file the nomination if the aspirant fails to comply with this provision.

Persons required to submit income tax returns shall redact any information that may lead to identity theft. Said information shall include social security number, employer identification number, bank accounts numbers, street address, name of dependents, and any other information that the State Election Commission deems could lead to identity theft.

...

(7) ...

The Department of the Treasury and the Municipal Revenue Collection Center shall issue any copies and certifications required by this Act, free of charge, within thirty (30) days after the same have been requested. In order to strictly comply with the provisions of this Section, the heads of the agencies concerned shall designate an official to coordinate with the Chair the processing and issuance of the copies and certifications required under this Act.

If a person does not receive such copies and certifications at the time of filing his candidacy, such person shall present evidence issued by the appropriate agencies of having requested such copies and certifications. Nonetheless, the person must submit such copies and certifications on or before forty-five (45) days following the deadline for filing candidacies.

Any person who wishes to appear as an aspirant to and candidate for elective public office shall be a qualified voter at the time of filing his candidacy.

Any person who aspires to become a political party candidate for an elective public office shall also meet the requirements established by said political party. These requirements shall be equally applicable to and enforceable on all persons who express their intent to run for office under said political party, and said requirements may not be altered retroactively after the term to file candidacies has begun, nor be inconsistent with the provisions of this Act.

No person shall aspire to run for more than one elective public office on the same General Election, primary, or special election.

A party may ban or disqualify a person who aspires to run for candidate for an elective public office if it deems that such candidate has failed to comply with any of its party's regulations."

Section 28.- Section 8.004 of Act No. 78-2011, as amended, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," is hereby amended to read as follows:

"Section 8.004.- Nomination of Candidates.-

All political parties shall be entitled to nominate one candidate for each elective office to be voted on in a general election. No person may be a candidate for more than one party. Provided, that, should any vacancy arise in a candidacy, the party may fill the same as provided in this Act and said party's regulations.

Political parties may assign the order of the candidates for senators and representatives-at-large on the ballots of the different election precincts pursuant to uniform and fair procedures regarding the distribution of said election precincts for such candidates. It shall be the duty of the Commission to order that the names of said candidates be printed on the ballot in the same order that they were certified by the party for the different precincts.”

Section 29.- Section 8.009 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.009.- Date for Holding Primaries.-

Primaries to be held pursuant to the provisions of this Act shall be held on the first Sunday of June of the year in which the General Election is to be held.

In the case of primaries for candidates who seek nomination in their political party for election to the office of President of the United States of America, the same may be held on any date after the first Tuesday of February of the General Election year, and up to June fifteenth (15<sup>th</sup>) of that same year, as determined by the local body of the party, as appropriate.”

Section 30.- Section 8.011 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.011.- Date to File Candidacies and Deadlines.-

The Commission and the political parties shall open the process for filing candidacies from December 1<sup>st</sup> to December 30<sup>th</sup> of the year preceding a General Election year. The deadlines that shall apply to the different processes and activities related to said primaries shall be established by the Commission through Regulations. The deadline in all instances shall be set at 12:00 noon. When any such date falls on a day other than a business day, such date shall be rolled over to the

next business day. Independent candidates shall file their candidacies exclusively following this same process and within the same period.

The Commission shall inform and notify the opening and closing dates for filing candidacies in at least two newspapers of general circulation.

Political parties shall notify the Commission of the number of candidates-at-large and district senators that each party shall nominate for the General Election, on or before the first day of the candidacy filing period.

Aspirants to candidacies shall file their income and expenditures reports with the Office of the Election Comptroller on the dates set by the Comptroller, and the required reports shall be governed by the provisions of the Puerto Rico Political Campaign Financing Oversight Act.”

Section 31.- Paragraphs (a), (b), and (d) of Subsection (1) and Subsection (2) of Section 8.012 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” are hereby amended to read as follows:

“Section 8.012.- Endorsement Petitions for Primaries and Independent Candidacies.-

(1) ...

(a) The number of endorsement petitions for primaries shall, in no case, exceed three thousand (3,000), except in the case of aspirants to the offices of Governor or Resident Commissioner, whose number of endorsement petitions shall not exceed eight thousand (8,000).

(b) Aspirants to the office of mayor shall present four percent (4%) of the total sum of all votes polled by the candidate for mayor of his political party for the concerned municipality in the preceding General Election, or three thousand (3,000) endorsement petitions, whichever is less.

(c) ...

(d) Aspirants to district senator or senator-at-large and district representative or representative-at-large shall submit four percent (4%) of the total sum of all votes polled by the candidates of his political party in the preceding General Election for the elective public office concerned, divided by the amount of candidates nominated by said political party, or three thousand (3,000) endorsement petitions, whichever is less. Aspirants to district representatives shall present four percent (4%) of the total sum of votes polled by the candidate of his political party in the preceding General Election, or three thousand (3,000) endorsement petitions, whichever is less.

(2) Parties by petition and independent candidates shall use, as a basis to calculate the amount of endorsement petitions for primaries that they are required to file, three percent (3%) of the valid votes polled by the candidate elected in the preceding General Election for the elective public office concerned. For the offices of senator and representative-at-large, as well as for district senator, district representative, and municipal legislator of said parties or independent candidates, three percent (3%) shall be calculated using as a basis the total sum of all valid votes polled by the candidates in the preceding General Election for the elective public office concerned.

(a) ...

(b) In no case may more than one hundred twenty percent (120%) of the required petitions be filed. No aspirant may submit more than fifty percent (50%) of the maximum number of petitions required during the last fifteen (15) days of the period for filing endorsement petitions for primaries. The endorsements required by this Act shall be received and forwarded to the Commission from the date of certification of the candidacy by the political party or from the time the independent candidacy is requested, until February 15<sup>th</sup> of the General Election year. The aspirant



or candidate shall have a fifteen (15)-day period to substitute any endorsement petitions rendered invalid by the Commission.”

Section 32.- Section 8.014 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby repealed and replaced by a new Section 8.014 to read as follows:

“Section 8.014.- Endorsement Petitions for Primaries Need Not Be Sworn.-

Endorsement petitions for primaries need not be sworn before an *ad hoc* notary. The Commission shall prescribe by regulations the requirements to be met by officials authorized to take endorsement signatures. Furthermore, the Commission shall prescribe by regulations the necessary safeguards that must be observed by said officials, which shall include a certification in the endorsement petition establishing accurately the identity of the voter or the identification method used to do so.”

Section 33.- Section 8.018 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.018.- Acceptance of Aspiration for Candidacy in Primaries.-

Every aspirant to a candidacy for an elective public office must appear in the Affiliated Voter Registry of the appropriate party and be sworn by an official duly qualified to administer oaths stating that he accepts the nomination as candidate, that he shall abide by the official regulations of his political party, and that he meets the applicable constitutional requirements to hold the elective public office to which he aspires, as well as complies with the provisions of this Act.”

Section 34.- Section 8.027 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 8.027.- General Provision on Primaries.-

The primary voting and canvassing processes shall be governed by the provisions of Chapters IX and X of this Act in all matters that are not incompatible with the provisions of this Title and the following provisions.

The Commission shall oversee the general canvass and recount process as necessary along with representatives of political parties that held primaries, in order to elect their candidates for elective office in accordance with the law and the Regulations approved for such purposes, guaranteeing the secrecy of the vote.

The Chair shall appoint a Canvassing Coordinator and every political party that held primaries shall appoint a Canvassing Director for their corresponding canvassing area. There shall also be a Primaries Sub Commission composed of the Alternate Commissioners of the political parties that held primaries or, in default thereof, by an official of the CEE designated by the Election Commissioner of each of such political parties.

Candidates entitled to recount shall submit to the Primaries Commission a list of observers for the recount process within a term of seventy-two (72) hours from the Commission’s notice. The Commission shall not begin the recount process until the candidate has submitted the list of observers within the aforementioned term.

Decisions to be reached at the canvassing tables shall have the unanimous vote of the Officials representing the candidates at the table. Otherwise, the issue shall be referred to the next level in the chain of command, where it shall be solved unanimously by the representatives of candidates who participated in the primaries. If the issue is not settled at said levels, it shall be referred to the Primaries Commission established in Section 8.006 of this Act.”

Section 35.- Subsection (4) of Section 9.006 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby repealed and replaced by a new Subsection (4) to read as follows:

“Section 9.006.- Special Elections.-

1. ...
2. ...
3. ...
4. Mayor or Municipal Legislator

In the event of resignation, death, removal, total or permanent disability, or any other cause that creates a permanent vacancy in the mayor’s office, in a nonelection year, the Municipal Legislature shall notify in writing to the local governing body and the state governing body of the political party that chose the mayor whose office became vacant. Said notification shall be processed by the Secretary of the Legislature, who shall keep a record of the date and manner in which said notification was made. Said state governing body shall hold a special election among the party’s affiliated voters who elected the mayor whose office became vacant, within a term of sixty (60) days or less.

If the resignation, death, removal, total or permanent disability, or any other cause that creates a permanent vacancy in the mayor’s office takes place during an election year, the Legislature shall take notice of such vacancy and immediately notify the local governing body of the political party that elected the mayor whose office became vacant. Said notification shall be processed by the Secretary of the Legislature, who shall keep a record of the date and manner in which said notification was made and acknowledgment of receipt thereof. Said local governing body shall submit to the Legislature a candidate to substitute the resigning mayor within fifteen (15) days following the receipt date of the vacancy notice. If the local governing body fails to submit a candidate to the Legislature within the aforementioned term, the Secretary thereof shall notify such fact through the fastest means available to the President of the Political Party concerned, who shall proceed

to fill the vacancy with the candidate proposed by the central governing body of the political party that elected the resigning mayor.

Any candidate for filling a vacancy in the mayor's office shall meet all the requirements established in Act No. 81-1991, as amended, known as the 'Autonomous Municipalities Act.'"

Section 36.- Section 9.011 of Act No. 78-2011, as amended, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," is hereby amended to read as follows:

"Section 9.011.- Ballot.-

In every general election, three (3) ballots, each in a different background color, shall be designed, one of which shall include, under the insignia of each political party, the appropriate candidates for Governor and Resident Commissioner; another one shall include, under the insignia of each political party, the appropriate candidates for Legislators; and the other one shall include, under the insignia of each political party, the names of their respective candidates for Mayor and Municipal Legislators. The ballot shall be designed in such a way that the voter has total control thereof until the ballot is registered and the vote is recorded in an electronic voting or canvassing device through the voter's direct interaction with the electronic voting or canvassing device. Instructions shall be printed both in Spanish and English.

Subject to the provisions of this Act, the Commission shall determine, through regulations, the design and text that shall appear on the ballots to be used in each election. Voting instructions both in Spanish and English, respectively, shall be printed on each ballot. The text of the instructions in English shall read as follows, according to the ballot in question:

State Ballot:

### INSTRUCTIONS TO CAST A VOTE ON THE STATE BALLOT

On this ballot you have the right to vote for one candidate for Governor and one candidate for Resident Commissioner.

### HOW TO CAST A STRAIGHT-PARTY VOTE

In order to vote for straight party, place a single valid mark in the blank space under the emblem for your party of preference and make no other markings on the ballot.

### HOW TO CAST A SPLIT-TICKET (SPLIT BALLOT) VOTE

To cast a split ticket vote, place a valid ‘mark’ next to a candidate or a combination of candidates outside of your party’s column, or write-in the name or another person of your preference for the appropriate office using the last column for Direct-Nomination Votes. Bear in mind that you can only vote for one (1) candidate for Governor and one (1) candidate for Resident Commissioner.

...”

Section 37.- Section 9.013 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.013.- Voter Lists.-

The Commission shall deliver to each political party nominating a candidate for governor one (1) copy of the voter list to be used on the General Election day not later than twenty (20) days after voter registration is closed. The Commission may also deliver a copy of the voter list of the corresponding geographic delimitation to local parties, local parties by petition, and independent candidates upon request thereof on or before the General Voter Registry closing.

Voter lists to be used in a referendum or plebiscite shall be delivered by the Commission as prescribed through special legislation. In the absence of such a provision in said special legislation, the delivery shall be made not later than ten (10) days after the close of the voter registry.

For a special election, the request and delivery of voter lists shall be provided through regulations adopted by the Commission or special commission, as the case may be.”

Section 38.- Section 9.014 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.014.- Polling Places.-

The local commission, with the approval of the Commission, shall determine the location of the polling places in polling centers within the Electoral Unit where its voters reside, not later than seventy-five (75) days before an election. The Commission shall also inform the central governing bodies of all political parties, independent candidates, or organizations entitled to participate in the election about the number of polling places to be used and the maximum number of voters per polling place as determined by the Commission for such election. All the polling places of an Electoral Unit shall be established in the same polling center.”

Section 39.- Section 9.027 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.027.- Voting Process.-

Polling places shall open at eight o’clock in the morning (8:00 a.m.) and close at three o’clock in the afternoon (3:00 p.m.).

Members of the Puerto Rico Police and the Municipal Guard who are on duty on Election Day shall vote with priority in their respective polling places.

The voter's identity shall be verified through an examination of his personal description in the voter lists and on his voter's identification card. If this verification is sufficient to establish the voter's identity, he shall sign or make a mark on the line where his name is written on the voter list and ink his finger with indelible ink.

Once the aforementioned process is completed, and only then, shall the voter proceed to vote by means of a system whereby he retains control of the ballot until he interacts with the electronic voting device and the vote is duly recorded. Every voter shall be guaranteed the secrecy of his vote. Immediately after voting, all voters shall leave the polling center.

Polling place inspectors may explain the voting procedure to the voter if the voter so requests. Any other person in a polling place is forbidden to instruct any voter as to the manner of voting.

The Commission shall implement the provisions of this Section through regulations. If an electronic voter list system is implemented, then the Commission shall adopt procedures as are necessary for the use thereof.”

Section 40.- Section 9.031 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.031.- Challenge of a Voter.-

Any voter who has solid grounds to believe that a person who has come to vote is doing so illegally, based on one or more of the grounds set forth in Section 6.017, except for subsection (2), may challenge the vote of said person on the grounds that made it illegal, pursuant to the provisions of this Act, but such challenge shall not prevent the voter from casting his vote. In the case of a challenge on the grounds of age, it shall be the duty of the challenger to bring and provide to the Polling Place Board with a birth certificate or a negative certificate which indicates that said voter is not of legal voting age. Likewise, in the case of a challenge on the

grounds that the challenged individual has died, it shall be necessary for the challenger to furnish a death certificate, or if it is based on the grounds that the individual challenged is registered more than once in the General Voter Registry, the challenger shall furnish a certification from the Commission to such effect.

...

Section 41.- Section 9.034 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 9.034.- Voting Hours and Closed Line System.-

Polling places shall open at eight o’clock in the morning (8:00 a.m.) and close at three o’clock in the afternoon (3:00 p.m.). Voting shall continue uninterruptedly until all voters who are inside the polling place at closing time have voted. If it were not possible for all voters to be inside the polling place, voters shall be placed in a closed line and shall be given a number indicating their turn to vote.”

Section 42.- Subsections (a) and (m) of Section 9.039 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” are hereby amended to read as follows:

“Section 9.039.- Early Voters.-

(a) Members of the Puerto Rico Police, up to two thousand and five hundred (2,500) voters, the Municipal Police Corps, the Correctional Officers Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who shall be on duty during voting on election day, and who are not on leave granted by the agency in question;

...



(m) Persons with mobility disabilities (bedridden) who qualify as Easily Accessible at Home voters. The Local Commission shall be responsible for verifying, evaluating, and approving the petition pursuant to the applicable Regulations. Members of the Permanent Registration Boards shall record the petition as an easily accessible transaction. The Absentee Vote Administrative Board (JAVA, Spanish acronym) shall be responsible for handling said votes as early voting and for adjudicating them.

If an early voting is requested due to a medical condition that prevents the voter from attending a polling place, the Commission shall provide a form whereby the attending or treating physician of the voter certifies: that the voter suffers from a physical mobility impairment that prevents him from attending the polling center.

The Commission shall be responsible for regulating the procedure to be followed in order to ensure that persons with mobility disabilities (bedridden) may vote. In these cases the voting shall be handled as an early voting under the supervision of the Absentee Vote Administrative Board (JAVA, Spanish acronym) and coordinated by the Permanent Registration Board (JIP, Spanish acronym). The early voting process shall begin ten (10) days before the General Election and shall end at least one (1) day before the General Election; thus, sub-boards shall be created under the supervision of the Permanent Registration Board.

This early voting process shall be administered by a Political Party Balance Board, which guarantees the voter's identity, that ballots be blank when handed over, and that every voter casts his vote independently and secretly in accordance with the provisions of this Act and Early Voting Regulations.

The Polling Place Board shall have the affirmative responsibility of guaranteeing that the voter has the capacity to consent and to cast his vote secretly. The capacity to consent is the voter being able to communicate individually and

voluntarily through any of the following mechanisms: orally, in writing, and affirmative body gestures or signs equal or similar to those used by persons with speech, hearing, and vision impairments. It shall also imply that the voter casts his vote freely, independently, and secretly and without coercion.

(n) ...  
...”

Section 43.- Section 10.005 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.005.- Split-ticket Ballot.-

For a ballot to be considered a split-ticket vote, it shall contain a valid mark under the insignia of a political party and also valid marks outside of said column for one or more candidates for which the voter is entitled to vote, be it from another political party, an independent candidate, or by writing the name or names of others under the write-in column. In the event that a dispute arises regarding the validity of a vote cast under an insignia on a state ballot, the vote shall be adjudicated to the candidates and shall be considered an independent vote.

If there are more candidates marked on a ballot for the same elective public office than the number for which the voter is entitled to vote, the vote for said office shall not be counted, but the vote in favor of the candidates correctly selected for the other offices on the ballot shall be counted.”

Section 44.- Section 10.013 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 10.013.- Public Funds and Property Management Course.-

Every candidate elected in a general election, special election, or alternate selection method shall take a course regarding the management of public funds and property offered by the Office of the Comptroller.

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...

This course shall be taken once every four years by the elected candidate subject to this provision.”

Section 45.- Section 11.009 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 11.009.- Ballot.-

The Commission shall design and print the ballot to be used in every referendum or plebiscite, as provided in the special law that provides therefor. Such ballot shall contain the text of the proposal, both in Spanish and English, to be submitted for the citizens’ vote, just as it appears in said law. If the ballot design is not provided by the aforementioned special law, it shall be established by the Commission through regulations.

Notwithstanding the foregoing, an additional column shall be added to every referendum or plebiscite ballot in order to allow for voters to express their will and opposition to the options available thereon. In this case, blank ballots shall be counted.”

Section 46.- Section 12.001 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.001.- Media Expenses of the Government of the Commonwealth of Puerto Rico.-

During a General Election year and until the day after it is held, the agencies of the Government, the Legislative Assembly, and the Judicial Branch of Puerto Rico are hereby forbidden to incur expenses in the purchase of time and space in media outlets, as well as the purchase and distribution of propaganda or promotional materials, to expound their government plans, projects, achievements, accomplishments, projections, or plans. Any press notices and announcements expressly required by law are excluded from this provision. Campaigns launched by the Puerto Rico Tourism Company to promote internal tourism; promotional campaigns abroad by the Puerto Rico Tourism Company or the Puerto Rico Convention Center District Authority to promote the Island of Puerto Rico as a tourist destination; or by the Puerto Rico Industrial Development Company to attract foreign investors to Puerto Rico are hereby excluded, insofar as they do not include the achievements of the Administration or corporation, or highlight the performance of any officer thereof. Moreover, notices or calls to legislative or administrative public hearings, published and circulated without the use of paid mass media outlets, are also excluded.

Also excluded from the above provision are those notices that are used to disseminate public service, urgent or emergency information, which shall only be allowed upon authorization by the Commission.

In the case of announcements or notices required by law to Government agencies, the Legislative Assembly, and the Judicial Branch of Puerto Rico, as well as the municipalities, the Commission shall have a term of two (2) business days to state in writing its approval of or objection to the notice or announcement for which authorization was requested. The aforementioned term shall be counted from the time the request for authorization is made to the Commission, and in the event such term elapses without the Commission having stated its approval or objection, the message, notice, or announcement in question shall be deemed to be approved. The issuance of approval documents by the Board shall not be necessary.

The provisions of this Section shall not apply to the Office of the Resident Commissioner, which shall be governed by the statutes of the Federal Election Law, 2 U.S.C. §441(a)(1)(A) *et seq.*

Violations of this Section shall entail an administrative fine to the government agency or instrumentality of up to ten thousand dollars (\$10,000) for the first violation, and up to twenty-five thousand dollars (\$25,000) for subsequent violations. Funds thus obtained shall be covered into the Special Fund to finance voting automation expenditures, as provided in Section 3.001 of this Act.”

Section 47.- Section 12.010 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.010.- Forged Signatures or Unauthorized Information in Endorsement Petitions for Primaries.-

Any person who forges a signature in an endorsement petition for primary or for registration of a political party, or includes a voter’s information without his authorization in said petition or in a related report shall be guilty of a felony punishable by imprisonment for not less than one (1) year or more than three (3)

years, or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the court.”

Section 48.- Section 12.018 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.018.- Registration or Transfer Offenses.-

Any person who:

(a) Willfully registers or transfers or allows himself to be registered or transferred in the General Voter Registry knowing that he is not entitled to such registration or transfer for being based on false facts; or

(b) aids, abets, or advises another person to carry out said fraudulent registration or transfer; or

(c) ...

(d) ...

(e) ...

(f) ...

Shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the court.”

Section 49.- Section 12.020 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 12.020.- Tearing Off or Defacing Documents or Propaganda of Candidates or Political Parties.-

Any person who willfully and knowingly tears off or defaces any election-related document or propaganda of candidates or political parties displayed in public places shall be guilty of a misdemeanor and, upon conviction, be punished by

imprisonment for a term not to exceed six (6) months or by a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the court.”

Section 50.- Section 1.001 of Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“Section 1.001.- THE NEW PUERTO RICO ELECTION CODE IS HEREBY CREATED.

## CHAPTER I

...

Section 3.010.- Secretary and Deputy Secretaries of the Commission.-

...

Section 3.014.- Election Commissioners.-

...

Section 9.034.- Voting Hours and Closed Line System.-

...

Section 12.001.- Media Expenses of the Government of the Commonwealth of Puerto Rico.-

...

Section 12.010.- Forged Signatures or Unauthorized Information in Endorsement Petitions.-

...

Section 12.018.- Registration or Transfer Offenses.-

...

Section 12.020.- Tearing Off or Defacing Documents or Propaganda of Candidates or Political Parties.-

...”

Section 51.- Section 3.004 of Act No. 81-1991, as amended, is hereby repealed and a new Section 3.004 is hereby added to Act No. 81-1991, as amended, to read as follows:

“Section 3.004.- Mayor’s Resignation and Method of Filling the Vacancy.-

In case of resignation, the mayor shall submit it to the Municipal Legislature in writing, with acknowledgment of receipt. The Legislature shall take notice thereof and immediately notify the local or state governing body of the political party that elected the resigning mayor. This notice shall be processed by the Secretary of the Legislature, who shall keep a record of the date and manner in which said notification was made, and the acknowledgment receipt thereof.

If the vacancy occurs during a nonelection year, said governing body shall hold, within a term of thirty (30) days, a special election among the members of the party of the resigning mayor whose office became vacant, pursuant to Section 9.006(4) of the ‘Puerto Rico Election Code for the 21<sup>st</sup> Century.’

If the vacancy occurs during an election year, said local governing body shall submit a candidate to the Legislature to replace the resigning mayor within fifteen (15) days following the date of receipt of the vacancy notice. If the local governing body fails to submit a candidate to the Legislature within the term established above, the Secretary thereof shall notify such fact through the fastest means available to the President of the concerned political party, who shall then proceed to fill the vacancy with the candidate proposed by the central governing body of the political party that elected the resigning mayor.

Every person selected to fill the vacancy of a mayor who resigns his office, shall meet the eligibility requirements established in Section 3.001 of this Act. The person selected shall take office immediately after his selection and shall hold it for the unexpired term of the resigning mayor.



The President of the political party that elects the mayor shall notify the name of the person selected to fill the vacancy caused by the resignation of the Mayor to the Commission for the latter to issue the appropriate certification.”

Section 52.- Upon the approval of this Act, the State Election Commission shall revise any regulations that need to be adopted, as well as the regulations or rules in effect, from the adoption of this Election Code. If new regulations need to be adopted or if any of the regulations adopted under the previous Act need to be revised to adjust the same to the new legislation, then the Commission shall have a term of six (6) months from the approval of this Act to revise, adopt, and adjust any regulations directed under this Code.

Section 53.- The Chair of the State Election Commission in conjunction with the Election Commissioners shall have one hundred twenty (120) days from the approval of this Act to submit to the Legislative Assembly and the Governor of the Commonwealth a study reporting the potential uses that may be given to Permanent Registration Boards during nonelection years so that these may be used as citizens service centers.

Section 54.- If any article, section, subsection, paragraph, subparagraph, clause, sentence, phrase, provision, or part of this Act were held to be null or void by a Court, the effect of said holding shall be limited to the article, section, subsection, paragraph, subparagraph, clause, sentence, phrase, provision, or part thereof thus held to be null or void.

Section 55.- This Act shall take effect immediately after its approval.

(H. B. 3671)  
(Conference)

**(No. 5-2012)**

(Approved January 3, 2012)

## **AN ACT**

To amend paragraph two (2) of subsection (b) of Section 8.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” in order to provide that aspirants for Governor, Resident Commissioner, State Legislators, and Mayors shall be required to submit a certified copy of their income tax returns, with their corresponding attachments, filed within the last ten (10) years to the Commonwealth Election Commission.

## **STATEMENT OF MOTIVES**

For more than 30 years, the election process in Puerto Rico was governed by Act No. 4 of December 20, 1977, known as the “Puerto Rico Electoral Act”. Due to changes in the election processes since the approval of said Act, it was deemed necessary and meritorious to undertake a review process of the Act in order to achieve an official election structure centered in the voter that would enable and promote the exercise of suffrage. In this manner, a process was initiated in which the virtues of the election law in effect were recognized, and, at the same time, controversies and changes that had been experienced in past years and that warranted consideration were discussed. As a result of this process, and by partisan consensus, this Legislative Assembly passed Act No. 78-2011, whereby the Puerto Rico Election Code for the 21<sup>st</sup> Century was enacted and the Electoral Act in effect since 1977 was repealed.

The reform of the new election law was divided into topics that covered areas such as: a new formula for financing campaigns for candidates for governor, as well as for the operating expenses of the political parties, the administration of the Commonwealth Election Commission, and the party certification process. All of the foregoing had the main and central purpose of providing the people of Puerto Rico an official election structure that offers the greatest transparency possible consistently with the constitutional rights of the candidates for elective public offices in Puerto Rico. In accordance with this, Chapter VIII includes all that pertains to Candidates and Primaries. Thus, in this Section of the Puerto Rico Election Code for the 21<sup>st</sup> Century, a series of essential principles are set forth, which all aspirants to a candidacy shall meet, among which is the obligation to submit “a certification from the Department of the Treasury attesting to the person’s compliance with his/her obligation to file income tax returns for the past five (5) years, and any outstanding debts.”

Even though political parties are responsible for requiring their potential candidates to submit certified copies of their income tax returns, as well as their financial statements audited by a Certified Public Accountant, and a Report from the Government Ethics Office in the case of a public official at the time of stating his/her intent to become a candidate, the truth is that as the Legislative Assembly and genuine representatives of the People of Puerto Rico, we have the duty to take this responsibility a step further. Therefore, it is necessary and imperative to reestablish the spirit of the repealed Act No. 4, *supra*, regarding the obligation of all aspirants to a candidacy to submit their income tax returns to the Commonwealth Election Commission.

Undoubtedly, the reestablishment of the requirement to submit income tax returns filed within the ten (10) preceding years, in the case of aspirants to Governor, Resident Commissioner, State Legislator, or Mayor, it is the most attuned to the principle of transparency that governed the reform process of the Puerto Rico Election Act since its beginnings. The Puerto Rican people have the right to exercise an informed vote and, as part thereof, they should have the opportunity to review relevant information, such as the income tax returns of those who could eventually become their representatives and leaders. For such reasons, this Legislative Assembly deems it necessary to clarify the language contained in the Puerto Rico Election Code for the 21<sup>st</sup> Century, so that there is no doubt that aspirants to an elective public office, with the exception of municipal legislators, shall submit a certified copy of their income tax return with the corresponding attachments to the Commonwealth Elections Commission.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Paragraph two (2) of subsection (b) of Section 8.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” is hereby amended to read as follows:

“CHAPTER VIII

CANDIDACIES AND PRIMARIES

Section 8.001.- Aspirants to Candidacies for Elective Public Offices.-

The following provisions shall constitute the essential principles of any aspiration to a candidacy whereby a person may become an aspirant:

(a) ...

(b) The State Election Commission shall establish the requirements for an aspirant to become a candidate, which shall include:

(1) The aspirant's intent to become a candidate by completing, under oath, the Commission's information form with the purpose of initiating the candidacy process.

(2) A certified copy of the income tax returns or a copy stamped by the Department of the Treasury filed during the last five (5) years, as well as a certification from the Secretary of the Treasury attesting to the person's compliance with his/her obligation to file income tax returns for the past ten (10) years, and any outstanding debts, if any, the certification shall state that he/she has availed him/herself of a payment plan and is complying with the same. In the cases of aspirants to Governor, Resident Commissioner, State Legislators, and Mayors, they shall submit certified copies of the income tax returns or a copy stamped by the Department of the Treasury for the last ten (10) years. The Secretary of the Department of the Treasury shall issue said copies and certifications free of charge. In the case that the certification required states that the person has failed to file income tax returns because such person did not earn any income nor reside in Puerto Rico during any of the years covered in the past five (5)-year or ten (10)-year period or part thereof, in the case of aspirants to Governor, Resident Commissioner, State Legislators, and Mayors, such person shall also be required to file a sworn statement attesting to such circumstances. The five (5)-year or ten (10)-year period, as the case may be, shall be the taxable years preceding the date of the opening of the period to file candidacies for the corresponding General Election. In the case of the existence of Pre-nuptial Agreements, only the tax returns of the aspirant shall be filed. In the case of community property both returns, the spouse's and the aspirant's, shall be filed. The Commission shall not accept nor file the nomination if the aspirant fails to comply with this provision.

Persons required to submit income tax returns shall strike out any information that could be used to steal an identity. Said information shall include social security number, employer social security number, bank accounts numbers, residential address, name of dependents, and any other information that the State Election Commission deems could be used to steal an identity.

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...”

Section 2.- The candidates to the office of Governor that intend to participate in the 2012 General Election shall comply with the provisions of Section 1 of this Act within thirty (30) days after the approval of this Act. They shall submit their income tax returns for the ten (10) taxable years preceding the date of the opening of the period for the filing of candidacies for the 2012 General Election.

Section 3.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 5-2012 (H. B. 3671) (Conference)** of the **2<sup>nd</sup> Special Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend paragraph two (2) of subsection (b) of Section 8.001 of Act No. 78-2011, known as the “Puerto Rico Election Code for the 21<sup>st</sup> Century,” in order to provide that aspirants for Governor, Resident Commissioner, State Legislators, and Mayors shall be required to submit a certified copy of their income tax returns, with their corresponding attachments, filed within the last ten (10) years to the Commonwealth Election Commission.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 30<sup>th</sup> day of April, 2014.

Juan Luis Martínez Martínez  
Acting Director

(Senate Substitute for  
H. B. 1796)

**(No. 56-2016)**

(Approved June 1, 2016)

## **AN ACT**

To amend Section 12.021 of Act No. 78-2011, as amended, known as the “Commonwealth of Puerto Rico Election Code,” in order to limit the effect of the so-called “Dry Law” to the period comprised between eight o’clock in the morning and three o’clock in the afternoon on the general election day; and for other related purposes.

### **STATEMENT OF MOTIVES**

The Sixteenth Legislature approved Act No. 78-2011 in order to “establish a more modern and efficient rule of law regarding election processes.” In seeking to modernize our election process, the preceding Legislative Assembly enacted a new Election Code to bring Puerto Rico’s election processes into the 21<sup>st</sup> century. Act No. 78, *supra*, however, kept the so-called “Dry Law” among the provisions that prohibit the sale and consumption of alcoholic beverages on the day an electoral event is held. The “Dry Law” even applies in the homes of voters; thus, consuming distilled spirits, wine, or fermented or alcoholic beverages in the privacy of the homes of every Puerto Rican is against the law.

Section 12.021 of Act No. 78, *supra*, maintains the current Election Code ban on the sale, distribution, and consumption of intoxicating beverages until nine o’clock in the evening (9:00 p.m.) on the day the electoral event is held; electoral event shall be understood to be the general elections, political party primaries, plebiscites, and referendums, as provided in said Act. Restaurants and bars in cruise ships and commercial establishments in hotels, inns, and condo-hotels



certified by the Puerto Rico Tourism Company, are exempt from the aforementioned provision when such establishments are part of the services or amenities offered to their guests or visitors and participants of conventions, provided that alcoholic beverages are sold, dispensed or distributed for consumption within the confines of the hotel, inn, condo-hotel, or cruise ship. Commercial establishments that operate within the duty-free zones of ports and airports of the Puerto Rico Ports Authority are also exempt, provided, that the sale of alcoholic beverages is for delivery to the buyer after he has boarded the airplane or ship.

According to news reports, businesses, restaurants, bars, markets, and minimarts experience as much as fifty percent (50%) in losses as a result of the provisions of Section 12.021 of Act No. 78, *supra*, and the effectiveness of the “Dry Law.” Business exclusively engaged in the sale and distribution of alcoholic beverages experience one hundred percent (100%) losses, because they are required to close their business for a whole day during an election event, which are observed throughout the Island and usually fall on a Sunday or a Tuesday.

The social, cultural, and financial realities of modern day Puerto Rico are completely different from those that prevailed in the beginnings of our electoral history. Our society has long overcome the circumstances that prompted the stringent application of the “Dry Law.” Furthermore, the financial situation that Puerto Rico is undergoing compels us to create conditions that promote the development of commercial activity. Thus, this Legislative Assembly deems the stringent application of the “Dry Law” to be an archaic and ineffective practice that is inconsistent with the present day way of life of Puerto Ricans. For such reason, this Act limits the “Dry Law” period from eight o’clock in the morning to three o’clock in the afternoon on the general election day.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Section 12.021 of Act No. 78-2011, as amended, known as the “Commonwealth of Puerto Rico Election Code,” is hereby amended to read as follows:

“Section 12.021. – Operation of Establishments Dispensing Alcoholic Beverages. –

Any person who opens or operates a commercial establishment, bar, shop, club, house, apartment, depot, barracks, or pavilion for the dispensing, sale, traffic, or free consumption of distilled spirits, wine, or fermented or alcoholic beverages, from eight o’clock in the morning to three o’clock in the afternoon on the general election day shall be guilty of a misdemeanor and, upon conviction, be punished by imprisonment for a term not to exceed ninety (90) days or a fine of up to five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Restaurants and bars in cruise ships and commercial establishments in hotels, inns, and condo-hotels certified by the Puerto Rico Tourism Company are hereby exempt from the aforementioned provision when such establishments are part of the services or amenities they offer to their guests or visitors and participants of conventions, and when the sale, dispensing, or distribution of alcoholic beverages is conducted for consumption within the confines of the hotel, inn, condo-hotel or cruise ship. Commercial establishments that operate within the duty-free zones of ports and airports of the Puerto Rico Ports Authority are also exempt, provided that the sale of alcoholic beverages is for delivery to the buyer after he has boarded the airplane or ship. Likewise, the provisions of this Act shall not apply to tourist interest zones as defined by the Planning Board.”

Section 2.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 56-2016 (Senate Substitute for H. B. 1796)** of the **7<sup>th</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to amend Section 12.021 of Act No. 78-2011, as amended, known as the “Commonwealth of Puerto Rico Election Code,” in order to limit the effect of the so-called “Dry Law” to the period comprised between eight o’clock in the morning and three o’clock in the afternoon on the general election day; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 15<sup>th</sup> day of September, 2016.

Juan Luis Martínez Martínez  
Director



MARÍA DEL MAR ORTIZ-RIVERA, ESQ.  
DIRECTOR

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 78 (House Substitute for H. B. 1863) (Conference)** of the 5<sup>th</sup> Session of the 16<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to authorize, provide, and regulate all matters related to the election system in Puerto Rico; to adopt the Puerto Rico Election Code for the 21<sup>st</sup> Century; to repeal Act No. 4 of December 20, 1977, as amended, known as the "Puerto Rico Electoral Act," in its entirety; to establish the State Election Commission and the officials thereof, and to define its main offices and their functions; to provide for the implementation of an electronic voting and/or canvassing system, as well as safeguards for voters; to establish provisions regarding compliance and harmonization with the applicable State and Federal laws and case law; to define election-related crimes and impose penalties for violations of this Act; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 30<sup>th</sup> day of May, 2012.

  
María del Mar Ortiz Rivera



MARÍA DEL MAR ORTIZ-RIVERA, ESQ.  
DIRECTOR

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 230-2011 (H. B. 3488) (Conference) of the 6<sup>th</sup> Session of the 16<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Sections 2.003, 3.002, 3.004, 3.008, 3.009, 4.005, 5.002, 5.007, 5.009, 6.002, 6.004, 6.007, 6.014, 7.001, 8.001, and 8.011; amend Section 8.012 and divide it into subsections; and amend Sections 9.014, 9.021, 9.027, 9.031, 9.039, 9.040, 9.041, 10.012, 12.001, 12.004, and 13.004 and add a new Section 12.024, renumber current Section 12.024 as 12.025 and current Section 12.025 as 12.026 of Act No. 78-2011, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," etc.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 30<sup>th</sup> day of April, 2012.

  
María del Mar Ortiz Rivera



Office of Legislative Services  
LEGISLATIVE ASSEMBLY OF PUERTO RICO

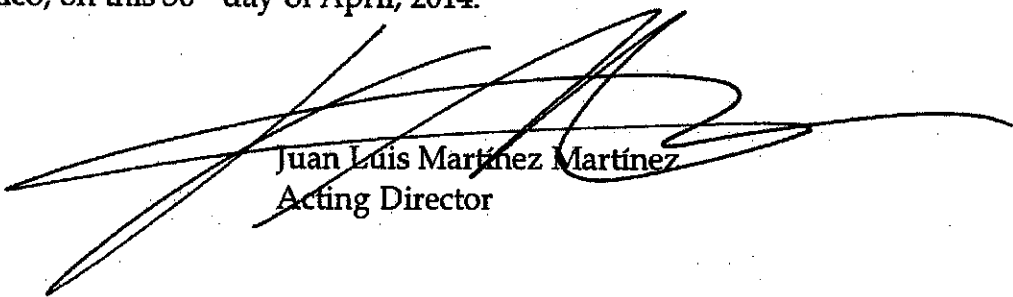
**CERTIFICATION**

I hereby certify to the Secretary of State that the following **Act No. 5-2012 (H. B. 3671)**  
**(Conference)** of the **2<sup>nd</sup> Special Session** of the **16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend paragraph two (2) of subsection (b) of Section 8.001 of Act No. 78-2011, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," in order to provide that aspirants for Governor, Resident Commissioner, State Legislators, and Mayors shall be required to submit a certified copy of their income tax returns, with their corresponding attachments, filed within the last ten (10) years to the Commonwealth Election Commission.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 30<sup>th</sup> day of April, 2014.

  
Juan Luis Martínez Martínez  
Acting Director



## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 239-2014 (S. B. 1254) (Conference) of the 4<sup>th</sup> Regular Session of the 17<sup>th</sup> Legislative Assembly of Puerto Rico:

**AN ACT** to amend Sections 1.001, 2.001, 2.002, 2.003, 3.001, 3.002, 3.004, 3.006, 3.007, 3.008, 3.009, 3.010, 3.014, 3.015, 4.005, 5.002, 5.003, 5.006, 5.007, 6.004, 6.006, 6.007, 6.013, 6.016, 6.017, 7.001, 7.005, 7.006, 8.001, 8.004, 8.009, 8.011, 8.012, 8.014, 8.018, 8.027, 9.006, 9.011, 9.013, 9.014, 9.027, 9.031, 9.034, 9.039, 10.005, 10.013, 11.009, 12.001, 12.010, 12.018, and 12.020; add a new Section 8.014 to Act No. 78-2011, as amended, known as the "Puerto Rico Election Code for the 21<sup>st</sup> Century," in order to change the name thereof, address matters relating to the General Canvass of the Primaries of Political Parties, appointment of Commission's Leadership Registration of New Voters, etc.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 6<sup>th</sup> day of February, 2017.

  
Roger J. Iglesias Sepúlveda, Esq.  
Director



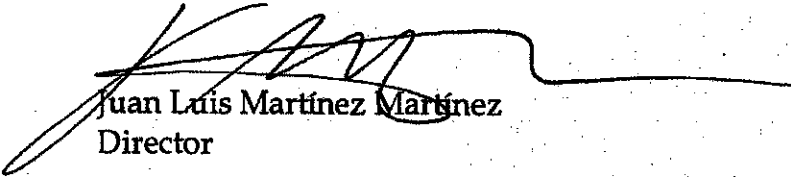
## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 56-2016 (Senate Substitute for H. B. 1796)** of the 7<sup>th</sup> Regular Session of the 17<sup>th</sup> Legislative Assembly of Puerto Rico:

**AN ACT** to amend Section 12.021 of Act No. 78-2011, as amended, known as the "Commonwealth of Puerto Rico Election Code," in order to limit the effect of the so-called "Dry Law" to the period comprised between eight o'clock in the morning and three o'clock in the afternoon on the general election day; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 15<sup>th</sup> day of September, 2016.

  
Juan Luis Martínez Martínez  
Director