

Section B

U.S. ELECTION ASSISTANCE COMMISSION



In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks legal standing but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.

There is no limit to the length of your response.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

Voting over the limit of candidates in which the voter has the right to vote for a candidacy.

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

Not voting for one of the candidates in which the voters have the right to vote for one or more candidacy.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

Shall mean an unmarked ballot that has been deposited in the ballot, box by a voter.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

- **Shall mean that ballot on which the vote has been cast, but that after the election, the Commonwealth Elections Commission determines that the same should not be canvassed or consigned for the effects of the results of said elections.**
- **Shall mean too, a ballot spoiled by a voter and for which a second ballot is given to him. This term shall also include the surplus ballots which are spoiled by the poll workers after the polling place is closed by drawing a single line across the same, from one edge to the other under the insignias of the parties.**

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

Shall means the ballots that are given to the voters that did not appear in the official voting registry list on the Election Day and claims their right to vote. Voters name and demographic information is included by

the poll workers in a special list where the person has to sign. The ballots are deposited in a special envelope where the precinct is identified and includes an affidavit signed under oath by the poll worker and the voter. These votes are not counted until the CEE investigates if the person had the right to vote and hasn't vote for the same election.

Shall also means the ballots of a voter that are "Challenged" the day of the election by a poll worker or another voter subjected to the challenge procedure provided by the law (Art. 5.031 or Section 3234).

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

Shall mean eligible voters included in the categories established in Article 5.035 of the Puerto Rico Electoral Law or any Federal Law that applies to Puerto Rico with the rights to vote with the mechanism.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

Puerto Rico's Electoral Law do not defines or provides the concept of early voting but in practice and by regulations the CEE administrates some absentee votes by a procedure similar to early voting process.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

Shall mean any person who has met the registration and electoral identification card requirements according to the Puerto Rico Electoral Law and is included in the voting rolls for an election.

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

Shall mean any person who has met the registration and electoral identification card requirements according to the Puerto Rico Electoral Law but has not voted in the last General Elections and has not reactive its record at the local board (JIP) before the next election.

[End definition (i) above this line.]

j. Other terms (please specify)

[Identify each TERM and definition separately and begin below this line.]

All these terms and others are defined in Art.1.003 or Section 3003 of the Puerto Rico Electoral Law.

Adjudicated ballot-Shall mean the ballot on which the elector has cast his vote and is accepted as valid by the Poll Board.

Straight ballot-Shall mean the ballot on which the voter casts his/her vote for the entire slate of a single political party, by voting for the insignia of said party, on the ballot on which the candidates for Governor and Resident Commissioner appear.

Split ballot-Shall mean the ballot on which the voter votes for any combination of candidates, whether they are from the same party or not or are independent candidates, by marking individually on the election ballot or in combination with a mark under the insignia of a party, or by writing in names that do not appear on the ballot.

Unadjudicated ballot-Shall mean the ballot on which the poll inspectors have been unable to agree as to its adjudication, thus leaving the adjudication to the Commonwealth Elections Commission as established hereunder.

Protested ballot-Shall mean the ballot from which the insignia of any party has been ripped off, or on which a name has been written other than in the column for write-in candidates, or one 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.

Challenge or Exclusion-Shall mean the procedure through which it is required that an elector be eliminated from the General Registry of Electors or whose petition for registration or transfer has been contested during the registration process. "Challenge" shall also mean the procedure through which the vote of an elector is objected to in an election, when the under the provisions of this chapter there are proper grounds to believe that a person who appears to cast his vote is doing so illegally.

General Registry of Electors-Shall mean the record prepared by the Commonwealth Elections Commission of the total electors, which have registered in the Commonwealth of Puerto Rico for electoral purposes. Said record shall consist of the petitions for registration, electoral identification cards and mechanical or electronic recording, micrograph, microfilm or another form of compiling the data contained in those petitions.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. By "significant," we do not mean routine or technical changes (such as changes to election

district boundaries or polling place changes). However, we would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

[Begin response to above question (A2) below this line.]

Since 2004 the CEE adopted by Resolution the voting at the hospitals and at the voter's residence of those eligible voters that are bed ridden as alternative voting methods. In 2008 the CEE adopted the Vote by Phone as an alternative voting method for the handicapped voters specially those blind. This alternative was provided at a polling place in one voting center of each of the 110 Precincts.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

[Begin response to above question (B1) below this line.]

Since September, 2006 the CEE change from a main frame system to a hybrid system based in a platform of servers in a combination of centralized and distributed database of the statewide voter registration list.

This allow us to maintain an updated centralized voter register but the Local Commissions (JIP) can make transactions off line in cases of any problems with the communications connections system with the central office of the CEE.

[End response to above question (B1) above this line.]

If your state has a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

[Begin response to above clarification question to B1 below this line.]

The local jurisdictions, identified as Boards of Permanent Registration (JIP) are connected online to the Central Office so they transmit registration information to the state list immediately (online) except when there is a communications problem. In these cases the information is replicated as soon as possible to the central site and then replicated to all the local offices (JIP).

There is one Electoral Local Commission (LC) on each of the 110 Electoral Precincts and they count with 103 teams of inscriptions officials in 92 Local Offices (JIP) across the island,. Each team is composed with representatives of each one of the parties registered according to the Law to attend the voters of the electoral jurisdiction assigned.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

[Begin response to above question (B2) below this line.]

After each General Election (every four years) the voters that did not vote are classified as inactive voters. They have to go back in person to their local JIP to reactive their electoral records.

The UOCAVA voters are maintaining as active for two consecutive federal elections. In these cases we sent a letter to the voter before the next federal election to confirm the status of the voter that request ballot by the UOCAVA law.

It is important to remember that in Puerto Rico the only federal elections that are celebrated is during the General Elections every four years to select the Resident Commissioner at Washington. Even though we don't have the right to vote for the U.S. Presidential Candidates at the General Elections we can have Presidential Primaries to select delegates of the Republicans and Democratic national parties for the nomination convention and these are considered federal elections.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

[Begin response to above question (B3) below this line.]

The process to remove voters from the voter registration rolls is calling the Exclusion Process. This process is established by the Art.2.022, (Section 3073) of the Puerto Rico Electoral Law and the Regulations approved by the CEE. The process is accomplished at the Local Commissions (LC) during the second meeting of each month with the review of the electoral transactions that voters made during the preceding month. There is a general process to review the registration rolls during a period of four months (January 15 to May 15) of the General Elections year. These review and exclusion process is open to all voters active in the registration rolls (Section 3073A).

This process required that a written challenge be present at the local office (JIP) of the Local Commissions (LC) by a voter registered at the local jurisdiction or by a representative of a party register to be present in the ballot in that jurisdiction. The President of the LC authorized the citation of the voter. If the challenger present evidences that the voter cannot be localize, then the President of the LC can authorized the citation by Press Edict. In this press edict the voter is request to be present at the JIP for a meeting with the LC in a specific date. Even that the voter don't respond to the invitation the challenger has to present the evidence of his allegations to remove the voter from the voter registration rolls. After that the LC decide by unanimous decision or by the decision of the President if the voter is removed or not. If the decision is to remove the voter a register mail notification have to be send to the last address of the voter and a press notification has to be publish before the last day that the voters has to reactive or actualized their records to avoid be finally removed from the registration rolls.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

[Begin response to above question (B4) below this line.]

Since 2007, the Department of Transportation and Public Works of Puerto Rico (DTOP) give the CEE copy of the driver licenses file with the name, date of birth and addresses of the individuals and send a monthly update of this file that is shared with all our local offices (JIP) so that they can verify the information provided by the new voters.

We don't share or link our database with any state or federal agency.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?

[Begin response to above question (B5) below this line.]

N/A

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

[Begin response to above question (B6) below this line.]

The felons convicted in Puerto Rico have the right to vote since 1980 by a Court decision that was made part of the Electoral Law in the reform of 1983. The CEE moves JIPs officials to the jails prior to any general elections or other special elections to register voters and collect absentee ballot requests. The voters in jails vote as absentee voters in person at the jail by an early voting procedure between 48 to 72 hours before the official day of the elections.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

[Begin response to above question (B7) below this line.]

In general, Puerto Rico does not use the Internet for voters' registration. Only UOCAVA voters are allowed to register by Internet. But the original form signed

has to be sent and received at the CEE office at least with a ballot to be finally accepted and counted. For 2008 General Elections the CEE provide a link between the CEE website and the Voter Registration and Ballot Delivery tool of the Federal Voting Assistance Program to residents cover by the UOCAVA but only to registered and request of the absentee ballots.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

- a. Are the votes counted centrally or at the precincts?

[Begin response to above question (a) below this line.]

Votes are counted at the precincts the day of the Election (Art. 6.001 or section 3261) and verified during the general canvass (Art.6.008 or Section 3268).

We used an hybrid system, the early voting at the local commission of regular voters (not in jail) and resident voting are casted at the precinct in one of the electoral unit previously established by the local commission. The early voting of the persons in jail is casted centralized at the CEE with the absentee ballots (of regular voters and UOCAVA).

[End response to above question (a) above this line.]

- b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

[Begin response to above question (b) below this line.]

The provisional ballots of the regular voters and provisional ballots of the voters in jails are collected at the central office of the CEE for the investigation process required to determine which ones are eligible voters and then the valid ballots are casted during the process of general canvass and the results are added to the preliminary results of each electoral precinct.

[End response to above question (b) above this line.]

- c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

[Begin response to above question (c) below this line.]

The absentee mail and the early votes of the persons in jail and CEE officials that vote at the central CEE are put together and reported separately for each precinct and then are added to the precinct results. They are added to the precinct results and reported in special number of electoral units identified as Units 77, 78, or 81

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

[Begin response to above question (d) below this line.]

Is a process similar to all absentee ballots. After the proper validation of the voter, the ballots are deposited in a ballot box putting it together with the regular absentee votes and early voting of the persons in jails, counted and reported as special electoral unit identified as number 77 and added to the corresponded precinct results.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

[Begin response to above question (C2) below this line.]

The Art. 5.035 (Section 3240) of the Puerto Rico Electoral Law establishes the reason required for a voter in specific categories established by the Law to have the right for absentee voting. We don't have no excuse absentee voting.

The specific categories and reasons to absentee voters are:

- a) Stationed outside of Puerto Rico in active service in the Armed Forces of the United States or the Puerto Rico National Guard.**
- b) Studying outside of Puerto Rico in an educational institution, duly accredited by a competent authority of the place where the institution is located.**
- c) Under contract, handled by the Department of Labor and Human Resources of Puerto Rico, to work in the Agricultural Employment Program outside of Puerto Rico and that are working outside of Puerto Rico on Election Day.**
- d) 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 the elector who are in any of the four previous groups, and are part of the immediate family group that lives under the same roof with the elector, provided they meet the requirements to be an elector under the provisions of this subtitle.**
- f) The crew of commercial airlines and the merchant marines who are working outside of Puerto Rico on Election Day.**
- g) The members of the Puerto Rico police, up to a maximum of two thousand five hundred (2,500) electors, and the Corps of Custody Officials of the Corrections Administration in active service, who, during the voting hours on election day, are not enjoying regular leave, sick leave or disability leave, or who find it impossible to vote in their respective polling places due to their work. The application must be accompanied by a certificate from his superior officer attesting to his being a member of such corps, and his badge number.**
- h) Those confined in penal institutions.**

- i) **The members of the Commonwealth Elections Commission, the Vice-Chairmen and Secretaries, the Alternate Commissioners, the Members of the Local Elections Commissions, their alternates, and the members of the Registration Boards, as well as the employees of the Commonwealth Elections Commission assigned to essential duties on the day of the General Election, up to a maximum of one hundred (100) regular employees, and the employees of the Commission assigned to the Electoral Commissioner's Offices.**

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

[Begin response to above question (C3) below this line.]

The Puerto Rico Electoral Law do not specify the process of early voting but by practice and regulations the CEE provides early voting for: members of the CEE and Local Commissioners, JIPs, State and Municipal policemen, firemen and other categories of people that are required to work the day of the elections in the administration of the election process. The voting in the jail persons, hospitals and residential voting are some part of early voting.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

[Begin response to above question (C4) below this line.]

N/A

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

[Begin response to above question (C5) below this line.]

In each polling center is established special polling place (colegio) to attend any voter that according to the Supreme Court decision of 1984 do not appear in the official voting rolls but requested his right to vote the day of the elections.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

[Begin response to above question (C6) below this line.]

After the investigation process if the decision that the voter is an eligible voter but that but that the vote out of its electoral jurisdiction the ballots will be cast only for

the race that correspond with the jurisdiction of his official record. Example: Governor, Resident Commissioner (Federal Race) and the legislature candidacy if apply.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

[Begin response to above question (C7) below this line.]

The Art. 6.008 (Section 3268) establishes that a General Canvass has to be done before the final results are certificated. If the difference between any two candidates for the same position is 100 votes or less or ½ of 1% a recount is mandatory if requested by the candidate before the certification of the official results (Art. 6.011 or Section 3271).

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

[Begin response to above question (C8) below this line.]

Art. 5.021 or Section 3224 of Puerto Rico Electoral Law established that it shall be the duty of the Local Electoral Commissions of each precinct to summon all the official and substitute polling place inspectors who are to serve at the election in their precinct.

The CEE provides all the materials, videos and training for the parties' poll worker trainers. By regulations, the CEE delegated to the parties are the training of all poll workers that will represents then in the polling centers and polling places.

The CEE makes special trainers for poll workers assigned to special units or alternative voting systems as for example: vote by phone, at hospitals, at voter residents and of persons in jails.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

[Begin response to above question (D1) below this line.]

During Election Day and during the General Canvass the "over-vote" is captured and classified in a statistics under the concept of: "*mal votados*", but they are not part of the final official public statistics.

Only the ballots that are deposited in blank are classified under the concept of: "papeleta en blanco" or blank ballot, but it's not captured the specific information of the under vote related to the different individual candidates.

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

- a. registering to vote;

[Begin response to above question (a) below this line.]

(Art. 2.007, Section 3057) If the person was born in Puerto Rico won't need anything except any person who submits his registration application within the sixty (60) days prior to the closing of the Electoral Registry must present a certified copy of his birth certificate. (30 days before General Elections day). Every applicant who is a naturalized citizen of the United States shall present a certificate attesting to the fact of his naturalization, or a duly certified passport of the United States of America in effect at the time of nor processed. In case the applicant was born in a foreign country but is an American citizen, he shall present at the time of his registration a certificate from the Department of State of the United States verifying such facts, or a passport of the United States of America duly certified copy of his birth certificate, a passport or other official document attesting unequivocally to the date and place of his birth.

[End response to above question (a) above this line.]

- b. casting an in-person ballot;

[Begin response to above question (b) below this line.]

Everybody has to present its Puerto Rico Electoral Identification Card.

[End response to above question (b) above this line.]

- c. casting a mail-in or absentee vote;

[Begin response to above question (c) below this line.]

Verification of the demographic data and signature of the voter against the CEE records. In case of first time absentee voter has to submit an identification card with photo.

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

[Begin response to above question (d) below this line.]

Send a request by mail, fax or Internet indicating the last address in Puerto Rico. If is the first time, the voter has to send a copy of an identification card or photo ID for his record.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

[Begin response to above question (e) below this line.]

If is a registered voter, the identity is verified against the photo and signature in the CEE records if any other additional electoral transactions is requested by the voter.

If is not a registered voter apply the requirements indicated in Section D2.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

[Begin response to above question (D3) below this line.]

Puerto Rico Electoral Law do not allow for observers at the polling place, but by regulations or resolutions it has been permitted as observers international guests at the jails, hospitals and residence voting and representatives of organizations as Civil Rights Commission, Lawyers Bar Association, friends and family associations of persons in jail (felons convicted).

It is important to point out that in Puerto Rico all poll workers are volunteers in representation of the political parties present in the ballots. Each one has the right to has no more than 3 representatives in each polling place, two in the polling center and two in the Local Commission, besides the representative in the JIP.

The independent candidates or local parties registered for the election have the same right of representation at the polling centers and polling places in their precincts.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

[Begin response to above question (E1) below this line.]

The Puerto Rico administrative complaint procedures was approved in February 21st, 1989 and revised in 2004 after Law of HAVA was approved. The procedures are available at the CEE web page: www.ceepur.org

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

[Begin response to above question (E2) below this line.]

The references to Sections of the Puerto Rico Electoral Law can be find at the compilation of: LAWS OF PUERTO RICO , Annotated, Title 16 and 17; Sections 3004 to 3383.

The Comisión Estatal de Elecciones de Puerto Rico (the Commonwealth Elections Commission or “the Commission”) (CEE) is an independent, body constituted by a representative of each political party and responsible for all aspects of election administration in Puerto Rico. The current four commissioners are appointed by their respective political parties. If another political party were to meet the criteria to become a recognized party, a commissioner would be added to represent that party.

The commissioners unanimously appoint a president for a four-year term. Subject to the unanimous consent of the other two parties' commissioners, each of the principals parties appoints a vice president to serve a four-year-term.

Although all responsibility for elections resides with the Commission, a local commission carries out election administration duties at the local level. There are 110 local commissions serving 110 precincts with approximately 330 part-time local commissioners and 110 judges serving part-time as presidents of local commissions. Local commissions review polling place procedures and handle local problems.

While the local commissions have primary responsibility, a *Junta de Inscripción Permanente* (JIP or “registration board”) provides secretariat functions to these commissions, namely: (1) administering voter registration; (2) issuing voter identification; (3) assign voters to polling places; (4) transaction reports; and (5) submit monthly all transactions to local commission for approval. The Commonwealth Commission employs a staff of approximately 1000 people; of those, approximately 412 staff the offices of JIPs.

There is one General Election to elect all levels of public office and it is held every four years. In Puerto Rico Election Day is a holiday and it occurs on the first Tuesday after the first Monday in November of the same year the President of the United States is elected.

Across Puerto Rico all polling places are open from 8:00 a.m. to 3:00 p.m. Voter turnout traditionally ranges between 80 percent and 90 percent. Primaries for the general election are held in November of the prior year. Parties may also nominate candidates within party assemblies before the primaries. Special elections may be held if a vacancy occurs; in the last two years there have been five special elections. The Commission also conducts special elections for referenda, plebiscites and primaries.

All voters in Puerto Rico cast paper ballots. On Election Day, Puerto Rico voters vote three separate paper ballots. On the first ballot, identical across Puerto Rico, Puerto Rican's elect their Governor and Resident Commissioner (Puerto Rico's representative to Congress). Using a separate ballot, voters elect the entire Puerto Rican legislature (51 members of the House of Representatives, including 11 at-large, and 27 members of the Senate, including 11 at-large).

There are eight senate districts and forty legislative districts in Puerto Rico. Each of the representative districts may include from one to six precincts. Each of the senate districts may include six to eighteen precincts. There are 110 precincts in Puerto Rico, but these precincts are not equivalent to precincts as the term is traditionally used in the United States and within HAVA. Within these precincts there are currently 1562 election units. These election units are equivalent to precincts as the term is conventionally used, as each election unit is one physical polling place location.

Since 1988 Puerto Rico has provided blind voters with a template that allows the blind to vote independently and in secret. In 1991, the template was modified to include Braille. Most polling places are totally accessible, and the Commission will survey before each election year all polling places and determine what other improvements needs to be done to make at least one polling place (colleges) totally accessible.

Each election unit or polling place, typically a school or government building, will usually house between two to twelve *colegios* or colleges. The size of each college varies according to the type of election; in a general election no more than 500 voters will be assigned to each college. Voters are alphabetically assigned to colleges with one exception: within each election unit (or voting center) there is always one college or polling place for all provisional voters. The size of the provisional voting college cannot be determined in advance as it depends on the number of provisional voters.

All colleges, except the provisional ballot college, will have a minimum of nine poll workers: three inspectors, three auxiliary inspectors and three secretaries. The chairman of the college is the inspector who represents the Governor's party. Inspectors give the ballots and instructions to the voters. Special inspectors examine voter's fingers when they arrive to ensure the voter has not already voted. Secretaries are in charge of the list. The provisional ballot college will only have two party workers for each party.

After the poll close, each college will resolve any challenged votes and tally its votes. Only if there is unanimous consent in a challenge situation is the vote counted by the college. All colleges' votes at the election nit are then tallied together. The election unit's preliminary results are posted and then transmitted to the local election office where the election unit results are entered into the computer system and faxed to the Commonwealth Commission office. The Commission is responsible for issuing a preliminary certification of all results on Election Night. All materials, including all ballots, are then transmitted to the Commission the night of the election where they are securely held until the official general count (or canvass) of all the results.

The official count typically takes a couple of weeks to complete, and is conducted under the Commission's auspices in San Juan. A team of party representatives and representatives of the Commission work to resolve challenges determine the voter's intent on ballots where local polling place officials were unable to reach an unanimous decision, and determine the eligibility of voters who cast provisional ballots. If this team fails to reach unanimous agreement on how to treat a ballot, the ballot next goes to the Commission for a decision. If there is no unanimous decision by the Commission, the President decides.

The Commonwealth Commission is one of a handful of state election authorities that run centralized elections. While Puerto Rico law clearly delineates the responsibilities of the Commission, the local commissions and the local registration boards, the Commission, located in San Juan, has ultimate authority over the registration process- the Commission administers the registration database, for example – and over the counting of the ballots. As a consequence of this centralized system, some of the provisions in HAVA intended to shift responsibility and authority from the localities to the state election authority do not apply.

In addition, Puerto Rico is exempt from the requirements of the National Voter Registration Act (NVRA). Specifically, Puerto Rico does not allow mail-in registration and no government agencies other than local registration boards may process voter registrations. According, certain provisions of HAVA intended to improve functions required under the NVRA do not apply in Puerto Rico.

As noted above, Puerto Rico is exempt from the National Voter Registration Act and, therefore, exempt from those provisions of 303 that require a state to use list-cleaning procedures prescribes by NVRA in administering the computerized list, including 303(a)(2) and 303(a)(4). The U.S. Department of Justice has confirmed

this exemption in a letter to the Secretary of State of Alabama on March 17, 2003. That being said, the Commission coordinates its list with the Civil Registry Records, which includes death records. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions.

Under this same exemption, Puerto Rico does not permit voters to register by mail except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Since Puerto Rico does not otherwise allow voters to register by mail, 303(b) of HAVA, which requires mail-in registrants voting for the first time to provide identification, does not apply to Puerto Rico.

In addition to these provisions, the provision required in the State Plan under 254(a)(2) also does not apply. This provision requires the State to describe how it will distribute and monitor funds to units of local government. Although there are local election offices – the local registration boards- these are not separate local government entities as named in this provision but rather field offices. The Commonwealth Commission will be the sole agency authorized to expend federal funds received under HAVA.

[End response to above question (E2) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 3/31/09). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.