

## U.S. ELECTION ASSISTANCE COMMISSION



### *2010 Election Administration & Voting Survey*

#### **Puerto Rico**

## *Statutory Overview*

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 EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands 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). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

  X   No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

  X   Changed Since 2008

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 statutory reference 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, or executive decision, please specify.

Please keep 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

  X   No Change Since 2008          Changed Since 2008

2008 Response:

[Begin definition (a) below this line.]

The Puerto Rico Electoral Law currently does not define “**overvote**.”

An “**overvote**” shall mean when the voter has made more than the maximum number of allowable selections for any contest.

~~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

  X   No Change Since 2008          Changed Since 2008

2008 Response:

[Begin definition (b) below this line.]

The Puerto Rico Electoral Law currently does not define “**undervote**.”

An “**undervote**” shall mean when the voter has made no selections or fewer than the allowable number of selections.

~~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

  X   No Change Since 2008          Changed Since 2008

2008 Response:

[Begin definition (c) below this line.]

**“Blank ballot-** shall mean an unmarked ballot that has been deposited in the ballot box by a voter.” (16 P.R. Laws Ann. § 3003 (30) (2004)).

~~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**

  X   No Change Since 2008          Changed Since 2008

**2008 Response:**

[Begin definition (d) below this line.]

- **“Void Ballot-** 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.” (16 P.R. Laws Ann. § 3003 (35) (2004)).
- 
- **“Spoiled Ballot-** Shall mean a ballot spoiled by a voter and for which a second ballot is given. 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.” (16 P.R. Laws Ann. § 3003 (32) (2004)).
- ~~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**

  X   No Change Since 2008          Changed Since 2008

**2008 Response:**

[Begin definition (e) below this line.]

The Puerto Rico Electoral Law currently does not define “**Provisional Ballot.**” In 1988 the Puerto Rico Supreme Court ordered that the Puerto Rico Elections Commission had to allow “**Provisional Ballots**” and establish the proper rules and regulations to guide the process (*PNP et al. v. CEE, 122 DPR 490* (1988)).

In the Puerto Rico electoral process, “**Provisional Ballots**” are provided for voters who show up at a polling place but whose names are not on the voter registration list. These voters are directed to a special college within the election unit. They are issued a regular ballot that is set aside in a special envelope and counted only if the voter is found to be eligible. The voter’s name is manually added to the voter registration list. Each polling place has multiple colleges, this special college is somewhat like an absentee ballot precinct, which has no voters regularly assigned, but on Election Day has votes assigned to it for reporting purposes.

As a matter of practice, the polling place official first attempts to determine why the voter’s name is not on the list. An official at the polling place checks the precinct or municipality register to discover if the voter is on the list, but not in the correct polling place or precinct. If the name is not on the precinct list, the voter is permitted to go to the local registration board (called “*JIP*” from its Spanish acronym) to determine if his/her name is on the official statewide list and the proper polling place where he/she is registered. Alternatively, the voter is permitted to vote by this special procedure at that polling place.

If the voter votes a provisional ballot, but is not in his own proper polling place, the provisional ballot is counted to the extent the voter is eligible to vote in the ballot. For example, all provisional votes for the statewide ballot, such as votes for Governor and Resident Commissioner, will be counted, so long as the voter is registered in Puerto Rico.

If the voter is registered and votes within his legislative district, even if not at his polling place, his vote for legislative representative will also be counted. His vote for municipal office would only be counted if he is registered within the municipality. All these decisions are made prior to opening the envelope to preserve the secrecy.

In order to receive a ballot in this special college, the voter must sign an affidavit on the special envelope swearing that he or she is a registered voter in the jurisdiction and eligible to vote and receives a second envelope to deposit

his ballot. The voter is given information about the process, including the how to confirm whether or not the vote was counted.

The Puerto Rico Electoral Law defines “Challenged ballot” as:

“Challenged ballot” Shall mean the ballot enclosed in the special challenged ballot envelope and which has been subject to the challenge procedure provided for in this subtitle. (16 P.R. Laws Ann. § 3003(37) (2004)).

“Challenge of voter” shall mean:

“Any elector or inspector who has solid grounds to believe that a voter who has come to vote is doing so illegally, because he is not the person he says he is, has voted in another polling place, is registered in more than one polling place, has an order of exclusion against him, the adjudication of his right to vote in that precinct is pending, he is not a citizen of the United States of America, and has not attained the age required to vote, may challenge his vote for the reason that made it illegal, pursuant to the provisions of this subtitle, but such challenge shall not prevent the elector from casting his vote. In the case of a challenge due to his age, it shall be the duty of the challenger to bring and hand to the Polling Place Board a birth certificate or a negative certificate which indicates that said elector is not of voting age

In the case of a challenge for lack of citizenship, it shall be necessary for the challenger to bring and give to the Polling Place Board a certificate from the competent authority which indicates that the challenged person is not a citizen of the United States of America.

The ballots of all voters whose vote is challenged, together with the documents that sustain the challenge, shall be enclosed in a special challenged ballot envelope, which shall be printed and shall have spaces to fill in the name of the challenged voter, his/her voter registration card number, the reason for such a challenge, the signature of the challenger and his/her name in print. If the challenged voter refuses his/her being challenged, he/she shall do so by signing under oath on the space provided therefore on the envelope; but if he/she does not refuse, his/her vote shall not be counted nor shall it be adjudicated. The voter shall be given notice of the existence of the challenge and his/her right to respond to it, and he/she shall be admonished that if he/she does not respond to it, his/her vote shall be rendered null and void. To that effect, the voter shall be read the following: "You are entitled to respond to this challenge. If you do not refuse by countervailing it, your vote shall not be counted and rendered null and void."

The Commission shall send to each polling place an enlarged model of the special challenged ballot envelope to orient the board of the polling place on how to fill out a challenge, and the amount of envelopes needed to protect the privacy of the vote of the challenged voter.” (16 P.R. Laws Ann. § 3234 (2004).)

~~Shall means the ballots that are given to the voters that did not appeared 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**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (f) below this line.]

The Puerto Rico Electoral Law defines "Absentee Ballot" as:

**"Absentee vote" shall mean:**

"Any elector entitled to vote as an absentee voter in a specific election, as established in § 3240 of this title, who is unable to be in his/her polling place on the date the same is held, shall cast his/her vote according to the following procedure:

It shall be understood that every petitioner of an absentee vote whose application is accepted has cast his vote, and it shall thus be notified to his 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 those provided by federal law, shall be the only ones authorized to be used. For the purpose of the administration of this program, an Administrative Board for the Absentee Vote shall be created, composed of a person designated by the Chairman of the Commission, and a representative of each Election Commissioner, as an administrative matter, and subject to review by the Commonwealth Election Commission. By means of a receipt, the Administrative Board for the Absentee Vote shall notify the petitioner of the number assigned to his application and the date on which it was received.

No less than sixty (60) days prior to the date of the election, the elector shall apply to the Commission in writing and under oath for an "Absentee Voter's Ballot", setting forth in the application the following information:

(a) Elector's name and paternal and maternal surnames

(b) Father's and mother's names

(c) Sex

(d) Date of birth

(e) Electoral number

(f) Exact address of his domicile in Puerto Rico

(g) Address of the place where he can be found at the time

(h) Post office address to which the ballot should be mailed

(i) Reason why he is unable to go to the polling place on election day.

Upon receiving said application, the Commission shall ascertain if the applicant is an elector entitled to vote in said election and, if so, shall promptly deliver to the Commission, or send by certified mail to the petitioner at the address consigned in the application to such [effect], three electoral ballots, a small envelope with a form for the identification of the precinct, and another preaddressed envelope with the number of the approved application for the return of said material by mail. The Commission shall keep a special register with the date all of these documents are mailed and received. A continuing inventory of all the absentee voting process shall be kept and a daily report shall be sent to the Commission.

For the vote of the members of the Police, of the officials of the Commonwealth Election Commission and the local election commissions, of the custody officials of the Corrections Administration and of the members of the Firefighter Corps, the Commission shall send to the local commissions the envelopes of the applicants corresponding to a precinct so that they may receive their voting materials in person and vote before the local commission during the hours fixed by regulations according to the provisions of this subtitle.

The electors entitled to an absentee vote because they are outside of Puerto Rico, pursuant to the provision of this subtitle, shall appear before any officer of the Armed Forces of the United States or the Puerto Rico National Guard authorized to take oaths, or before an official of the Registrar's Office of the school he/she is attending, or before a notary or an official authorized to take oaths in the place he/she is living, if in any jurisdiction of the United States, or in the United States embassy or consulate, if in a foreign country, and after said officer expressly certifies in the space provided on the back of the large envelope, that the same have not been previously marked, the elector shall then proceed to mark his/her ballot secretly. He/she shall then fold his/her ballots, and shall deposit them in the smallest envelope, and shall seal it. He/she shall place the small envelope into the larger one which is preaddressed to the Commission, and shall mail it immediately to said entity, after giving his/her oath as to his/her [identity], which shall appear on the outside of the envelope. The notary or official authorized to administer the oath shall attest that the elector has identified him/herself in accordance to the provisions of the regulations for absentee voting in the Commonwealth Election Commission, and that he/she has marked his/her ballot secretly. The absentee voters who are studying outside of Puerto Rico shall have to swear to their [identity] before an official of the Registrar's



Office of the school they are enrolled in, who shall also certify that they are full-time students thereof and that they have marked their ballot secretly. The electors who are members of the armed forces, and their immediate dependents, or those who are under contract to work outside of Puerto Rico, and their immediate dependents, or those that are studying outside of Puerto Rico, and their immediate dependents, shall vote in accordance with the regulations adopted by the Commonwealth Election Commission to such effects, in order to exercise their right to an absentee vote outside of Puerto Rico.

The members of the Commission, its officials and employees entitled to an absentee vote shall exercise the right before the Local Commission of their respective precincts.

Only those votes received by the Commission no later than the closing of the polling places on the election day in question, or those that are cast before the Local Elections Commission, can be considered validly cast, pursuant to the provisions of this section.

The Commission is hereby authorized to adopt, through regulations, those measures that it deems necessary to guarantee the federal rights of the electors covered by the provisions of the laws of the United States of America on absentee votes, and regarding the mechanisms to exercise the same.” (16 P.R. Laws Ann. § 3238 (2004))

#### **“Persons entitled to the absentee vote”**

The duly qualified electors who are entitled to vote through the absentee voting procedure in their polling places are those who 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 a 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, for up to a maximum of two thousand five hundred (2,500) electors and the Corps of Custody Officials of the Corrections Administration and the Firefighters Corps of Puerto Rico 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 their superior officer attesting to their being members of the corresponding Corps and by their 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.

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 Puerto Rican military personnel outside of our jurisdiction, which it shall submit to the political parties. (P.R. Laws Ann. Tit. 16 § 3240 (2004))

Shall also include any other definition from any Federal Law that applies to Puerto Rico. For example, voters for the Federal election of the Resident Commissioner to Congress (Puerto Rico's sole representative) shall apply to the Elections Commission in writing and under oath for an "Absentee Voter's Ballot" 30 days prior to the date of the election.

~~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**

  X   No Change Since 2008           Changed Since 2008

2008 Response:

[Begin definition (g) below this line.]

The Puerto Rico Electoral Law does not define the concept of “early voting.” The Rule 32 of the 2008 CEE General Elections and Canvass Rules discusses the absentee vote and early vote process (2008 CEE General Elections and Canvass Rules, July 7<sup>th</sup>, 2008). It refers to the CEE Absentee Vote Rules and Regulations.

The administration of the “absentee vote” described subsections g., h. and i. of “Persons entitled to absentee vote” in practice are treated similar to an “early voting” process.

**“Persons entitled to the absentee vote”**

The duly qualified electors who are entitled to vote through the absentee voting procedure in their polling places are those who are:

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(g) The members of the Puerto Rico Police, for up to a maximum of two thousand five hundred (2,500) electors and the Corps of Custody Officials of the Corrections Administration and the Firefighters Corps of Puerto Rico 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 their superior officer attesting to their being members of the corresponding Corps and by their 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.

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 Puerto Rican military personnel outside of our jurisdiction, which it shall submit to the political parties. (16 P.R. Laws Ann. § 3240 (g, h, i) (2004)).

~~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**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (h) below this line.]

The Puerto Rico Electoral Law currently does not define “Active Voter.” However, it defines:

“Persons entitled to vote” as: “Every elector duly qualified as such who appears in the General Register of Electors shall be entitled to vote in the general election.” (16 P.R. Laws Ann. § 3203 (2004)).

“Elector or qualified elector”- Shall mean any person who has met the registration and electoral identification card requirements according to the provisions of this subtitle. (16 P.R. Laws Ann. Tit. § 3003 (17) (2004)).

“Active Voter” 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.

~~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**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin definition (i) below this line.]

The Puerto Rico Electoral Law currently does not define “Inactive Voter.” “Inactive Voter” shall mean any person who has met the registration and electoral identification card requirements according to the Puerto Rico Electoral Law, but did not vote in the last General Elections, and has not reactivated his/her record at the local board (JIP) before the next election.

“Inactive voters” under the Puerto Rican system do not refer to those made inactive under NVRA (Puerto Rico is exempt from the NVRA). Puerto Rico keeps in its database all prior voters who are no longer eligible, whether they

are no longer Puerto Rico residents, dead, or otherwise no longer actively registered with its correspondent codification.

~~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) \_\_\_\_\_

X  No Change Since 2008      Changed Since 2008

2008 Response:

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

The following terms and others are defined in the Puerto Rico Electoral Law, 16 P.R. Laws Ann. § 3003 (2004).

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

“(31) 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.”

“(33) 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.”

“(34) 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.”

“(36) 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.”

“(50) 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.”

“(52) 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.”

~~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. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC 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.

     No Change Since 2008        X   Changed Since 2008

**2008 Response:**

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

After English speaking voters challenged the Puerto Rico Electoral Law, the U.S. District Court of Puerto Rico found Puerto Rico in violation of the Voting Rights Act for failing to provide English language ballots (*Diffenderfer v. Gómez-Colón*, 587 F. Supp.2d 338 (DPR 2008)). As a result the state legislature passed *Law 90 of September 7, 2009* that amended the *Puerto Rico Electoral Law Articles 1.002, 2.001, 4.018, 5.010, 5.011, 7.001 and 7.009* to establish the use of both languages Spanish and English in all documents used in the process of voter registration, identification cards, information materials and voter orientation campaigns, regulations and printing of ballots.

Currently, the Puerto Rico legislature is considering an Election Law Reform Bill, *House Bill 1863 of August 12, 2009* and *Senate Bill 549 of March 25, 2009*.

Puerto Rico does not have Federal elections until 2012. The Puerto Rico State Elections Commission will observe the rest of the states' implementation of the MOVE Act during the Mid Term Elections of 2010. At this moment, Puerto Rico does not have an online tool for voter registration or for absentee ballot request, nor do we have a tracking mechanism as required by the MOVE Act. Puerto Rico will be evaluating the different experiences from other states to choose the online system with the most satisfactory results in the 2010 elections that comply with the MOVE Act and our circumstances.

~~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.~~

~~*In 2009 the Electoral Law was amended to establish the use of both languages Spanish and English in all documents used in the process of voter registration, identification cards, information materials and orientations campaigns to the voters, regulations and printing of ballots. (Ley 90, Aprobada el 7 de julio de 2009.)*~~

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

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## 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.)**

  X   No Change Since 2008             Changed Since 2008

### 2008 Response:

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

The Puerto Rico Elections Commission (CEE) maintains and administers a single database that stores the records of every legally registered voter in Puerto Rico, both active and inactive. The database was originally established on a mainframe computer and is now a hybrid system, using both a mainframe and PCs.

The computerized database includes digitized photos and signatures of all voters. All 92 CEE local offices (JIP) have online access to the complete database, which is used as the official list in every election. Authorized users can access the database online and in real time. A voter can access information regarding his or her record via a toll-free automated telephone system or via the Internet.

This allows the CEE to maintain an updated centralized voter registry. The local CEE offices and registration boards (JIP) can make transactions off line in cases of any problems with the communication connection system with the CEE central office.

~~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 uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

  X   No Change Since 2008             Changed Since 2008

## 2008 Response:

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

The CEE has a hybrid system where its local offices and registry boards (JIP) are connected online to the central office's database. Registration information is transmitted online immediately. In case there is a communications problem between the local office (JIP) and the central office, information is replicated as soon as possible to the central office and then replicated to all the local offices (JIP).

There is one Electoral Local Commission (LC) on each of the 110 Electoral Precincts. They count with 102 teams of registration officials in 92 Local registration boards (JIP) across the island. Each team is composed with representatives of each one of the political parties registered according to the Law to attend the voters of the electoral jurisdiction assigned.

The local offices have responsibility for keeping the list up-to-date –adding names, deleting names and address changes– a process described in greater detail below; changes entered into the list by a local offices can be viewed immediately by CEE officials, including those at the other local Commission offices. Lists for each polling place are printed from the official Puerto Rico-wide list. The Commission prints and distributes the lists used at each polling place.

For the purposes of tracking voters, the CEE assigns each voter a unique identifier that is a randomly generated number. Currently, the voter registration form requests the voter's driver's license number and the last four digits of the voter's Social Security Number, but does not require the Social Security number in order for the voter to register to vote.

~~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?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

The Puerto Rico Electoral Law describes how the Voter Registration lists shall be maintained:

**§ 3062. Register of electors.**

The Commission shall prepare a Register of the Puerto Rican Electors containing the registration of all the electors. Said Register shall be maintained in such a way that the information regarding the registration applications consigned therein, as well as any other pertinent information needed for the implementing of this subtitle, can be ascertained promptly and truthfully.

The data contained in the Register shall be maintained current at all times, regarding any modification of any registration.

All lists of electors who are entitled to vote in an election shall be prepared on the basis of such Register.

If an elector fails to vote in a general election, his name shall be excluded from the list of electors.

Provided, That the Commission shall maintain separately, in a safe place and under its custody, at least one true and exact reproduction of the Register of Electors, continuously performing the modifications needed to keep it current. (16 P.R. Laws Ann. § 3062 (2004))

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

The UOCAVA voters are maintained as active voters for two consecutive federal elections. In these cases the CEE sends a letter to the voter that requested a ballot under UOCAVA before the next federal election to confirm the voter’s status.

Puerto Rico only celebrates federal elections during the state General Elections every four years to select the island's Resident Commissioner to Congress (Puerto Rico's only representative to Congress). In Puerto Rico there is no right to vote for Presidential and Vice Presidential Candidates at the General Elections. However, Presidential Primaries are celebrated to select delegates of the Republicans and Democratic national parties for the parties' national convention, and these are also considered federal elections.

Puerto Rico is exempted from the requirements of the National Voter Registration Act (NVRA). The Puerto Rico Elections Commission does, however, receive: driver's license records from the state Department of Transportation and Public Works (DTOP), birth and death records from the Civil Registry, which it matches against voter records for the purpose of keeping the list current. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions

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). Such voters who register by mail are only allowed to vote in federal elections.

Puerto Rico has a designated central JAVA office (Administrative Board of Absentee Voters). This office is responsible for providing information to all UOCAVA voters, as well as all other absentee voters.

This office is the only office in Puerto Rico that accepts Federal Voting Assistance Program voter registration applications, applications for absentee ballots and absentee ballots. This office also counts all the absentee votes for Puerto Rico, whether from UOCAVA voters or any other absentee voters. On Election Day, it functions, essentially, as an absentee precinct for all of Puerto Rico.

Anyone can get a copy of the application for an absentee ballot from the Internet or any election office and send it to an eligible federal absentee voter. However, only the voter can sign the application for the ballot, or the envelope affidavit that accompanies the returned ballot. The application may be mailed or faxed back to the JAVA office. The absentee ballot must be mailed back to the JAVA with the original application.

By law, the JAVA office coordinates with the Department of Defense to get contact information for all Puerto Rican servicemen, and then contacts them with election information.

The JAVA office collects statistics on the number of absentee ballots transmitted, and those returned and counted. These are made publicly available now in a report done after the conclusion of each election.

~~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?**

X  No Change Since 2008        Changed Since 2008

**2008 Response:**

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

Puerto Rico employs a stringent list maintenance process that is open to all voters, but relies heavily on the efforts of the political parties. In Puerto Rico all voters must apply to register or change their address in person at the local election office. There is a ten-day period for challenging any such additions or changes at the local office. In addition, there is a specified period for challenging voter registrations based on residency that occurs before each general election, from January 15 to May 15. During this period, the Commission conducts a vigorous multi-media public outreach campaign to inform voters that they need to register or update their address. The local political parties conduct their own investigation and public outreach that may

include in-person inquiries to track new voters, voters new to the municipality and voters of the other parties whose status may have changed.

During this five-month period during a general election year, parties challenge names on the list based on information that the voter's residency has changed (challenges based on residency are not allowed on Election Day). Challenges are made public and voters who wish to appeal are given an opportunity to appeal the change and present evidence at a public hearing. Even if the proposed challenge is unopposed by the voter, or others on his behalf, the challenger must present evidence to the local commission and they must unanimously decide to remove the voter in order to remove the voter's name from the list. If there is not a unanimous decision on the challenge, the challenge must be decided by the President of the local commission. The President is a state Superior Court Judge assigned by the Puerto Rico Supreme Court's Chief Justice.

In addition, the Commission receives data from other agency databases and will compare that data to the voter list. If a discrepancy between the voter list and other Puerto Rico databases emerges, the Commission will notify the local election official who is responsible for verifying the voter information and resolving the discrepancy.

The process to remove voters from the voter registration rolls is called the Exclusion Process. 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.

This process is established by the Puerto Rico Electoral Law and the Regulations approved by the CEE:

**"§ 3073. Challenge procedure.**

In order to proceed to the exclusion of an elector who appears on the registration application lists, an application for the exclusion of said elector must be filed before the Chairman of the Local Election Commission, based on one or more of the following grounds:

- (a) That the elector is not a citizen of the United States of America.

(b) That the elector was not domiciled at the address indicated in his application for registration on the registration date, nor on the date of the challenge.

(c) That the elector has not attained the age of 18 years, nor would he attain it on or before the date of the following general election.

(d) That the elector has died, or is not the person he alleges to be in his registration application.

(e) That the elector has been declared judicially incompetent.

(f) That the elector is registered more than once on the voting lists.

Every application for the exclusion of an elector shall contain the following information:

(a) Name and surnames of the elector whose exclusion is sought.

(b) Elector's age as it appears on the application for registration.

(c) Elector's address as it is consigned in the application for registration.

(d) Grounds for the challenge - Said duly sworn challenge shall be filed before the Chairman of the Local Commission of the precinct to which the application belongs. The required oath may be sworn before any member of the Local Commission, a notary public, the Clerk of the Court, or an official authorized by law to take oaths in Puerto Rico.

Once the Chairman receives the duly completed challenge, he shall docket a hearing to be held within the following ten (10) days, to hear the pertinent evidence. The challenged elector, the challenger, and any other person requested by the parties shall be summoned. The Local Commissioners of the different political parties shall also be notified. The Commonwealth Commission, after a petition and justification to such effects, shall be empowered to extend the term to hold said hearings.

The validity or justification of a challenge shall be decided by the unanimous agreement of the members of the Local Commission. If there were no unanimity, the challenge shall be decided, in favor or against it, by the Chairman, this being the only occasion or circumstance in which said Chairman may intervene in a challenge.

Once it has been decided that the challenge is in order, the Chairman shall order the exclusion of the elector from the registration list or from the General Registry of Electors, as the case may be, except when the challenge is grounded on the provisions of subsection (f) of this section, in which case, registration or registrations to be excluded shall be determined by the Commission, through regulations.

The Chairman shall specify in the order of exclusion, or of nonacceptance of the registration petition, or transfer request, whether the decision was made unanimously by the Local Commission, or through the Chairman's determination in favor of or against it, and the reason for the exclusion or nonacceptance of the petition or request. The Commonwealth Commission, the Local Commissioners of the political parties, the Commonwealth Election Commissioners, the challenger and the challenged shall also be notified of his action.

The absence of the challenged elector from the hearing does not relieve the challenger from presenting his evidence.

Both the challenged elector and the challenger may appeal the determination of the Local Commission or its Chairman to the Commonwealth Commission within the following five (5) days, with the exception of the provisions for the challenges for electoral domicile.”

**“§ 3073a. Period to challenge registered electors.**

The political parties or any elector from the proper precinct may initiate any action to challenge registered electors within a four-month period comprised between January 15 and May 15 of the year in which a general election is to be held in Puerto Rico, on the same grounds set forth in § 3073 of this title.”

~~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 preceeding 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.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

Voter registration activity in Puerto Rico occurs in-person at the 92 JIPs across the island. Mail-in voter registration is prohibited except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and no government agencies other than local JIP registration boards may process voter registrations. Puerto Rico is exempt from the National Voter Registration Act (NVRA) provisions that pertain to mail-in registrations and to other agencies offering registration services. Similarly, Puerto Rico is exempt from part of HAVA § (303)(a)(2) encompassing felons and death records because convicted felons have the right to vote.

The CEE coordinates its voter registration list with Civil Registry records which include death records.

The voter registration system contains records of driver's license numbers from the Department of Transportation and Public Works (DTOP) for voters who have a driver's license. When registering, or re-registering to vote at a JIP, each registrant's information is entered into the system and verified at the JIP comparing the DTOP information. Following this process, each voter is issued a photo identification card which contains a unique number. For those few voters without a driver's license, the voter provides the last four digits of his/her social security number (SSN). Additionally, all voter registration records in Puerto Rico contain a unique number attached to each registrant in the system. This unique number provided by the CEE is the official voter registration and identification number that will be the key for any other electoral transaction. As a result, checking for duplicate registrations is a regular, ongoing process at all JIPs.

The CEE and DTOP signed an agreement on December 29, 2005 which was subsequently signed by the Social Security Administration on January 12, 2006

for DTOP and SSN to develop a system to share information. The technical work to accomplish this objective is ongoing between DTOP and SSN.

Currently, Puerto Rico does not share voter registration information with any other state or federal agency. As an exception, the CEE only provides random citizen demographic information (name, age, sex, address) to the state and federal court system limited only to be used for jury selection purposes.

~~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 NCOA?**

X  No Change Since 2008        Changed Since 2008

**2008 Response:**

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

Puerto Rico is exempt from the NVRA, and does not use the National Change of Address (NCOA) program.

~~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?)**

X  No Change Since 2008        Changed Since 2008

**2008 Response:**

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

Felons convicted in Puerto Rico, and any other person confined in penal institutions, have the right to vote so there is no need to coordinate records on felony convictions.

People confined in penal institutions, including felons, vote as absentee voters similar to an “early vote” process 48 to 72 hours before the official election process. Prior to an election process, the CEE moves JIP officials to jails to register voters and collect absentee ballot requests.

**“Persons entitled to the absentee vote”**

The duly qualified electors who are entitled to vote through the absentee voting procedure in their polling places are those who are:

(h) Those confined in penal institutions (16 P.R. Laws Ann. § 3240 (h) (2004))

~~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.).**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

In general, Puerto Rico does not use the Internet for voter registration. Only UOCAVA voters are allowed to register by the Internet. In this case, the signed original form has to be sent and received at the CEE office at least with a ballot to be finally accepted and counted.

For the 2008 General Elections, the CEE provided a link between the CEE website and the Federal Voting Assistance Program’s (FVAP) Voter Registration and Ballot Delivery tool.

If the voter is already permanently registered, the voter may request a ballot using the Petition for Absentee Ballot which is available by mail from the CEE or at [www.ceepur.org](http://www.ceepur.org).

Puerto Rico allows the *Federal Post Card Application (FPCA)* to be submitted by mail, email, or fax if the voter is already registered. If the voter is not already registered and chooses to email or fax, the FPCA must also be submitted by mail so that it arrives by the ballot return deadline.

Puerto Rico only accepts the FPCA as a temporary registration and absentee ballot request for elections for Federal office. If the voter temporarily registers using the FPCA, the voter will only be able to vote absentee, not in person. To register permanently, the voter must register in person.

If the FPCA is sent by mail, the form has to be mailed directly to:

Absentee Voting Administrative Board (JAVA)

Puerto Rico Elections Commission

PO Box 195552

San Juan, PR 00919-5552

Formatted: English (U.S.)

If the FPCA is sent by **email**, the form has to be sent as a signed, scanned attachment. The email has to be sent directly to the Absentee Voting Administrative Board at [java@cee.gobierno.pr](mailto:java@cee.gobierno.pr).

If the FPCA is sent by fax, the form has to be sent by fax directly to the Absentee Voting Administrative Board. Fax numbers can be found at [www.ceepur.org](http://www.ceepur.org). The DoD Electronic Transmission Service may also be used to fax the FPCA toll-free. To use the Electronic Transmission Service, the cover sheet available in Chapter 1 or at [www.fvap.gov](http://www.fvap.gov), and fax to: (703)-696-2148, DSN 426-2148, or toll-free from the U.S., Canada, Guam, Puerto Rico, and the Virgin Islands to 1- 800-368-8683. International toll-free numbers can be found on the inside back cover or at [www.fvap.gov](http://www.fvap.gov).

The Puerto Rico Elections Commission sends absentee ballots approximately 45 days before elections. Puerto Rico does not allow the voter to receive blank ballots by email or fax. More transmission options may be available.

The deadlines for submitting the Federal Write-In Absentee Ballot (FWAB) are the same as for State absentee ballots. If the State ballot is received after submitting the voted FWAB, the voter may also vote and return the State ballot. If both ballots are received by the deadline, only the State ballot will be counted because it includes the election for Federal office. Insert the sealed security envelope and the Voter's Declaration/Affirmation into the mailing envelope and mail your FWAB directly to:

Absentee Voting Administrative Board (JAVA)  
Puerto Rico Elections Commission  
PO Box 195552  
San Juan, PR 00919-5552

Voted ballots must be postmarked no later than election day and be received by the Puerto Rico Elections Commission by 3pm on Election Day, or no later than 45 days since the Puerto Rico Elections Commission sent the ballots to the voter.

~~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?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

Across Puerto Rico, all polling places are open from 8 a.m. to 3 p.m. Voter turnout is one of the highest in the nation ranging above 80 percent.

All voters in Puerto Rico cast paper ballots. On Election Day, voters in Puerto Rico vote in three separate paper ballots. On the first ballot, identical across Puerto Rico, voters elect their Governor and Resident Commissioner (Puerto Rico's representative to Congress). A second ballot is for choosing the state legislature, voters elect the entire Puerto Rican legislature composed of 51 members in the House of Representatives, including 11 at-large, and 27 members of the Senate, including 11 at-large. The third and final ballot is for electing local public officials in each of Puerto Rico's 78 municipalities. In a general election there are more than 120 different ballots.

There are eight senate districts and forty representative 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.

First votes are counted at the precincts on Election day using the Canvassing process described in the Puerto Rico Electoral Law:

**§ 3261. Canvassing.**

Upon closing the polling place and before opening the ballot boxes, the inspectors of the polling place shall invalidate the leftover ballots and, together with those that had

been invalidated during the voting process, they shall place them in the corresponding envelope and fill out the boxes printed on said envelope and shall then proceed to seal the same.

Once the ballot boxes have been opened, the inspectors shall then proceed to extract the folded ballots and the special challenged ballot envelope, according to the procedure to be established by the Commission through regulations. Afterwards, they shall proceed to separate the ballots by candidates for the office of Governor and Resident Commissioner, by candidates for the offices of legislators and by municipal candidates, and they shall classify them as follows:

(a) Straight ballots cast in favor of each political party

(b) Split ballots.

(c) Special challenged ballot envelopes for which the challenge has been determined to be valid and which, therefore, the ballots contained in said envelopes shall not be adjudicated in the polling place.

If for any reason the inspectors are unable to reach an agreement regarding the adjudication of any ballot, they shall set it apart recording on its back the fact that it has not been adjudicated because there is no unanimity in the polling place for its adjudication and each inspector shall sign it, stating the reason for not adjudicating the same.

The ballots that are protested shall be placed in an envelope and shall be sent to the Commonwealth Elections Commission, as well as those not adjudicated, so that this body may proceed to dispose of these. Said envelope shall be duly labeled identifying the precinct, the electoral unit, the polling place, and the number of ballots contained in said envelope by category, which envelope shall be signed by the inspectors. The ballots that appear in the ballot box that have no mark whatsoever shall be recorded as blank ballots and they shall so appear in the tally sheet.

Once the canvassing works have begun, no member of the Poll Board may, under any circumstance, leave the same; he or she shall remain until the works are finished and the results of the canvassing have been announced, posting a copy thereof on the door of the polling place in question.

The Commonwealth Elections Commission, through regulations to that effect, shall provide for the manner in which said vote canvassing shall be made; Provided, That the classes of ballots shall be canvassed one at a time, and that under no circumstance shall there be more than one class of ballot on the canvassing table. (16 P.R. Laws Ann. § 3261) (2004))

**§ 3264. Protested ballot.**

Votes on protested ballots shall not be counted for candidates, but they shall be entered in the proper columns of the Poll Certificate so that the Elections Commission may act with regard to the same, as provided herein in connection with the general canvass. (16 P.R. Laws Ann. § 3264) (2004))

The vote count is verified during a centralized General Canvass at the Puerto Rico Elections Commission's (CEE ) central offices:

**§ 3268. General canvass.**

After the Electoral Commission has received the voting packages, it shall proceed to a general canvass which shall continue until completed. At this time, the unadjudicated and the protested ballots shall be examined, and counted or rejected, as, in its judgment, is required by law.

The general canvass of the election shall be conducted by using the Poll Certificates and every other document used in the course of the election; Provided, That the Commonwealth Elections Commission shall correct all arithmetical errors there may be on the tally sheet, and shall count such tally sheet as it has been corrected

If there is any contradiction in the entries on a tally sheet, either as the same was returned by the Poll Board, or as it may have been corrected by the Commonwealth Elections Commission, regarding the number of persons who voted as shown in the summary of the poll lists and the number of ballots found in the ballot box of the polling place to which such tally sheet pertains, the Commonwealth Elections Commission shall, if there is such a difference, recount all the ballots of such polling place, correct its tally sheet according to the result of such recount, and adopt such corrected tally sheet as the official tally sheet of such polling place. Provided, however, That the Commonwealth Elections Commission shall subscribe a statement on such tally sheet, indicating the changes made thereon and the reasons why such changes were made, which shall be signed by all its members present.

The Commission shall replace the contents of all envelopes and packages opened by it for the purpose of counting or recounting ballots, in the same envelope or package in which they were found, shall reseal such envelope or package and shall place a written statement thereon signed by all the members present, stating why such envelope or package was opened, and that all contents found in such envelope or package were completely replaced in the same.

The results of the canvass of an election, as declared by the Commonwealth Elections Commission and published by the Chairman, shall be final, unless contested within the terms provided by this subtitle.”

Puerto Rico has a hybrid system where the “early voting” process part of the absentee vote is cast 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 for persons confined in penal institutions are cast at the CEE's central offices with the rest of the absentee ballots (of regular voters and UOCAVA).

After the polls 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. (Uncounted ballots at the college level, whether challenge ballots or provisional ballots, are then sent directly to the Commission for resolution).

All colleges' votes at the election unit 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 CEE ballots, are then transmitted to the Commission the night of the election where they are securely held until the official general count 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 a representative of the Commission work to resolve challenges, determine the voter's intent on ballots where local polling place officials were unable to reach a 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.

**Challenged voters** vote in a regular college, but their votes are segregated from regular ballots. The college inspectors review the challenge at the polling place on Election Day after the polls close. If the inspectors come to a unanimous decision the ballot is added to the college's voted ballots for counting.

If the inspectors cannot come to a unanimous decision, or if they unanimously decide not to count the ballot, the challenged ballot will be kept separate in a specially identified envelope from other ballots of the college when they are sent to the Commission office for a final review. Only the Commission can invalidate a ballot, though the local commission can unanimously decide to count a ballot and this decision does not proceed to the Commission. If the

Commission cannot come to a unanimous decision, the President decides whether a ballot will be counted.

Following Election Day, Commission staff will research the eligibility of each challenged ballot voter. This investigation process is open to public viewing. Once the investigation is completed, if the voter is eligible, his or her vote is added to the other votes counted within the college. All the parties are represented in this process.

Provisional ballots are kept separate from other ballots when they are sent to the Commission office for the official canvass of the votes. Following Election Day, Commission staff will research the eligibility of each provisional ballot voter. Once the investigation is completed, those votes cast for offices for which a voter is eligible to vote are counted. The research of the voter's eligibility and the counting of provisional votes are carried out by separate officials in order to preserve the secrecy of the ballots. All the parties are represented in both processes.

Following the election, all voters who cast ballots in this special college can access information on the disposition of the ballot either by means of a toll-free automated phone system or by visiting the local office. The voter who cast the provisional ballot has access to information on whether the ballot was counted.

~~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?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

The provisional ballots from regular voters and provisional ballots of voters confined at penal institutions are collected at the CEE's central office for the investigation process required to determine which ones are eligible voters. The valid ballots are cast during the general canvass. The results are added to the preliminary results of each electoral precinct.

~~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?**

  X   No Change Since 2008             Changed Since 2008

2008 Response:

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

The absentee mail and the "early votes" from voters confined to penal institutions 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.

~~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?**

  X   No Change Since 2008             Changed Since 2008

2008 Response:

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

UOCAVA ballots are counted in a process similar to all absentee ballots. After the proper voter validation, the ballots are deposited in a ballot box together

with the regular absentee votes and early voting from voters confined to penal institutions. They are counted and reported as special electoral unit identified as number 77, and added to the corresponding precinct results.

~~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.)**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

Puerto Rico does not have a “no excuse absentee voting” process. The Puerto Rico Electoral Law establishes the reasons required for a voter in specific categories to have the right for absentee voting:

**“Persons entitled to the absentee vote**

The duly qualified electors who are entitled to vote through the absentee voting procedure in their polling places are those who 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 a 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, for up to a maximum of two thousand five hundred (2,500) electors and the Corps of Custody Officials of the Corrections Administration and the Firefighters Corps of Puerto Rico 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 their superior officer attesting to their being members of the corresponding Corps and by their 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.

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 Puerto Rican military personnel outside of our jurisdiction, which it shall submit to the political parties. (16 P.R. Laws Ann. § 3240 (2004))

~~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?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

The Puerto Rico Electoral Law does not include an "in person early voting" process. By practice and regulations, the CEE provides an "early voting" type process for some of its absentee voter classifications for: members of the CEE and Local Commissioners, JIPs, State and Municipal policemen, firemen and other categories of people that are required to work during election day in the administration of the election process. Voters confined in penal institutions, at hospitals and bed ridden patients at their residential facilities also participate in this absentee voting process.

~~The Puerto Rico Electoral Law do not specify the process of early voting but by praectice 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?**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[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.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

The Puerto Rico Electoral Law currently does not define “Provisional Ballot.” In 1988 the Puerto Rico Supreme Court ordered that the Puerto Rico Elections Commission had to allow “Provisional Ballots” and establish the proper rules and regulations to guide the process (PNP et al. v. CEE, 122 DPR 490 (1988)).

In the Puerto Rico electoral process, “Provisional Ballots” are provided for voters who show up at a polling place but whose names are not on the voter registration list. These voters are directed to a special college within the election unit. They are issued a regular ballot that is set aside in a special envelope and counted only if the voter is found to be eligible. The voter’s name is manually added to the voter registration list. Each polling place has multiple colleges, this special college is somewhat like an absentee ballot precinct, which has no voters regularly assigned, but on Election Day has votes assigned to it for reporting purposes.

As a matter of practice, the polling place official first attempts to determine why the voter’s name is not on the list. An official at the polling place checks the precinct or municipality register to discover if the voter is on the list, but not in the correct polling place or precinct. If the name is not on the precinct list,

the voter is permitted to go to the local registration board (called “JIP” from its Spanish acronym) to determine if his or her name is on the official statewide list and the proper polling place where he is registered. Alternatively, the voter is permitted to vote by this special procedure at that polling place.

If the voter votes a provisional ballot, but is not in his own proper polling place, the provisional ballot is counted to the extent the voter is eligible to vote in the ballot. For example, all provisional votes for the statewide ballot, such as votes for Governor and Resident Commissioner, will be counted, so long as the voter is registered in Puerto Rico.

If the voter is registered and votes within his legislative district, even if not at his polling place, his vote for legislative representative will also be counted. His vote for municipal office would only be counted if he is registered within the municipality. All these decisions are made prior to opening the envelope to preserve the secrecy.

In order to receive a ballot in this special college, the voter must sign an affidavit on the special envelope swearing that he or she is a registered voter in the jurisdiction and eligible to vote and receives a second envelope to deposit his ballot. The voter is given information about the process, including the how to confirm whether or not the vote was counted.

~~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.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

After an investigation process, if the decision is that the voter is an eligible voter, but that the voter is out of its electoral jurisdiction, the ballots will be cast only for the race that corresponds with the jurisdiction of his official



record. Example: Governor, Resident Commissioner (Federal election) and the legislative candidates that apply.

~~After the investigation process if the decision is that the voter is an eligible voter, but that but that the voter is 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.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

The Puerto Rico Electoral Law 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. Both processes are defined by the Puerto Rico Electoral Law:

**§ 3268. General canvass.**

After the Electoral Commission has received the voting packages, it shall proceed to a general canvass which shall continue until completed. At this time, the unadjudicated and the protested ballots shall be examined, and counted or rejected, as, in its judgment, is required by law.

The general canvass of the election shall be conducted by using the Poll Certificates and every other document used in the course of the election; Provided, That the Commonwealth Elections Commission shall correct all arithmetical errors there may be on the tally sheet, and shall count such tally sheet as it has been corrected.

If there is any contradiction in the entries on a tally sheet, either as the same was returned by the Poll Board, or as it may have been corrected by the Commonwealth Elections Commission, regarding the number of persons who voted as shown in the summary of the poll lists and the number of ballots found in the ballot box of the polling place to which such tally sheet pertains, the Commonwealth Elections Commission shall, if there is such a difference, recount all the ballots of such polling place, correct its tally sheet according to the result of such recount, and adopt such corrected tally sheet as the official tally sheet of such polling place. Provided, however, That the Commonwealth Elections Commission shall subscribe a statement on such tally sheet, indicating the changes made thereon and the reasons why such changes were made, which shall be signed by all its members present.

The Commission shall replace the contents of all envelopes and packages opened by it for the purpose of counting or recounting ballots, in the same envelope or package in which they were found, shall reseal such envelope or package and shall place a written statement thereon signed by all the members present, stating why such envelope or package was opened, and that all contents found in such envelope or package were completely replaced in the same.

The results of the canvass of an election, as declared by the Commonwealth Elections Commission and published by the Chairman, shall be final, unless contested within the terms provided by this subtitle. (16 P.R. Laws Ann. § 3268 (2004))

**§ 3271. Recount.**

When the results of the general canvass show a difference between two candidates for the same position of one hundred (100) or less votes, or one-half of one percent (0.5%), or less, of the total votes cast for such position, the Commission, by request of any of the candidates in the controversy, shall recount the votes of the polling places indicated to it. 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 recount of said polling places is made. The Commission shall perform the recount, using the polling place tally sheets and material in the following way:

For the purposes of such canvass, when the Commission considers the documents of each polling place, it shall examine all the ballots shown on the tally sheet of each polling place, and shall count or reject each ballot as required by law. To carry out this provision and requirement, the Commission may open and examine the contents of any envelope or package corresponding to the voting in such polling place, and after such contents have been examined and counted, it shall again place the contents in the envelope or package in which they were originally found, shall reseal such envelope or package and place a brief statement thereon which must be signed by all the Commission members present. Such statement shall set forth the reason why such envelope or package was opened and what ballots or documents were found in the same. The total vote cast and counted for each candidate in such polling place shall be recorded on a tally sheet and taken as the true total vote cast for each candidate in question, in each one of the polling places reviewed. The true total of votes belonging to each candidate, added to the totals of all the other polling places, shall be taken as the total of all the votes received by such candidates in the election. (16 P.R. Laws Ann. § 3271 (2004))

~~The Art. 6.008 (Section 3268) establishes that a General Canvass has to be done before the final results are certified. If the difference between any two candidates for the same position is 100 votes or less or 1/2 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.**

  X   No Change Since 2008             Changed Since 2008

## 2008 Response:

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

The Puerto Rico Electoral Law establishes 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:

### § 3224. Instructions to electoral poll boards.

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, at least one day before election day, and show them samples of the ballots that are to be voted at their respective polling places, as well as samples of the tally sheets that are to be used in canvassing the votes. An explanation should also be given as to the use of the various forms or samples and the materials for election, and the provisions of this subtitle which will govern their actions. The Local Elections Commissions shall be ready to answer any questions asked or give any explanation regarding compliance with the provisions of this subtitle.

Polling place officials are trained by their respective parties; Commission staff provides support for each party's training sessions. The parties use materials developed by the Election Commission. The parties administer their own tests to ensure their party polling place workers understand the materials. They also simulate ballot casting in their training. These poll workers will represent the political parties at the polling centers and polling places.

The Election Commission provides at least twelve hours of training to "train the trainers" in polling place procedures and provides a manual on Election Day procedures. The polling place procedures are also reduced to a one-hour video aired on public television.

The CEE has special trainers for poll workers assigned to special units and for alternative voting systems as for example: vote by phone, at hospitals, for bed ridden patients at their residential facilities and of voters confined to penal institutions.

~~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.

  X   No Change Since 2008             Changed Since 2008

### 2008 Response:

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

The Puerto Rico Electoral Law describes the registration process:

**§ 3057. Registration application.**

Every applicant for registration shall appear in person at any registration place in the precinct of his domicile, and shall present his registration application filled out in pencil, pen and ink, or ballpoint pen, on a form supplied therefore by the Commission, and shall consign, under oath, the following data:

- (a) Applicant's name and his paternal and maternal surnames.
- (b) Father's and mother's name.
- (c) Sex, color of eyes and height.
- (d) Birthplace, indicating municipality.
- (e) Date of birth.
- (f) Whether he is a citizen of the United States.
- (g) Civil status, and if married, the spouse's legal name and surnames.
- (h) Legal domicile, stating, in the case of an urban zone, the municipality, name of the sector, barrio or urbanization, street name or number, block or house number as the case may be; in the rural zone, all of the above, and besides, the name of the rural road closest to the residence, the kilometer and the hectometer of the closest highway
- (i) Postal address, if different from that of the domicile.
- (j) Place and date the application is made.
- (k) Applicant's signature or mark, or that of the person who is asked to do it if he does not know how to sign, or is physically unable to do so.
- (l) Authentication of signature.

The registration application forms shall have an original and six (6) copies, shall be numbered consecutively in sets, and shall be distributed in the following manner, when duly filled out:

(a) Original and first copy to the Commission.

(b) Second, third and fourth copy for the first, second and third party in the order of votes of the preceding election.

(c) Fifth copy for the applicant.

(d) Sixth copy for the political parties by petition.

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.

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 registration, and in case he fails to do so, his application will not be accepted 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 and in effect. If the person was born on the United States mainland or its territories or possessions, he shall present a duly certified copy of his birth certificate, a passport or other official document attesting unequivocally to the date and place of his birth.

Any application that has any formal defects, lacks the required data, or does not include the proper documents, shall be voided.

The Commission shall provide registration places in each precinct or municipality where the Registration Boards are located. When partial Registrations are to be held, the Commission shall establish, through regulations, the sites to be used as registration places. The procedures for registration and photography shall be simultaneous.

The Commission shall study the possibility of checking the registration applications with the records of the Vital Statistics Registry of Puerto Rico, and if such study indicates that it is feasible, the Commission shall establish such verification through regulations to this effect, which will include a procedure to guarantee due process of law to every applicant. (16 P.R. Laws Ann. § 3057) (2004))

#### **§ 3059. Elector's identification card.**

Every applicant for registration shall fill out a form to be used in preparing his/her electoral identification card.

Said identification card shall contain, at least, the date of issue, the elector's name and surname, sex, color of eyes, height, as well as his/her signature or mark, as the case

may be, and his/her photograph. On the other hand, the precinct to which he/she belongs, his/her registration and the number of the electoral unit to which he/she is assigned shall be consigned on a separate card. Together with the elector's identification card the Commission shall prepare a file card or electronic file with the photograph of the elector, which shall at least contain the same data as the identification card. At the moment of being handed his/her identification card, the elector shall sign the register adopted by the Commission for such purpose, on which he/she states that he/she has received the same. The Commission shall keep the file cards in a strict alphabetical order or in an electronic file system. (16 P.R. Laws Ann. § 3059) (2004))

~~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;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

**The Puerto Rico Electoral Law describes the registration process:**

**§ 3057. Registration application.**

Every applicant for registration shall appear in person at any registration place in the precinct of his domicile, and shall present his registration application filled out in pencil, pen and ink, or ballpoint pen, on a form supplied therefore by the Commission, and shall consign, under oath, the following data:

(a) Applicant's name and his paternal and maternal surnames.

(b) Father's and mother's name.

(c) Sex, color of eyes and height.

(d) Birthplace, indicating municipality.

(e) Date of birth.

(f) Whether he is a citizen of the United States.

(g) Civil status, and if married, the spouse's legal name and surnames.

(h) Legal domicile, stating, in the case of an urban zone, the municipality, name of the sector, barrio or urbanization, street name or number, block or house number as the case may be; in the rural zone, all of the above, and besides, the name of the rural road closest to the residence, the kilometer and the hectometer of the closest highway

(i) Postal address, if different from that of the domicile.

(j) Place and date the application is made.

(k) Applicant's signature or mark, or that of the person who is asked to do it if he does not know how to sign, or is physically unable to do so.

(l) Authentication of signature.

The registration application forms shall have an original and six (6) copies, shall be numbered consecutively in sets, and shall be distributed in the following manner, when duly filled out:

(a) Original and first copy to the Commission.

(b) Second, third and fourth copy for the first, second and third party in the order of votes of the preceding election.

(c) Fifth copy for the applicant.

(d) Sixth copy for the political parties by petition.

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.

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 registration, and in case he fails to do so, his application will not be accepted 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 and in effect. If the person was born on the United States mainland or its territories or possessions, he shall present a duly certified copy of his birth certificate, a passport or other official document attesting unequivocally to the date and place of his birth.

Any application that has any formal defects, lacks the required data, or does not include the proper documents, shall be voided.



The Commission shall provide registration places in each precinct or municipality where the Registration Boards are located. When partial Registrations are to be held, the Commission shall establish, through regulations, the sites to be used as registration places. The procedures for registration and photography shall be simultaneous.

The Commission shall study the possibility of checking the registration applications with the records of the Vital Statistics Registry of Puerto Rico, and if such study indicates that it is feasible, the Commission shall establish such verification through regulations to this effect, which will include a procedure to guarantee due process of law to every applicant. (16 P.R. Laws Ann. § 3057) (2004))

**§ 3059. Elector's identification card.**

Every applicant for registration shall fill out a form to be used in preparing his/her electoral identification card.

Said identification card shall contain, at least, the date of issue, the elector's name and surname, sex, color of eyes, height, as well as his/her signature or mark, as the case may be, and his/her photograph. On the other hand, the precinct to which he/she belongs, his/her registration and the number of the electoral unit to which he/she is assigned shall be consigned on a separate card. Together with the elector's identification card the Commission shall prepare a file card or electronic file with the photograph of the elector, which shall at least contain the same data as the identification card. At the moment of being handed his/her identification card, the elector shall sign the register adopted by the Commission for such purpose, on which he/she states that he/she has received the same. The Commission shall keep the file cards in a strict alphabetical order or in an electronic file system. (16 P.R. Laws Ann. § 3059) (2004))

~~(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;**

X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

Every voter has to present his/her Puerto Rico Electoral Identification Card. The Puerto Electoral Law provides for other registration mechanisms as additional guarantees against fraud:

**§ 3229. Voting procedure.**

At eight (8:00) o'clock in the morning of election day, the members of the Polling Place Board who are present shall declare that the polling place is open. The electors shall form a line according to their order of arrival and shall file past the table where the Poll Board is located, one by one.

The members of the Police of Puerto Rico and the members of the Municipal Guard who are on duty on election day shall proceed to vote with priority in their respective polling places.

The Board shall locate the person's name on the list of electors assigned to the polling place, and within three (3) minutes, shall verify the elector's identify through an examination of his/her personal description and the elector's identification card. If this verification is sufficient to establish the elector's identify, the Board shall proceed to hand him/her three (3) electoral ballots and a pencil to cast his/her vote. The elector shall sign or mark the polling list on the line where his/her name is written, when he/she receives his/her electoral ballot.

The inspectors shall write their initials next to the mark of the elector who could not sign his name.

The Poll Board shall [stamp] part of the elector's hand with an indelible substance in the form and manner provided by the Commission through regulations and subject to the provisions of this subtitle.

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

The elector shall then go, alone, to one of the voting booths and shall proceed to vote using the corresponding marks. There may be only one person in a voting booth at a time, except as provided by law or by regulations for physically-disabled persons, and the voter may remain in the booth for the time he may reasonably need to cast his vote.

After having voted, but before leaving the voting booth, the voter shall fold the ballot several times, in such a way that no part of the face shall be exposed to view.

Immediately after this operation is completed, he shall leave the booth and shall proceed to deposit his ballots in the ballot box in the presence of the poll inspectors. Every voter shall leave the polling place immediately after voting. (16 P.R. Laws Ann. § 3229) (2004))

**~~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;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

Verification of the demographic data and voter's signature against the CEE records. A first time absentee voter has to submit a copy of an identification card with photo.

**~~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;**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

A request has to be sent by mail, fax or Internet indicating the last address in Puerto Rico. A first time absentee voter has to submit a copy of an identification card with photo for his record. More details were describes in Section B7.

**~~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).**

X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

In the case of 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 not a registered voter, apply the requirements indicated in Section D2.

~~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.]

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**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.**

  X   No Change Since 2008             Changed Since 2008

**2008 Response:**

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

As a general rule, the Puerto Rico Electoral Law does not allow observers at the polling place during the state General Elections. As an exception, the CEE has passed rules/regulations and resolutions to allow mainland and international guests together with different Civil Rights advocate groups and associations as observers at jails, hospitals and other special voting sites.

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 political party has the right to have a maximum of three (3) representatives in each polling place, two in the polling center and two in the Local Commission, besides a representative in the JIP.

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

The Puerto Rico Electoral Law includes one exception where observers are allowed at the polling place during *Plebiscites* and *Referendums*.

**§ 3306. Participation of political parties, groups of citizens and individuals.**

In every referendum or plebiscite, any political party, groups of citizens or individuals may defend or challenge any of the questions to be voted on in the same, and, in the course thereof, may perform any licit political activity of persuasion or propaganda subject to the limitations provided in this subtitle. (16 P.R. Laws Ann. § 3306) (2004).

~~Puerto Rico Electoral Law do not allow for observers at the polling place, but by regulations or resolutions it has been permitted as observers internationals 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 JJP.~~

~~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 establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2008             Changed Since 2008

### 2008 Response:

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

The Puerto Rico administrative complaint procedure was approved in February 21, 1989 and revised in 2004 after HAVA was approved.

Puerto Rico has a uniform and non-discriminatory process for resolving complaints in a timely manner. The CEE is required to resolve complaints lodged on Election Day within an hour.

Under the Puerto Rico Electoral Law, complaints concerning violations of election law are filed first with the local election commission or at the State Elections Commission. Any decision of the local election commission may be appealed to the Puerto Rico State Elections Commission, except for decisions challenging voter registration on the basis of residence. Any elector, candidate, party, organizational representative or individual may file a written and sworn statement alleging a violation of state law – a violation by action, omission or conduct – against any elector, candidate, party, organizational representative or individual. Complainants must present a sworn complaint in writing. By regulation the Commission will provide a public hearing.

Under ordinary circumstances, the Commission is required to resolve complaints fewer than thirty days after the complaint is lodged. The closer to the election, the less time allowed for rendering a decision. In case of disagreements among commissioners preventing a unanimous decision, the President makes the determination (this is the only circumstance in which the President has a say). All decisions of the Commission are published.

The Commission's decision may be appealed to the state Superior Court. As a matter of practice, the Puerto Rico Supreme Court Chief Justice will assign a judge in each judicial region to resolve election complaints during the election period. The Superior Court is required to resolve election disputes within a maximum of twenty days. (Fewer days are allowed as the election gets closer.)

Complaints may also be filed alleging violations of Title III requirements in HAVA. Under this procedure as prescribed in current law, no complaint could take longer than one hundred days from the first filing to the final resolution. A complaint is to be resolved before the ninety-day period that would require the matter to go to an alternative dispute resolution process.

~~The Puerto Rico administrative complaint procedures was approved in February 21<sup>st</sup>, 1989 and revised in 2004 after Law of HAVA was approved. The procedures are available at the CEE web page: [www.ceepur.org](http://www.ceepur.org)~~

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

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)
- Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)
- Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

**This question was not asked in 2008. Please provide your answer below.**

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

Puerto Rico does not have Federal elections until 2012. The Puerto Rico State Elections Commission will observe the rest of the states' implementation of the MOVE Act during the Mid Term Elections of 2010. At this moment, Puerto Rico does not have an online tool for voter registration or for absentee ballot request, nor do we have a tracking mechanism as required by the MOVE Act. Puerto Rico will be evaluating the different experiences from other states to

choose the online system with the most satisfactory results in the 2010 elections that comply with the Move Act and our circumstances.

~~Nota: Se incluirá aquí lo informado mediante carta al DOJ.~~

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

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**E3. 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.**

X  No Change Since 2008        Changed Since 2008

**2008 Response:**

[Begin response to above question (E3) below this line.]

The references to Sections of the Puerto Rico Electoral Law can be found at the compilation of *16 P.R. Laws Ann. § 3001-3383* (2004).

The Puerto Rico State Elections Commission ("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 three 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 principal parties appoint 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 local registration board (JIP) 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.

There is one General Election to elect all levels of public office and it is held every four years. In Puerto Rico, Election Day shall be a holiday throughout the island . It will be celebrated 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. 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 voters elect the island's 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 representative 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 college totally accessible per voting center (election unit).

Each election unit or polling place, typically a school or government building, will usually house between two to twelve 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 college chairman 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 polls 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 unit 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 central offices 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 a 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 Puerto Rico Elections 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 local entities 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. As a result some HAVA provisions intended to improve functions required under the NVRA do not apply in Puerto Rico.

Since Puerto Rico is exempt from the National Voter Registration Act, it is also exempt to HAVA §303 that requires a state to use list-cleaning procedures prescribed by NVRA in administering the computerized list, including 303(a)(2) and 303(a)(4). The Election 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, HAVA § 303(b), 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 HAVA §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 Puerto Rico State Election Commission is the sole agency authorized to expend federal funds received under HAVA.

~~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 prescribed 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 (E3) 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](http://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 5/31/2013). 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 – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.