U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

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 2016 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The Puerto Rico Electoral Code for the XXI st Century, Act 78 of June 1, 2011 (Act 78-2011) as amended, 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.

2016 Response:

The Puerto Rico Commonwealth Electoral Law, Act 78 of June 1,2011 (Act 78 2011) (Was amended in February of 2014 this is the reason for the changed of name).
An "over-vote" shall mean when the voter has made more than the maximum number of allowable selections for any contest.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The Puerto Rico Electoral Code currently does not define "undervote."
An "undervote" shall mean when the voter has made no selections or fewer than the allowable number of selections.

2016 Response:

Puerto Rico Commonwealth Electoral Law, Act 78 of June 1,2011 (Act 78 2011) (Was amended in February of 2014 this is the reason for the changed of name).

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Blank ballot- shall mean an unmarked ballot that has been deposited in the ballot box by a voter. It shall not be deemed to be a cast vote." (Section 2.003 (54) of Act. 78-2011, as amended).

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Spoiled Ballot – Ballot spoiled by a voter and in substitution of which a second ballot is given. It shall not be deemed to be a cast vote. (Section 2. 003 (56) Act 78-2011).
"Ballots Spoiled by Voters. – If a voter spoils any of the ballots by accident or mistake, he/she shall be entitled to rectification as provided through regulations. (Section 9.029 of Act. 78-2011, as amended.

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Section 9.042 Provisional Voting. (also called "vote added by hand"–
Those persons who demand their right to vote but do not appear on the voter lists may be provisionally added in accordance with the procedure established by the Commission through regulations. (Section 9.042 of Act78-2011, as amended).
"Section 9.015. – Special Polling Place for Provisional Voting. –
In each precinct, polling center, or Electoral Unit, as established by the Commission, a special polling place shall be set up for voters who do not appear in the voter lists but demand their right to vote. The Commission shall establish, through regulation, the requirements and procedures of this special polling place where voters claim that they do not appear in the voting lists corresponding to their polling center due to administrative errors attributable to the Commission."(Section 9.015 of Act 78-2011, as amended).
The Puerto Rico Electoral Code defines "Challenged ballot" as:
"A ballot cast by a voter which has been subject to the challenge process provided in this Act.." . (Section 2.003 (64) of Act 78-2011, as amended).
" Section 10.003 – Challenged Ballot

2016 Response:

f) Absentee

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

The Absentee Voting Process is described as follows in the Puerto Rico Commonwealth Electoral Law:
"Section 9.036 Absentee Vote Application. –
A voter may request the absentee vote not less than sixty (60) days prior to the date of an election, as provided by the Commission through regulations, by filling out an application and providing attesting evidence proving that he/she qualifies therefor." (Section 9.036 of Act 78-2011, as amended).
"Section 9.037 Absentee Voters. –
Any voter entitled to vote as an absentee voter in a specific election, as established in Section 9.036, shall cast his/her vote in accordance with the procedure provided by the Commission through regulations. Only those absentee ballots sent on or before an election, and received on or before the last day of the general canvass for that election, shall be considered validly cast pursuant to this Section. The Commission shall establish through regulations the manner in which the mailing date of absentee ballots shall be validated.
It shall be understood that every applicant for absentee vote whose application is accepted has cast his/her vote, and it shall thus be notified to his/her polling place. The Commission shall prepare an

g) Early voting

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

The Puerto Rico Commonwealth Electoral Law does not use the term "early voting" but does define "advance voters" as described below.
"Section 9.039 Advance Voters. –
Duly qualified voters shall be entitled to voluntarily cast their advance vote if they are in Puerto Rico and fall under any of the following categories:
(a) Members of the Puerto Rico Police, up to two thousand five hundred (2,500) voters, the Municipal Police Corps, the Custody Officer Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who will be on duty during the hours in which the voting process takes place on Election Day and who are not on leave granted by the agency in question;
(b) Inmates of penal institutions in Puerto Rico;
(c) Persons who have attained the age of eighteen (18) by the day of the election and are under the custody of the Juvenile Detention Facility Administration;
(d) The members of the Commission, the Secretary, Vice Chairs and Deputy Secretaries, the Alternate Commissioners, the

h) Active Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The Puerto Rico Electoral Code for the 21st Century currently does not define "Active Voter." However, it defines:
Persons Entitled to Vote. –
"Section 6.002 . – Voters. –
A voter is any qualified person who has complied with all the registration requirements of the General Voter Registry. Every voter who exercises his/her right to vote shall do so in the precinct where he/she is registered. If a voter votes in a precinct other than the one where he/she is registered, only the vote cast for the offices of Governor and Resident Commissioner shall be adjudicated during the general canvass."(Section 6.002 of Act 78-2011, as amended).
"Section 6.003. – Voter Qualifications. –
Any citizen of the United States of America and of Puerto Rico who is legally domiciled in the jurisdiction of Puerto Rico and who, by the date of a scheduled election event, has attained the age of eighteen (18) years, is duly qualified prior to said election event, and has not been declared mentally incompetent by a Court of Law shall be a voter in Puerto Rico." (Section 6.003 of Act 78-2011, as amended).

2016 Response:

Puerto Rico Commonwealth Electoral Law currently does not define "Active Voter." However, it defines:
Persons Entitled to Vote. –
"Section 6.002 . – Voters. –
A voter is any qualified person who has complied with all the registration requirements of the General Voter Registry. Every voter who exercises his/her right to vote shall do so in the precinct where he/she is registered. If a voter votes in a precinct other than the one where he/she is registered, only the vote cast for the offices of Governor and Resident Commissioner shall be adjudicated during the general canvass."(Section 6.002 of Act 78-2011, as amended).
"Section 6.003. – Voter Qualifications. –
Any citizen of the United States of America and of Puerto Rico who is legally domiciled in the jurisdiction of Puerto Rico and who, by the date of a scheduled election event, has attained the age of eighteen (18) years, is duly qualified prior to said election event, and has not been declared mentally incompetent by a Court of Law shall be a voter in Puerto Rico." (Section 6.003 of Act 78-2011, as amended).

i) Inactive Voter

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The Puerto Rico Electoral Code 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 Code, but did not vote in the last General Elections, and has not reactivated his/her record at the local voter registration board (JIP by its Spanish acronym) before the next election.
"Inactive voters" under the Puerto Rico system do not refer to those made inactive under NVRA. Puerto Rico, as the rest of the U.S. territories and four states, is exempt from the NVRA. This was reaffirmed in the US Court of Appeals for the First Circuit decision, Colón-Marrero v. Conty-Pérez, 703 F.3d 134, November 2, 2012, No. 12-2145.
However, Section 6.012 of the Puerto Rico Electoral Code does explain the process to "inactivate" when voter fails to exercise his/her right to vote in a General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may exclude voters from the General Voter Registry on the grounds provided by this Act or established

2016 Response:

Puerto Rico Commonwealth 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 voter registration board (JIP by its Spanish acronym) before the next election. However, the US District Court rules against this the missing election time to inactivate a voter, and establish the missing of two general election to inactivate a voter. This rules of the US District Court was sustained by the US Court of Appeals for the First Circuit.
"Inactive voters" under the Puerto Rico system do not refer to those made inactive under NVRA. Puerto Rico, as the rest of the U.S. territories and four states, is exempt from the NVRA. This was reaffirmed in the US Court of Appeals for the First Circuit decision, Colón-Marrero v. Conty-Pérez, 703 F.3d 134, November 2, 2012, No. 12-2145.
However, Section 6.012 of the Electoral Law of the Commonwealth of Puerto Rico does explain the process to

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The following terms and others are defined in the Puerto Rico Electoral Code regarding types of ballots. (Section 2.003 (52) (53) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) of Act 78-2011).
(52) "Ballot" – Document or electronic medium available, designed by the State Election Commission, on which the voter shall mark his/her vote.
(53) "Adjudicated Ballot" – Ballot on which the voter has cast his/her vote and is accepted as valid by the Polling Place or by the State Election Commission.
…
(55) "Straight-ticket Ballot" – Ballot on which the voter casts a vote for the entire slate of a single political party by voting for the insignia of said party.
(56) "Spoiled Ballot" – Ballot spoiled by a voter and in substitution of which a second ballot is given. It shall not be deemed to be a cast vote.
(57) "Unused Ballot" – Ballot that was not used during the voting process.
(58) "Split-ticket Ballot" – Ballot in which the voter marks the insignia of a political party, which shows a valid vote for at least one candidate in the column under such party's insignia, and any other candidate or combination thereof for

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

"Section 3.015. – Voting System. –
The Commission, determined through a resolution, the electronic canvassing system to be used in all polling places. The voter have possession and control of the ballot(s) in which his/her vote was cast, on paper ballot(s), until, through his/her direct interaction with the canvassing device, his/her vote is duly registered and his/her ballot or ballots are saved in an electronic or conventional ballot box. The Commission shall notify the People, at least twelve (12) months prior to the date of a general election, all that pertains to electronic canvassing.
The Office of Management and Budget identified the necessary funds to establish the electronic canvassing system.
For a special election, the determination of which voting system to use in polling places shall be made by the Commission or by the Special Commission, as the case may be, at least sixty (60) days prior to the date of said election. In the case of a referendum, consultation, or plebiscite, action shall be taken pursuant to its enabling act, and in case no provisions are set forth therein, action shall be taken as for a special election. Any election held pursuant to this Act shall be held in open polls.
The electronic canvassing system has been approved, and the Commission proceed, without delay, to notify so to the political parties, independent candidates, or participating organizations through their representatives. It also post said resolution, both in Spanish and English, in every Permanent Registration Board, as well as in every City Hall and Internal Revenue Collection Office. Likewise, it shall publish the resolution, both in Spanish and English, in not less than two (2) newspapers of general circulation, at least two (2) times within a period of thirty (30) days after the approval thereof.
The canvassing system approved by the Commission shall provide for a secret ballot, and shall not unduly favor or hinder any political party or candidate, or produce onerous conditions for any voter or group of voters. Likewise, it shall guarantee that the voter may vote by making any mark in the space under the printed logo or insignia of the party, or the name or emblem of a candidate or citizen group certified by the Commission. The Commission shall give the utmost respect to the voter's clear and evident intention so that his/her vote may be counted correctly.
To such effect, the voting method and ballot format, both in Spanish and English, shall be designed so as to make it simple, obvious, and free of ambiguity for the voter to know where and how to make the mark in order to select his/her candidate or party of preference. The Commission shall adopt the necessary technological instruments or methods to guarantee the highest

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Puerto Rico's voter registration database is a "top down" system. The Puerto Rico State Elections Commission (CEE by its Spanish acronym) maintains and administers a single database that stores the records of every legally registered voter in Puerto Rico, both active and inactive. Elections are administered centrally in Puerto Rico; there are no local jurisdictions conducting federal elections. However, voter registration activities occur in the CEE's local offices throughout the island as described below.
The computerized database includes digitized photos and signatures of all voters. All 110 CEE local offices (JIP for Spanish acronym for the name of the permanent registration boards), located in 92 locations across the island, 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

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

As described above, the CEE's local offices and registry boards (JIP) are connected online, in real time to the voter registration database. In case there is a communications problem between the local offices (JIPs) 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 Local Election Commission (LC) in each of the 110 Electoral Districts (electoral districts are known as "precincts."). There are 102 teams of voter registration officials in 92 Local registration board offices (JIPs) across the island. Each team is composed with representatives of each one of the duly registered political parties according to the Law to attend the voters of the electoral jurisdiction assigned.
The local offices have responsibility for keeping the voter 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

2016 Response:

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?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

"Section 6.012 General Voter Registry. –
The Commission shall prepare and keep a General Voter Registry of all registered persons in Puerto Rico. Said Registry shall be kept in such a way that information related to voters can be veritably and promptly determined.
The information contained in the General Voter Registry shall be continually updated in terms of the voters' changing circumstances. All lists of voters entitled to vote in an election shall be prepared based on the General Voter Registry.
If a voter fails to exercise his/her right to vote in two General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may exclude voters from the General Voter Registry on the grounds provided by this Act or established through regulations. The exclusion of a voter hall not entail the elimination of his/her information from the General Voter Registry." (Emphasis ours0 (Section 6.012 of Act 78-2011, as amended).
"Section 6.013 Reactivations, Transfers, Relocations, and Renewal of the Voter Identification Card–

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's 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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No. Voter registration activity in Puerto Rico occurs in-person at the 110 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 mailin 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.
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

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Felons and other inmates convicted in Puerto Rico, and confined in Puerto Rico Prisons or in the mainland 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 advanced voters similar to an "early vote" process 48 to 72 hours before the official election process. Inmates that are domiciled in Puerto Rico, but are in mainland state or federal penal institutions, have the right to vote absentee. Prior to an election process, the CEE moves JIP officials to jails to register voters and collect advanced (early) or absentee ballot requests.
"Section 9.035. – Persons Entitled to Absentee Vote. – Duly qualified voters who are entitled to the process of

2016 Response:

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.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In general, Puerto Rico does not use the Internet for voter registration. Puerto Rico requires in person registration. Only UOCAVA voters are allowed to register using the Internet, and with that UOCAVA registration will only be able to vote for a Federal Ballot for the Resident Commissioner to Congress race.

2016 Response:

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?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

Polling places shall open at eight o'clock in the morning (8:00am) and close at tree o' clock in the afternoon. Voter cast their vote in a paper ballots that goes trough a Optical scanning voting system. Cast ballots of absentee voter and cast by disabled voters using th HAVA compliant Telephone System are all counted centrally by hand in some cases. Inmates ballots, provisional ballots are counted by the optical scanner in centrally.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The provisional ballots from regular voters and provisional ballots of inmate 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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The absentee mail and the "early votes" from inmate 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.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

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?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

The new Puerto Rico Election Code does not define the concept of "vote by mail" but provides vote by mail as a type of early/advance voting for Persons with mobility disabilities (bedridden) that are qualified as voters for Easy Access at Home. The Local Commission shall be responsible of verifying, evaluate and approve the request, in accordance with the applicable Regulation. The members of the Absentee Vote Administrative Board (JAVA by its Spanish acronym) shall be responsible of working with the vote as an absentee vote (vote by mail) and the adjudication of these votes . (Section 9.039 (m) of Act 78-2011 as amended) Also according to Section 9.039 (d) in the case of a special election or primary, the persons assigned to essential duties on the day of an election and the Chairs of the local commissions may cast their vote by mail or in person, as provided by the Commission. Section 9.039 (d) of Act 78-2011 as amended)

2016 Response:

The Puerto Rico Commonwealth Electoral Law eliminate the vote by mail for the Persons with mobility disabilities (bedridden) that are qualified as voters for Easy Access at the home. Instead, polls workers will visit their home during a period of 10 day to administrate the process of vote. Their ballots will be count in their precincts the day of the General Election.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Section 9.015. – Special Polling Place for Provisional Voting. –
In each precinct, polling center, or Electoral Unit, as established by the Commission, a special polling place shall be set up for voters who do not appear in the voter lists but demand their right to vote. The Commission shall establish, through regulation, the requirements and procedures of this special polling place where voters claim that they do not appear in the voting lists corresponding to their polling center due to administrative errors attributable to the Commission. In order to receive a provisional ballot, 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." (Section 9.015 of Act 78-2011 as amended)

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. 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 voter's right to a private vote.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

All ballots cast in Puerto Rico are paper ballots and all are hand-counted in the closed polling places on Election night by political party balance, election officials of the different political parties. Additionally, there is a General Canvass process described fully in Section 10 of the electoral law. Relevant citations are listed below:
"Section 10.008. – Partial and Preliminary Results. –
(a) Partial. – The Commission shall combine the results of the polling places of each Electoral Unit in each precinct, as they are received, so as to issue partial election results not later than at noon of the day following the election. Such partial results shall be based on the combination of the results of the polling places received at the time such results are issued.
(b) Preliminary. – The Commission shall announce the preliminary results not later than seventy-two (72) hours following an election. The results shall be based on the combination of the results of all the polling places of each Electoral Unit. This shall not constitute the certification of any candidate, aspirant, proposal, or issue. The Commission shall not be able to certify any candidate, aspirant, proposal, or issue until the general canvass is carried out pursuant to Section 10.009 of this Act." (Section 10.008 of Act 78-2011, as amended)
"Section 10.009. – General Canvass
After the Commission has received the election material bags, it shall proceed to carry out a general canvass. The person who shall be in charge of the general canvass shall be selected by the Chair, but shall require the unanimous ratification of the Election Commissioners.
During the general canvass, only the protested, challenged, unadjudicated, provisional, and absentee ballots received during the general election shall be handled. These ballots shall be evaluated by the Commission in order to be either adjudicated or voided. Once the general canvass begins, it shall continue until it is completed.
The general canvass of the election shall be conducted by using the tally sheet and every other document used in the course of the election. The Commission shall correct all arithmetical errors there may be on the tally sheets, and shall count such tally sheets as they have been corrected. If the Commission fails to correct an error found on a tally sheet, or if there were any discrepancies regarding the number of

2016 Response:

All ballots cast in Puerto Rico are design to be counted by an optical scanning system cast by the voter at the polling places. The result counted by the optical scanning tabulator is transmitted to the central headquarters of the CEE after 3:00pm the same day of the event.
We don't use tally sheet any more.
The rest of the answer remain essentially the same.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No, there is no state requirement for poll worker training. The CEE conducts multiple "train the trainer" programs and produces and provides training materials to the political parties. Political party representatives at the local commissions conduct the poll worker training of their own election officials that voluntarily will work on election day at the polling places, election units and at the CEE headquarters, on election night will work on the manual canvass, and afterwards on the general canvass or recounts.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

There is no requirement in the Puerto Rico Electoral Code to capture over-votes and undervotes. However, the proposed optical scanning vote counting system would provide such features to comply with Section 301Voting System Standards of the Help America Vote Act (HAVA).

2016 Response:

The optical scanning display a notification to the voters if the voted ballots were "over-vote" or under-vote. The voter has the choice to retry the ballots and fix the problem or press to continue to cast the vote at it is.

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"Section 6.007. – Registration Application. –
Any person who wishes to be listed in the General Voter Registry shall fill out a sworn registration application, which shall include at least the following information concerning the applicant:
(a) Name and both paternal and maternal surnames;
(b) Names of his/her mother and father;
(c) Gender;
(d) Eye color;
(e) Height;
(f) Birthplace;
(g) Date of birth;
(h) Whether he/she is a citizen of the United States of America;
(i) Home address;
(j) Mailing address;
(k) E-mail address;

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Puerto Rico State Election Commission issues to each voter a photo identification card with unique numerical I.D. through the local voter registration boards (JIPS by its Spanish acronym). This identification is required to vote in person.
The relevant sections of the Puerto Rico election law are listed below:
"Section 6.009. – Voter Identification Card. –
The voter identification card shall contain, at least, the date of issue, the voter's name and surnames, gender, eye color, height, and his/her signature or mark, as the case may be, his/her picture, date of birth, voter identification number, and the card's control number. Together with the voter identification card, the Commission shall prepare a file with the data, precinct, and Electoral Unit assigned to the voter. At the time of being issued his/her voter identification card, the voter shall sign the register adopted by the Commission attesting that he/she has received it. The Commission shall keep copies of voter identification cards in a file cabinet in strict alphabetical order, or in an electronic filing system. Whenever new electronic voting, registration, or affiliation media technologies are adopted, the Commission shall, if necessary, produce and distribute voter identification cards

2016 Response:

c. casting a mail-in or absentee vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

A first time absentee voter who are in our demographic data and signatures don't has submit any identification if the information provided in the request for ballots is the same. Voter's with no record in our voter's demographic data who request for absentee vote has to signed and oath, that the information provided is true, accurate, and complete. That the material misstatement o fact in the completion of the document may constitute grounds of conviction of perjury.
First time absentee voter with no record only can vote for the Federal Ballot, (Resident Commissioner).

d. casting a ballot under UOCAVA;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

First time Voters with no record in our voter's demographic data who request for absentee vote has to signed and oath, that the information provided is true, accurate, and complete. That the material misstatement o fact in the completion of the document may constitute grounds of conviction of perjury.
First time absentee voter with no record only can vote for the Federal Ballot, (Resident Commissioner).
There's no need to send a copy of an identification card with photo.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Due to the comprehensiveness of responses to this survey, including numerous electoral code citations, no further information is anticipated to be needed.	

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Puerto Rico 2014 Responses

A1f. Absentee

The Absentee Voting Process is described as follows in the Puerto Rico Election Code:

"**Section 9.036 Absentee Vote Application**. –

A voter may request the absentee vote not less than sixty (60) days prior to the date of an election, as provided by the Commission through regulations, by filling out an application and providing attesting evidence proving that he/she qualifies therefor." (Section 9.036 of Act 78-2011, as amended).

"**Section 9.037 Absentee Voters. –**

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

It shall be understood that every applicant for absentee vote whose application is accepted has cast his/her vote, and it shall thus be notified to his/her polling place. The Commission shall prepare an application for absentee vote, which shall be numbered consecutively at the time it is received at the Commission, and that together with the form provided by federal law, shall be the only ones authorized to be used." (Section 9.037 of Act 78-2011, as amended).

"**Section 9.035 Persons Entitled to Absentee Vote. –**

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

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

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

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

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

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

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

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

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

(i) Athletes and technical support personnel who are participating in athletic competitions (or high-performance athletes participating in training programs outside of Puerto Rico on the day of an election) representing Puerto Rico on the day of an election and are certified by the Puerto Rico Olympic Committee or any of its federations.

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

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

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

The Commission is hereby authorized to adopt, through regulations or resolution, those measures that it deems necessary to guarantee the Federal rights of voters covered by the provisions of the laws of the United States of America on absentee vote and regarding the mechanisms to exercise the same. The Commission shall develop an affirmative orientation program for those persons entitled to absentee vote and shall take the steps needed to obtain the lists of those voters included in the category described in Subsection (a) of this Section and make such lists available to political parties". (Section 9.035 of Act-78-2011 as amended)

"**Section 9.038 Absentee Vote Administrative Board**. –

An Absentee Vote Administrative Board is hereby created permanently with the purpose of managing the application, voting, and adjudication process of absentee votes. This Board shall be composed of a person designated by the Chair and a representative of each Election Commissioner. The Board shall draft regulations for each election in order to comply with the provisions of this Act." (Section 9.038 of Act 78-2011, as amended).

A1g. Early Voting

The Puerto Rico Election Code does not use the term "**early voting**" but does define "**advance voters**" as described below.

"Section 9.039 Advance Voters. –

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

(a) Members of the Puerto Rico Police, up to five thousand (5,000) voters, the Municipal Police Corps, the Custody Officer Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who will be on duty during the hours in which the voting process takes place on Election Day and who are not on leave granted by the agency in question;

(b) Inmates of penal institutions in Puerto Rico;

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

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

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

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

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

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

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

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

(k) The judges of the Court of First Instance and Court of Appeals who are appointed by the Chief Judge of the Puerto Rico Supreme Court to hear cases related to the voting process and who will be working on Election Day.

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

(m) Persons with mobility disabilities (bedridden) that are qualified as **others** for Easy Access at Home. The Local Commission shall be responsible of **verifying**, evaluating and approving the request, in accordance with the applicable Regulation. The members of the Absentee Vote Administrative Board (JAVA by its Spanish acronym) shall be responsible of working with the vote as an absentee vote (vote by mail) and the adjudication of these votes.

(n) Persons that will be at work related to the electoral event for one of the duly certified Political Parties, as certified by the corresponding party up to maximum of one hundred (100) persons per party.

The Commission may include other advance vote categories, which shall require the participation and the unanimous vote of all Election Commissioners. Likewise, the Commission shall approve the regulations necessary for implementing the new categories. These regulations shall be approved not later than the term established by law for the approval of the regulations for General Elections and general canvass." **(**Section 9.039 of Act 78-2011, as amended).

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Advance Vote Application –

"**Section 9.040. – Advance Vote Application**

Applications for advance voting shall be filed for each election by submitting a form and attesting evidence, as the Commission provides through regulations. The deadline to apply for advance voting shall be the closing date of the General Voter Registry for the Election in question. Notwithstanding the

foregoing, those persons who fall into one of the categories set forth in subsections (f), (k), and (l) of Section 9.039 may apply for advance voting by submitting a form and attesting evidence not later than fifteen (15) days before the election event." (Section 9.040 of Act 78-2011, as amended).

Advance Vote Procedure. –

"**Section 9.041. – Advance Vote Procedure. –**

Voters authorized to vote in advance shall cast their votes in accordance with the procedures established by the Commission through regulations." **(**Section 9.041 of Act 78-2011, as amended).

A2. "Section 3.015. – Voting System. –

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

The Office of Management and Budget shall identify the necessary funds to establish the electronic voting system or electronic canvassing system, as the case may be.

For a special election, the determination of which voting system to use in polling places shall be made by the Commission or by the Special Commission, as the case may be, at least sixty (60) days prior to the date of said election. In the case of a referendum, consultation, or plebiscite, action shall be taken pursuant to its enabling act, and in case no provisions are set forth therein, action shall be taken as for a special election. Any election held pursuant to this Act shall be held in open polls.

Once the resolution establishing the electronic voting or electronic canvassing system has been approved, the Commission shall proceed, without delay, to notify so to the political parties, independent candidates, or participating organizations through their representatives. It shall also post said resolution, both in Spanish and English, in every Permanent Registration Board, as well as in every City Hall and Internal Revenue Collection Office. Likewise, it shall publish the resolution, both in Spanish and English, in not less than two (2) newspapers of general circulation, at least two (2) times within a period of thirty (30) days after the approval thereof.

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

The Commission shall evaluate voting and canvassing systems for adoption in Puerto Rico based on the most advanced electronic and technological developments available, and file its recommendations to this effect with the Office of the Secretary of each Legislative House not later than the year following each

election. All voting or canvassing systems that are tested or implemented shall make evident to the voter that his/her vote has been registered, and that the measures to perform a manual recount, if necessary, have been adopted." (Section 3.015 of Act 78-2011)

Joint Resolution No.44 of June 3, 2011 ordered the State Election Commission to adopt and implement an island wide precinct based optical scanning vote counting system (opscan voting system) and an electronic poll book system (e- pollbooks) . The Resolution required the opscan system to be certified in compliance with the latest federal voting system standards. The opscan system or the e-pollbooks were not implemented for the 2012 General Elections.

There is a bill pending in the Puerto Rico Legislative Assembly, Senate Concurrent Resolution Number 249 presented on October 17, 2014, that orders the Puerto Rico State Election Commission to adopt an opscan voting system for the election processes to be held in 2016.

Voter Registration: With enactment of the new Puerto Rico election code, the voter registration deadline moved from E-60 to E-50. (Section 6.015(2011))

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

Relocation. –

No registration, reactivation, transfer or relocation of a voter for an election shall be authorized within fifty (50) days before the holding of said election. The full right of a voter to vote in the precinct and Electoral Unit where he/she is registered is hereby guaranteed when the change of his/her domicile to another precinct or Electoral Unit occurs within fifty (50) days before the election." (Section 6.015 of Act 78-2011, as amended).

MOVE Act Compliance: Puerto Rico does not hold mid-term elections so there was no federal election in 2010 (federal elections occur every four years with November 2012 being the next federal election). Puerto Rico recently contracted with an election vendor to provide software and equipment which now provides an online tool for voter registration and for absentee ballot requests, as well as a tracking mechanism as required by the MOVE Act. The first use of the new system will be in conjunction with the November 2012 election. (https://prballotrequest.secureballotusa.com/en) All UOCAVA Voters that requested their absentee vote were successfully sent all four ballots (the State Ballot -for Governor and for the Federal Elective Office of Resident Commissioner to the U.S. House of Representatives, the Legislative Ballot- for State Legislators, Senators and House Representatives At Large, and District Senators and House Representatives, the Municipal Ballot – for Mayor and Municipal Assembly, and the Plebiscite on Puerto Rico Political Status" Ballot) on September 22, 2012.

B2. "**Section 6.012 General Voter Registry. –**

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

The information contained in the General Voter Registry shall be continually updated in terms of the voters' changing circumstances. All lists of voters entitled to vote in an election shall be prepared based on the General Voter Registry.

If a voter fails to exercise his/her right to vote in a General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may exclude voters from the General Voter Registry on the grounds provided by this Act or established through regulations. The exclusion of a voter hall not entail the elimination of his/her information from the General Voter Registry." (Emphasis ours0 (Section 6.012 of Act 78-2011, as amended).

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

The Commission shall establish, by regulation, a system whereby any registered voter may request the reactivation of his/her registration after being inactivated for not voting in a General Election. Likewise, the Commission shall establish a system whereby registrations may be transferred from one precinct to another due to a voter's change in domicile. The procedure to relocate those voters who, due to a change in domicile, request that their registration be relocated from one Electoral Unit to another within the same precinct shall also be established through regulations. The Commission shall also establish a system whereby voters may request the renewal of their voter identification card if it has expired pursuant to the provisions of this Act, if it has become deteriorated, or if it has been lost. A sworn statement attesting to the circumstances related to the loss shall be included with the request." (Emphasis ours) (Section 6.013 of Act 78-2011, as amended).

For the reactivation of an inactive voter, the person needs to attend in person to a local registration board, and provide information including current address, information used by the local commissions to keep the voter registration lists up to date. The UOCAVA voters are maintained as active voters from the last federal election (4 years previously). Puerto Rico only celebrates federal elections during the state Primaries or General Elections every four years to select the island's Resident Commissioner to the U.S. House of Representatives (Puerto Rico's only representative to Congress), or when there is Presidential Primary to choose a candidate from the National Republican or Democratic parties. In Puerto Rico there is no right to vote for Presidential and Vice Presidential Candidates at the General Elections. Puerto Rico is exempted from the requirements of the National Voter Registration Act (NVRA). However, during the months before the November 6, 2012 General Election, there was a federal election suit against the Commission where citizens claimed that NVRA should be applied to Puerto Rico, and not applying it would result in the disenfranchisement and an unconstitutional equal protection violation of the US citizens residing in Puerto Rico. The US Court of Appeals for the First Circuit concluded that it was Congress's intent to exclude Puerto Rico from the NVRA's coverage. *Colón-Marrero v. Conty-Pérez*, 2012 U.S. App. LEXIS 22622 ,and 2012 U.S. App. LEXIS 22746 (US Court of Appeals for the First Circuit), and *Colon-Marrero v. Conty-Perez*, 2012 U.S. Dist. LEXIS 159338 (US District Court for the District of Puerto Rico) The Puerto Rico State 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 for the federal candidate for Resident Commissioner to Congress (only sent a "Federal Ballot").

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. The JAVA office coordinates with the Department of Defense, National Guard and Federal Agencies to get contact information for all Puerto Rican servicemen, and then contacts them with election information.

B3. Section 6.012 of Act 78-2011, as amended, allows a voter to be deactivated after failing to vote in one election, unlike the National Voter Registration Act that allows deactivation only after a failure to vote in two consecutive elections. 42 U.S.C.S. § 1973gg-6(b)(2)(B); 42 U.S.C.S. § 15483(a)(4)(A):

"Section 6.012. – General Voter Registry. –

The Commission shall prepare and keep a General Voter Registry of all registered persons in Puerto Rico. Said Registry shall be kept in such a way that information related to voters can be veritably and promptly determined. The information contained in the General Voter Registry shall be continually updated in terms of the voters' changing circumstances. All lists of voters entitled to vote in an election shall be prepared based on the General Voter Registry.

If a voter fails to exercise his/her right to vote in a General Election, his/her file in the General Voter Registry shall be inactivated. The Commission may exclude voters from the General Voter Registry on the grounds provided by this Act or established through regulations. The exclusion of a voter shall not entail the elimination of his/her information from the General Voter Registry. The Commission shall keep at least one (1) true and exact copy of the General Voter Registry in a separate, secure place under its custody and make any necessary modifications to keep it up to date." (Emphasis ours) (Section 6.012 of Act 78-2011, as amended)

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

The Commission shall establish, by regulation, a system whereby any registered voter may request the reactivation of his/her registration after being inactivated for not voting in a General Election. Likewise, the Commission shall establish a system whereby registrations may be transferred from one precinct to another due to a voter's change in domicile. The procedure to relocate those voters who, due to a change in domicile, request that their registration be relocated from one Electoral Unit to another within the same precinct shall also be established through regulations. The Commission shall also establish a system whereby voters may request the renewal of their voter identification card if it has expired pursuant to the provisions of this Act, if it has become deteriorated, or if it has been lost. A sworn statement attesting to the circumstances related to the loss shall be included with the request." (Section 6.013 of Act 78-2011, as amended)

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. The Local Commission is composed of a Local Election Commissioner for each political party and a Chair or President of the Local Commission. The Chair of the Local Commission is a Superior Court Judge designated by the Chief Judge of the Puerto Rico Supreme Court to that Judicial Region (Section 5.002, Act 78-2011 as amended). If there is not a unanimous decision on the challenge, the challenge must be decided by the Chair of the Local Commission.

The **only change** in the Puerto Rico Electoral Code, Act 78-2011, was a result of an amendment by Law 67-2014 that changed the process by which state judges are appointed to act Presidents or Chairs of Local Election Commissions, and as Judges to hold hearings in election cases in the Court of First Instance or

Court of Appeals. Judges used to be designated randomly in the appropriate Judicial Region to hear these cases, or chosen to be Chairs of the Local Election Commissions. Since the Law 67-2014 amendment, Sections 4.005, 5.002, and 9.0039 (k) of Act 78-2011, now hold that Judges are appointed by the Chief Judge of the Puerto Rico Supreme Court.

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 Code and the Regulations approved by the CEE:

"**Section 6.017. – Challenge Process. –**

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

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

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

(3) That the individual challenged is not at least eighteen (18) years old, nor will he/she attain such age on or before the date of the next General Election. (4) That the individual challenged is not the person he/she claims to be in his/her registration application; (5) That the individual challenged has died; (6) That the individual challenged has been declared mentally incompetent by a Court of Law; and (7) That the individual challenged is registered more than once in the General Voter Registry.

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

(a) Name and surnames.

(b) Date of birth.

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

(d) Grounds for Challenge.

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

Once the Chair of the Local Commission receives the challenge petition form, he/she shall schedule a hearing to be held within the following ten (10) days, to hear the pertinent evidence. The challenged voter, the challenger, and any other person as requested by the parties shall be summoned. The Local Commissioners of the various political parties, as well as the municipal chairs of the political committees of the various political parties, shall also be notified. The Commission, after a petition and justification to such effect, shall be empowered to extend the term to hold said hearings. Notices containing the names of challenged voters shall be published periodically and timely by the Commission in a newspaper of general circulation during the term established by law to carry out such process. In challenge petition forms filed for the aforementioned ground (2), the Chair of the Local Board shall appoint a Political Party

Balance Board that includes party representation in order to verify the accuracy of the challenge at the challenged voter's address. If such challenge is confirmed, a hearing shall be unnecessary and the publication of the name of the challenged voter shall proceed, pursuant to the foregoing paragraph. The Commission shall establish regulations for this process, which shall include all guarantees of the due process of law.

The validity of the challenge petition form shall be decided by the unanimous agreement of the members of the local commission present at the time it is considered. If there is no unanimous agreement, the challenge shall be decided by the Chair, this being the only occasion in which he/she may be involved in a challenge. Once it has been decided that the challenge is valid, the Chair of the local election commission shall direct the exclusion of the voter from the General Voter Registry. When the challenge is grounded on the provisions of subsections (5), (6), and (7) of this Section, the exclusion shall be effected as determined by the Commission through regulations.

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

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

Both the challenged voter and the challenger may appeal the determination before the Commission within the following five (5) days, except as provided for challenges on the grounds of domicile." (Section 6.017 of Act 78-2011, as amended)

"**Section 6.018. – Term to Challenge Voters**. –

Any voter from the appropriate precinct may initiate any action to challenge voters within a term of three (3) months and fifteen (15) days, comprised between January 15 and April 30 of the Election Year, on the same grounds set forth in Section 6.017 of this Act. "(Section 6.018 of Act 78-2011, as amended)

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

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

The Chair of the local commission shall not order the cancellation of the registration of such person as a voter if such person was born, according to his/her registration application, before July 31, 1931, or when the challenged voter, to maintain the legality of his/her voter registration application, produces before the Chair of the local commission a Positive Certification from the Civil Registry or Vital Statistics Registry, or any similar or analogous registry of the United States of America or a foreign country, or his/her certificate of baptism, attesting to such person's compliance with the age requirement in order to vote.

The Vital Statistics Registrars and the Secretary of Health, or their representatives, shall issue the certificates requested for election-related purposes free of charge, pursuant to the provisions of this Act. The issuance of said certificates at the request of the Election Commissioners or the members of the Permanent Registration Boards is hereby authorized, and the Secretary of Health or his/her representative

is hereby directed to address such application with priority within a term not to exceed ten (10) days." (Section 6.019 of Act 78-2011, as amended)

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

Each month, the Permanent Registration Board shall submit all the applications for registration, reactivation, transfer, relocation, pictures, and modifications made to the General Voter Registry during the month, as well as the death certificates received during said month, to the local elections commission. In its monthly meeting, the local commission shall evaluate said applications and death certificates, and from that date on, the political parties or the voters of the precinct shall have ten (10) days to submit the challenge petitions they consider to be in order. For such purposes, the same procedure established herein to decide the validity of the challenges shall be followed." (Section 6.020 of Act 78-2011, as amended)

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

The Courts Administrator shall send to the Commission, on a monthly basis during an election year and on a quarterly basis during years in which elections are not held, a list of those persons who have been legally declared as mentally incompetent. Likewise, the municipal offices of the Vital Statistics Registry of the Department of Health of Puerto Rico shall remit each month to the Permanent Registration Board of their municipality a list of all deaths recorded in their books. The Permanent Registration Board shall request the Vital Statistics Registry to provide all those death certificates that it deems necessary, and said Registry shall have the obligation to provide them free of charge. The Commission may coordinate the receipt of this information in electronic format". (Section 6.021 of Act 78-2011, as amended)

"**Section 9.031. – Challenge of a Voter. –**

Any voter who has solid grounds to believe that a person who has come to vote is doing so illegally, based on one or more of the grounds set forth in Section 6.017, except for the provisions of paragraph A(2), may challenge the vote of said person on the grounds that made it illegal, pursuant to the provisions of this Act, but such challenge shall not prevent the voter from casting his/her vote. In the case of a challenge on the grounds of age, it shall be the duty of the challenger to bring and provide to the Polling Place Board with a birth certificate or a negative certificate which indicates that said voter is not of legal voting age. Likewise, in the case of a challenge on the grounds that the challenged individual has died, it shall be necessary for the challenger to bring and provide to the Polling Place Board with a death certificate, or if it is based on the grounds that the individual challenged is registered more than once in the General Voter Registry, the challenger shall provide a certification from the Commission to such effect." (Section 9.01 of Act 78-2011, as amended)

C1a. All voters in Puerto Rico cast paper ballots.

"Section 9.027- Voting Procedure.-

Polling places shall open at eight o'clock in the morning (8:00 a.m.) and close at four o'clock in the afternoon (4:00 p.m.). In the event that the optical scanning vote counting system has not been implemented, polling places shall open at eight o'clock in the morning (8:00 a.m.) and close at three o'clock in the afternoon (3:00 p.m.)." (Section 9.027 of Act 78-2011, as amended)

First votes are counted by hand by volunteer poll workers in political party balance at the closed polling places on Election day using the manual Canvassing process described in the Puerto Rico Electoral Law below. Absentee ballots, mail-in ballots, provisional ballots, ballot cast by jail inmates and ballots cast by disabled voters using the HAVA compliant Telephone Voting System are all counted centrally. Section 10 of Puerto Rico Electoral Code describes the Vote Canvass process as shown below.

"**Section 10.001. – Canvass**. –

Once the canvass has begun, no member of the Polling Place Board may, under any circumstance, leave the polling place. Election officials shall remain at the polling place until all the canvass is finished and the results of the canvass have been announced by posting a copy thereof on the door of the polling place in question. The Commission, through regulations to that effect, shall establish the manner in which said canvass shall be made. The Commission shall also establish, through regulations, the contingency protocol for the electronic voting or canvassing system that shall be implemented in case any problem should arise." (Section 10.001 of Act 78-2011, as amended)

"Section 10.002. – Unadjudicated Ballot. –

Any decision regarding the adjudication of a ballot shall require the unanimous vote of the Polling Place Board inspectors. In any case in which the inspectors cannot agree on the classification or adjudication of a ballot, they shall mark it on the back with the phrase "unadjudicated", stating in writing below the phrase, their respective opinions and signing said statements, including the political party or independent candidate they represent." (Section 10.002 of Act 78-2011, as amended)

"**Section 10.003. – Challenged Ballot**. –

The Commission shall mix any challenged ballot that may be adjudicated pursuant to the procedure established through regulations with the other ballots, and be adjudicated in favor of the candidates for whom the mark was made, unless, for any reason, such ballot has been protested or unadjudicated. If it is proven after an election that a challenged ballot was voted on by a person or a voter with no right to vote in that election, the Commission shall refer the issue and the pertinent documentation to the Secretary of Justice, so that he/she may determine whether there has been any violation of law and act accordingly." (Section 10.003 of Act 78-2011, as amended)

"**Section 10.004. – Protest Ballot.** –

Votes on protest ballots shall not be counted for candidates. Protest ballots shall be put in an envelope duly identified with the precinct, Electoral Unit, polling place, and number of ballots by type contained within, and the inspectors shall sign it and enter the number of ballots on the tally sheet. The envelope shall then be sent to the Commission so that it may evaluate and decide on the protest ballots." (Section 10.004 of Act 78-2011, as amended)

"**Section 10.005. – Split-Ticket Ballot. –**

For a ballot to be considered a split-ticket vote, it shall contain at least one valid vote for a candidate in the column of the political party marked by the voter, taking into account the number of candidates for which the voter has a right to vote, and at least one valid vote for any other candidate of another party. If there are more candidates marked on a ballot for the same elective public office than the number for which the voter has a right to vote, the vote for said office shall not be counted, but the vote in favor of the candidates correctly selected for the other offices on the ballot shall be counted." (Section 10.005of Act 78-2011, as amended)

"**Section 10.006. – Tally Sheets.** –

Each polling place shall have tally sheets. There shall be as many copies of tally sheets as there are political parties and independent candidates participating in the election. The inspectors and representatives of political parties or independent candidates present at the polling place shall be responsible for completing all parts thereof, and each one of them shall keep a copy thereof after the canvass is over." (Section 10.006 of Act 78-2011, as amended)

"**Section 10.007. – Return of Election Material. –**

When the canvass has been completed, the Polling Place Board shall return all election material of such polling place to the Electoral Unit Board, as provided by the Commission through regulations. The

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

As soon as the local commission receives the election material from all the polling places in each of the electoral units in the precinct, it shall certify the summary of the voting of said precinct. Once it concludes the summary, the local commission shall immediately send all the election materials of the polling places in the precinct to the Commission, as provided by the Commission through regulations. It shall be the responsibility of the local commission to make the pertinent arrangements with the Puerto Rico Police in order to provide the necessary security and protection to these materials from the time they leave the local commission until they are delivered to the Commission. The local commission shall be responsible for the custody of such materials until they are delivered to the Commission.

It shall be an election-related offense, as classified in Section 12.005 of this Act, for the members of the Polling Place Board, Electoral Unit Board, or local commission to abandon their work without having concluded, uninterruptedly, all canvassing works and procedures established in this Act." (Section 10.007 of Act 78-2011, as amended)

"**Section 10.008. – Partial and Preliminary Results**. –

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

(b) Preliminary. – The Commission shall announce the preliminary results not later than seventy-two (72) hours following an election. The results shall be based on the combination of the results of all the polling places of each Electoral Unit. This shall not constitute the certification of any candidate, aspirant, proposal, or issue. The Commission shall not be able to certify any candidate, aspirant, proposal, or issue until the general canvass is carried out pursuant to Section 10.009 of this Act." (Section 10.008 of Act 78-2011, as amended)

"**Section 10.009. – General Canvass**

After the Commission has received the election material bags, it shall proceed to carry out a general canvass. The person who shall be in charge of the general canvass shall be selected by the Chair, but shall require the unanimous ratification of the Election Commissioners. During the general canvass, only the protested, challenged, unadjudicated, provisional, and absentee ballots received during the general election shall be handled. These ballots shall be evaluated by the Commission in order to be either adjudicated or voided. Once the general canvass begins, it shall continue until it is completed.

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

If the Commission fails to correct an error found on a tally sheet, or if there were any discrepancies regarding the number of voters and the number of ballots canvassed at the polling place, a recount of all the ballots of such polling place shall be conducted pursuant to Section 10.010 of this Act.

The results of the general canvass of an election, as declared by the Commission and published by the Chair, shall be final, unless contested within the terms provided by this Act." (Section 10.009 of Act 78-2011, as amended)

"Section 10.010. – Recount. –

When the manual, preliminary or general result of an election shows a difference between two candidates for the same elective public office of one hundred (100) votes or less, or zero point five percent (0.5%) or less of the total votes cast for such office, the Commission, by request of any of the candidates in the controversy, shall conduct a manual recount of the votes cast in the polling places involved. In the case of senators and representatives-at-large, a manual recount of the polling places involved may be requested if the difference between the eleventh (11th) and twelfth (12th) candidate is one hundred (100) votes or less, or zero point five percent (0.5%) or less of the total votes adjudicated for the office in question. In the case of municipal legislators, a manual recount of the polling places involved may be requested if the difference between the last candidate and the one that follows is five (5) votes or less. The request for recount authorized herein shall have the effect of a contested action, and there shall be no certification of the winner until the manual recount of said polling places is made, as requested.

The Commission shall perform the manual recount by using the tally sheets and the ballots of the polling place as described below.

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

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

Candidates entitled to a recount shall submit to the Commission a list of observers for said process within seventy-two (72) hours after the Commission's notice. The Commission may not begin the recount process until the candidate has submitted the list of observers within the term set forth in this Act." (Section 10.010 of Act 78-2011, as amended)

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 cast 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 jails and then the CEE's Absentee Vote Administrative Board, with "party balance" or representatives of each duly certified political party, at the central office counts those ballots with the rest of the absentee ballots (of regular voters and UOCAVA).

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 polling station ("colegio" or "college" is the term for voting precinct/polling station in Puerto Rico). 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 provisional ballots can access information on the disposition of the ballot either by calling the CEE or by visiting their local election office.

C2. Puerto Rico requires a reason for voting absentee, i.e. Puerto Rico does not have a "no excuse absentee voting" process. The Puerto Rico Electoral Code establishes the reasons required for a voter in specific categories to have the right for absentee voting:

"**Section 9.035. – Persons Entitled to Absentee Vote. –**

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

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

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

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

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

(e) Spouses and children or dependent relatives of voters who are in any of the four

(4) aforementioned groups, and who are a part of the immediate family group that lives under the same roof with said voter, provided that they meet the requirements to be voters under the provisions of this Act.

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

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

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

(i) Athletes and technical support personnel who are participating in athletic competitions (or high-performance athletes participating in training programs outside of Puerto Rico on the day of an election) representing Puerto Rico on the day of an election and are certified by the Puerto Rico Olympic Committee or any of its federations.

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

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

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

The Commission is hereby authorized to adopt, through regulations or resolution, those measures that it deems necessary to guarantee the Federal rights of voters covered by the provisions of the laws of the

United States of America on absentee vote and regarding mechanisms to exercise the same." (Section 9.035 of Act 78-2011, as amended)

C3. The Puerto Rico Electoral Code provides an "early voting" type process, called "Advance Voting," 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. Ballots cast during Advance Voting, i.e. in the days before Election Day, are segregated by precinct and vote totals are reported at the precinct level.

"**Section 9.039 Advance Voters. –**

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

(a) Members of the Puerto Rico Police, up to five thousand (5,000) voters, the Municipal Police Corps, the Custody Officer Corps of the Corrections Administration, the Juvenile Correctional Officers of the Juvenile Detention Facility Administration, and the Puerto Rico Firefighter Corps who will be on duty during the hours in which the voting process takes place on Election Day and who are not on leave granted by the agency in question;

(b) Inmates of penal institutions in Puerto Rico;

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

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

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

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

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

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

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

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

(k) The judges of the General Court of Justice who are appointed by the Chief Judge of the Puerto Rico Supreme Court to hear cases related to the voting process and who will be working on Election Day.

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

(m) Personas with mobility disabilities (bedridden) that are qualified as voters for Easy Access at Home. The Local Commission shall be responsible of verifying, evaluate and approve the request, in accordance with the applicable Regulation. The members of the Absentee Vote Administrative Board (JAVA by its Spanish acronym) shall be responsible of working with the vote as an absentee vote (vote by mail) and the adjudication of these votes.

(n) Persons that will be at work related to the electoral event for one of the duly certified Political Parties, as certified by the corresponding party up to maximum of one hundred (100) persons per party. The Commission may include other advance vote categories, which shall require the participation and the unanimous vote of all Election Commissioners. Likewise, the Commission shall approve the regulations necessary for implementing the new categories. These regulations shall be approved not later than the term established by law for the approval of the regulations for General Elections and general canvass.”**.** (Section 9.039 of Act 78-2011, as amended)**.**

“**Section 9.040. – Advance Vote Application**

Applications for advance voting shall be filed for each election by submitting a form and attesting evidence, as the Commission provides through regulations. The deadline to apply for advance voting shall be the closing date of the General Voter Registry for the Election in question. Notwithstanding the foregoing, those persons who fall into one of the categories set forth in subsections (f), (k), and (l) of Section 9.039 may apply for advance voting by submitting a form and attesting evidence not later than fifteen (15) days before the election event.” (Section 9.040 of Act 78-2011, as amended)

“**Section 9.041. – Advance Vote Procedure.** –

Voters authorized to vote in advance shall cast their votes in accordance with the procedures established by the Commission through regulations.” (Section 9.041 of Act 78-2011, as amended)

D3. Political party observers are allowed and typically present in every voting precinct. Relevant sections of the electoral law are listed below:

“**Section 5.009. – Polling Place Board**. –

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

The Commission shall provide, through regulations, all that pertains to the forms and procedures to make such appointments effective.” (Section 5.009 of Act 78-2011, as amended).

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

With regard to international and other types of observer, although the Puerto Rico Electoral Code is silent on this subject, the CEE has passed rules/regulations and resolutions to allow mainland and international

guests together with 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.

"**Section 9.019. – Oath of the Polling Officials**. –

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

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

_____ Affiant Sworn and signed before me on this ___ day of_____, 20__, in _____, Puerto Rico. _____Official administering the oath" (Section 9.019 of Act 78-2011, as amended). Such oath may be sworn before any official authorized by the Commission or any official entitled by law to administer oaths in Puerto Rico.

"**Section 9.021. – Authority of the Polling Officials**. –

Every regular Polling Place Board inspector shall be entitled to voice and vote in the procedures of the Polling Place Board. The Commission shall provide, through regulations, the assignment of the duties to be carried out by each of the regular inspectors. Substitute inspectors and clerks may perform the duties assigned to them by the Polling Place Board and may participate in the works thereof, but substitute inspectors may only vote as members thereof when they are substituting officially appointed inspectors.

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

The observers of aspirants and candidates for representatives and senators shall have the same duties as the regular inspectors." (Section 9.021 of Act 78-2011, as amended).

E1. 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 has an Election Complaint Evaluation Board with Legal Representatives of each duly certified political party as an Official Examiner. Also, the CEE has an Election Day Task Force, with political party representatives, technicians from different CEE offices, and representatives from the PR Education Department (most polling centers are public schools), from the People with Disabilities Ombudsman's Office, from the PR Power Agency and Telephone companies, Puerto Rico Police, that are required to resolve complaints lodged on Election Day within an hour.

In addition, the Puerto Rico Electoral Code contains Chapter 12 on “Prohibitions and Election Violations” concerning violations of election law that can filed first with the local election commission, at the State Elections Commission, or directly at the PR Justice Department that has Prosecutors on call on Election Day.

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 will assign a judge of the General Court of Justice of Puerto Rico designated by the Chief Judge of the Puerto Rico Supreme Court and established to hear election-related cases 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.