

(H. B. 851)

(No. 12-2018)

(Approved January 20, 2018)

AN ACT

To enact the “Act to Guarantee the Right of U.S. Citizens Residing in Puerto Rico to Vote in the Presidential Election,” in order to guarantee the right of U.S. citizens residing in Puerto Rico to vote for the President and Vice President of the United States; establish the procedures to hold presidential elections in Puerto Rico; assign the responsibility of overseeing such processes to the State Election Commission; and for other related purposes.

STATEMENT OF MOTIVES

Public power exercised without the free and periodic consent of the members of the political collective, who live under the laws promulgated by the authorities that hold such power constitutes a violation of the fundamental democratic principle of the consent of the governed. This principle calls for the respect of the collective will of the people, as a whole, in recognition of its sovereignty as well as the right of each and every citizen to participate in the election of the political leaders who govern them. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right.” *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1964).

On July 25, 1898, the United States assumed control over Puerto Rico occupying an island with over one million civilized inhabitants, who had an organized government structure and the participation of democratic political parties by virtue of an Autonomous Charter executed by Spain which was in effect during the Spanish colonial rule in the Caribbean.

By virtue of a provision of the Treaty of Paris, the island of Puerto Rico has been a possession of the United States of America since 1898 and its inhabitants have been subject to the laws and decrees of the Congress and the President of the United States. Throughout the 20th century and still in the 21st century, however, the decision regarding what to do with the “colony,” the “territory,” the “possession” of Puerto Rico has been the great dilemma that demoralizes, humiliates, and undermines the democratic prestige of the United States of America before the world’s eyes. Cuba, the other Spanish colony in the Caribbean taken by force of arms in 1898, was granted its independence by Congress in 1902, just four years after the end of the Spanish-American War. Puerto Rico was treated differently. Upon the enactment of the Jones Act years later, Congress granted U.S. citizenship to those born in Puerto Rico. However, a century later we have yet to be recognized all of our rights under U.S. citizenship and are discriminated against regarding federal programs and initiatives.

A century after granting the U.S. citizenship to the inhabitants of Puerto Rico in 1917, the United States still bears the ignominious burden of subjecting them to an inferior, subjugated, and unequal colonial status. It should be noted that Hawaii became a U.S. territory on the same year as Puerto Rico did, however, it has been 58 years since it was admitted to the Union.

In 1950, after the evident chagrin and with the cooperation of an island sector, Washington D.C. drafted a bill to cover up this colonial subjugation. With the approval of Law 600 of July 3, 1950, Congress authorized the “People of

Puerto Rico” to call a Constitutional Convention, draft a local constitution to organize an internal government under certain predetermined parameters, submit it to Congress for approval, and to ratify it in a referendum. Upon the effectiveness of the local constitution on July 25, 1952,¹ the Puerto Rican political leaders governing at the time attempted to glorify the process under the pretense of having created a new autonomous status in 1952 known as a “Commonwealth.”

The truth is that nothing new was created in 1952 and Puerto Rico has never been neither a state, nor a commonwealth. Law 600 left intact various sections of the Jones Act and the Foraker Act as well as of the Treaty of Paris. For such reason, Puerto Rico continues to be a territory of the United States subject to the authority and the plenary powers of Congress under the Supremacy Clause of the Constitution of the United States.

Puerto Rico is a colony of the United States with approximately 3.5 million U.S. citizens, without voting rights or representation in the U.S. Senate, without voting rights or full representation in the U.S. House of Representatives, and without the right to vote for the President and Vice President who govern them.

The inexorable course of history shattered the illusion of sovereignty dubbed “Commonwealth,” which has never been a political status. Congress’ absolute power under the Territory Clause, the imposition of the so called PROMESA, the outcome of the plebiscites and the ongoing claims over the political status, the opinions of the U.S. Department of Justice and Congress, and the rulings of the U.S. Supreme Court as recently as 2016, have clearly confirmed, leaving no room for interpretation, the Island’s colonial status and the progressive revalidation of the statehood movement founded in the early 20th century.

¹ Only 42% of Puerto Ricans ratified the Commonwealth.

After 119 years of coexisting with our fellow citizens and the government of the United States of America; after over 100 years of being U.S. citizens at birth; of contributing our blood, honor, and sacrifice in all the military conflicts that have threatened the national security; and of coexisting in the socioeconomic framework of our Nation, Puerto Rico continues to be the oldest and most populous colonial territory in the world. In addition to being contradictory to the egalitarian and democratic evolution of our Island, this colonial status, unilaterally imposed on Puerto Rico through century-old actions and omissions by the Federal Government, has prevented its citizens from fully participating in the government that affects their lives; from voting for their President; and from electing representatives who have a voice and a vote in the U.S. Congress.

The approval of the Constitution of Puerto Rico in 1952 ratified that the U.S. citizenship is a determining factor in our lives and that we strive to continuously improve our democratic heritage through the individual and collective enjoyment of the rights and prerogatives of said citizenship. It should be understood that the citizens of Puerto Rico value their U.S. citizenship, the socioeconomic environment of their Nation, and the quality of life they expect. All of these elements were imposed after the “Treaty of Paris of 1898” through economic, business, financial, and environmental federal laws. However, this has been their reality of life for many generations before. When the citizens of Puerto Rico design and define their expectations for quality of life, they do so as U.S. citizens, because they are.

By 1960, in his appearance before Congress’ Subcommittee on the Judiciary, Governor Luis Muñoz-Marín stated that the right to vote for the President and Vice President of the United States should be extended to the citizens who live in the communities under the American flag, regardless of their location. Muñoz also indicated that he was making the claim as a United States

citizen and that all other persons who hold said citizenship should have the right to vote for the highest-ranking officials in the American Nation.

Suffrage is fundamental to citizenship for it is a right that safeguards all other rights. As U.S. citizens, upon moving to any state, those who are born in Puerto Rico automatically acquire all the rights, duties, and opportunities denied to the colonial territory of Puerto Rico. The U.S. citizens residing in Puerto Rico, however, are second-class citizens, unless they move to a state of the Union where they become first-class citizens immediately. This is representative of how gratuitous the consequences of the anachronistic colonialism imposed on Puerto Rico are.

As U.S. citizens, the residents of Puerto Rico have the right to enjoy the same quality of life as their peers in the states, because that is the environment in which they live and their genuine desire. In fact, more Puerto Ricans reside in the United States mainland than in the Island. “The right of every American to first-class citizenship is the most important issue of our time.” Jackie Robinson

However, a century after being granted citizenship, Puerto Ricans do not vote for the President nor can we elect voting delegates to Congress. The People of Puerto Rico have shed their blood in every war and armed conflict where the United States has been involved by determination of a President (Commander in Chief) we did not elect. In fact, Puerto Rico has to abide by the laws and decrees of an Executive and a Legislative Branch that for the past 119 years had been constituted without the democratic support of the inhabitants of the island.

On November 6, 2012, the people of Puerto Rico went to the polls to express their will: 53.97% of voters expressed their disapproval and rejection to the current colonial status; and 61.16% voted in favor of Statehood. Since then, the so-called consent of the “people of Puerto Rico” to the relationship established during the constitutional process in 1952 was fractured, and even if such consent had validly

existed at any time, the people resoundingly withdrew said consent. For all political purposes, the United States of America exercises colonial dominion over Puerto Rico, without the consent of Puerto Ricans and in violation of international law.

The fight and clamor for Puerto Rico's admission as a State into the Union is both a duty of democratic legitimization for all of the U.S. citizens of Puerto Rico, and a democratic reaffirmation of the principles upon which the Union was founded for the U.S. Citizens of the fifty states of the Union.

Every time the issue of Puerto Rico's colonial status arises in national or international scenarios, Washington's ruling class expresses its respect toward the "self-determination" of the People of Puerto Rico. During her intervention this summer, United States Ambassador to the United Nations, Samantha Power, replied to the report of the Committee on Decolonization, by stating that: "*The People of Puerto Rico have the right to self-determination by choosing between three decolonizing formulas recognized by international law: statehood, independence, and free association.*" Today, Puerto Rico is an embarrassing example of the United States' unsuccessful colonial model to which its opponents resort to discredit it. The failed colonial model prevents Puerto Rico from realizing its full financial and social potential. The final and definite solution for Puerto Rico's colonial status is federated statehood, which already obtained a broad and unequivocal mandate in the 2012 plebiscite.

The people of Puerto Rico exercised their right to self-determination by choosing statehood as the "decolonizing formula" in the 2012 plebiscite on status. To be validated before the whole world as a democratic model that deserves to be followed, the United States of America must honor in Puerto Rico the principles upon which they proclaimed themselves as a Union independent from the European imperialism in 1776. The United States must honor the lives sacrificed

and the blood shed by thousands of fellow Puerto Ricans in the battlefields, and they must show that America continues to be true to the model of multinational and multicultural coexistence that opened the doors to migrants worldwide, all of which contributed to the constitution of the most sovereign, free, independent, and powerful nation on the face of the Earth.

It is time to recognize the irrefutable facts and absolute truths. All of the reports submitted by the federal technocracy on Puerto Rico's colonial status are simply reduced to the argument that the "territory clause" grants the federal Government absolute sovereign powers, but they never mention the negative consequences that exercising such power has had on the quality of life of 3.5 million U.S. citizens residing in Puerto Rico.

Congress itself has dismantled the constitutional framework approved for the Island in 1952. The Puerto Rico Oversight, Management, and Economic Stability Act, better known as PROMESA, passed by the Congress in 2016, conferred to the designated members of its board powers that subvert the powers that the Constitution of Puerto Rico confers upon the highest-ranking officials elected by the People of Puerto Rico, namely, the Governor, the members of the Legislative Assembly, and the Mayors. For all practical purposes, the Congress reverted us to the time when the Governor, the Treasurer, and the members of the Judicial Branch were designated by the people in Washington, and when the President had the authority to veto the budget approved by the Legislative Assembly.

The limitations that the United States citizens of Puerto Rico suffer through the territorial and colonial status, which goes against their desire for decolonization and equality as expressed through their vote, also place our nation at odds with many of the fundamental principles contained in the "Universal Declaration of Human Rights" endorsed by the United States of America and adopted by the United Nations General Assembly in Paris in 1948:

Article 2: Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

...

Article 21: Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Said retrogression to the ruthless colonialism of the past compels us to act on the clamor of the United States citizens of Puerto Rico for the implementation of a decolonizing agenda. It is time to abandon the rhetoric and to take action where the federal government has only deigned to talk about. Puerto Rico should have the right to reach its full socioeconomic development potential, but it needs the equal rights and obligations of a state of the Union to do so.

The future, quality of life, human rights, and even the access to health services by 3.5 million U.S. citizens born in Puerto Rico should not and cannot continue to be circumvented in the U.S. Capitol while the calamity of colonialism continues to destroy their jobs, business, savings, pensions, and even their family unit as a result of a massive migration caused by the territorial and colonial status.

This Act constitutes a decisive instrument in the mission to defend the civil and human rights of the United States citizens of Puerto Rico in the face of the inequality, and disadvantages ensuing from the century-old territorial and colonial

status. All the civil and legal means, including the state, national, and international public opinions shall be employed to fulfill this mission.

History has taught us that in the U.S. democracy, one neither requests nor prays for rights, but rather demands and claims them. The time has come for Puerto Rico to demand and claim what it is rightfully ours. As for Washington, the time has come to listen to the moral voice of its ancestors and honor the ideals consecrated in the history of the United States of America.

Therefore, this Legislative Assembly decided to begin the transition to statehood and to make the presidential vote possible as one of the first fundamental changes of our political relationship with the United States. This is consistent with the commitments made in the government program submitted to the People for its approval in the 2016 general election, entitled the “Plan for Puerto Rico.”

It is important to reiterate that Puerto Rico’s colonial status, and its disastrous consequences for the lives of its U.S. citizens, are not resolved with more colonialism. This measure is a key to cause the federal Government of the United States of America to address the colonial status issue, which impairs the social and economic growth of Puerto Rico. Together with the Act No. 30-2017, the “Act for Equality and Congressional Representation of the U.S. Citizens of Puerto Rico,” this legislative piece demands that the will of our qualified voters, freely and democratically expressed on the November 6, 2012 and June 11, 2017 plebiscites, on which an overwhelming majority of the People rejected the colonial status and stated their preference for the Puerto Rico’s admission as a State into the Union, be recognized, accepted, respected, and implemented.

The Legislative Assembly promulgates this Act to render the transition into statehood feasible as well as the right of U.S. citizens residing in Puerto Rico to vote in the presidential elections.

This Act is a normal, natural, legitimate, and logical action of a people that claim and demand their most fundamental democratic rights as citizens of the United States of America.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Title

This Act shall be known as the “Act to Guarantee the Right of U.S. Citizens Residing in Puerto Rico to Vote in the Presidential Election.”

Section 2.- Definitions.-

For purposes of this Act, the following terms and phrases shall have the meaning stated below:

(a) “Candidate” or “Candidates”- means the candidate for President and Vice President of the United States of America.

(b) “Commission” or “Election Commission”- means the State Election Commission, the electoral body created by Act No. 78-2011, as amended.

(c) “Elector”- means the person designated in accordance with the provisions of this Act and pledged to vote for a specific Candidate for President and Vice President of the United States of America.

(d) “Presidential Election” or “Presidential Elections”- means the process whereby voters cast a ballot to express their preference from among the Candidates for the offices of President and Vice President of the United States of America, through the selection of electors, as provided in this Act.

(e) “Election Code”- means Act No. 78-2011, as amended, denominated as the “Puerto Rico Election Code.”

(f) “National Party” means any political party that6 nominates and assists in the election of candidates for the offices of President and Vice President of the United States of America.

(g) “Chair”- means the Chair of the State Election Commission.

Section 3.- Functions of the Election Commission and Duties of the Chair.-

Every four (4) years, on the same day of the general election, the Election Commission shall organize, implement, and render it feasible for voters in Puerto Rico to cast their votes to express their preference from among the candidates for the offices of President and Vice President of the United States of America.

This Act authorizes the use of resources, equipment, real and personal property, as well as the employees and officials attached to the Commission as are necessary to carry out all the processes and activities related to such election.

To guarantee the purity of the presidential voting process and the exercise of the right to vote, the Chair of the Commission shall be empowered to carry out any actions and make any efforts as necessary to enforce the provisions of this Act, in accordance with the powers conferred thereto under the Election Code. For such purposes, the Chair, with the advice of the election representatives of the candidates, shall adopt the rules, regulations, and procedures as are necessary, which procedure shall be governed by the provisions of the Election Code. Likewise, the Chair shall issue orders, resolutions, and determinations, and may delegate compliance therewith to his subordinates.

Section 4.- Supplementary Law.-

The Puerto Rico Election Code and the regulations approved thereunder shall be deemed supplementary to this Act. Said provisions shall apply to the procedures related to presidential elections in Puerto Rico, provided that they are consistent with the purposes and provisions of this Act, and except as otherwise provided.

Section 5.- Presidential Election Official.-

Every candidate appearing in the presidential ballot shall designate an official in Puerto Rico to whom he shall delegate the responsibility to take care of

all matters pertaining to the voting event to be held in accordance with the provisions of this Act.

Within fifteen (15) days counted from the date of their nomination, or in default thereof, from the filing of the number of valid endorsement petitions provided for in Section 8, the national party or candidate shall notify in writing the designation of its election official to the Chair of the State Election Commission, stating his personal information as well as his express delegation for such purposes.

If, after such time periods have elapsed, the candidate has failed to designate his Presidential Election Official, then the election commissioner of the national party in Puerto Rico shall assume said responsibility.

The Presidential Election Official or his delegate shall be empowered to appoint the representatives of the candidate for the various electoral bodies.

Section 6.- Electoral Bodies.-

At all the levels of the election process, the persons designated in the electoral bodies to discharge the functions related to the local elections may discharge an additional function in representation of a presidential candidate. When this situation arises, a dual function shall be undertaken. This responsibility may fall on and range from the office of the election commissioner to the members of the Polling Place Board. When a member of any of the government bodies is unable to perform said dual function, the Presidential Election Official shall designate a person to represent the candidate in the pertinent body.

Section 7.- Electors for Presidential Elections.-

For the election of the President and Vice President of the United States of America, Puerto Rico shall have seven (7) official electors and four (4) alternates. Said electors shall meet in the Capitol, in the city of San Juan, Puerto Rico, the Monday after the second Wednesday in December of a presidential election year,

to perform the duties provided by the Twelfth Amendment to the Constitution of the United States of America.

Section 8.- Nomination of Candidates.-

(a) The candidates for President and Vice President of the United States nominated by any national political party that has participated in any of the processes provided in Act No. 6 of September 24, 1979, as amended, known as the “Compulsory Presidential Primaries Act,” shall appear as candidates on the ballot of the presidential elections to be held pursuant to this Act. Once the results of the national conventions of the parties referred to in this subsection are made public, the Chair of the State Election Commission shall be required to take measures as are necessary for said candidates to appear on the presidential ballot of Puerto Rico.

(b) Candidates for the presidential election may also be nominated by any other national political parties or persons who, without having participated in the processes under Act No. 6 of September 24, 1979, file with the Chair of the State Election Commission petitions sworn before a notary public in support of their candidate for President. The total number of valid petitions required shall be eight thousand (8,000), which shall be filed with the State Election Commission on or before sixty (60) days prior to the date of the presidential election. Each voter shall sign, under oath, one endorsement petition in support of a single candidate for President of the United States.

The Chair of the State Election Commission shall adopt through a Resolution, the rules and the special form to implement the provisions of this subsection. The content and design of said form shall provide for the identification of the undersigned voter, the information regarding the execution thereof, as well as the filing thereof with the State Election Commission.

Section 9.- Rights of Candidates for President of the United States.-

Every candidate for President of the United States of America nominated in accordance with the provisions of this Act shall have, among others, the following rights and prerogatives:

(a) To have his name and the name of his Candidate for Vice President included in the ballot for the office they aspire to in the presidential election.

(b) To designate a Presidential Election Official and an alternate whom, together with the Chair of the State Commission, shall address any matter or dispute arising in connection with his candidacy, the voting and the canvass processes of the presidential election.

(c) To be duly represented at every stage of the voting, election, and canvass processes through the members of the different electoral bodies.

(d) To appear before the Chair of the State Election Commission through his authorized representative and be notified as an interested party of any proceeding before the consideration of the Commission in relation to or that affects the presidential election or his candidacy.

The Chair of the State Election Commission shall adopt the rules that shall govern the exercise of these rights and prerogatives and render it feasible.

Section 10.- Qualifications of the Electors.

Every person designated as an elector for the election of the President and Vice President of the United States of America shall be a qualified voter of Puerto Rico pursuant to the Election Code.

Neither the members of the Congress of the United States of America nor the officials or employees of the Federal government may be designated as electors for a presidential candidate.

Section 11.- Designation of Electors.-

Every Candidate for President of the United States who meets the requirements provided in Section 8 shall designate, through the Presidential Election Official, seven (7) official electors and four (4) alternate electors, as provided in Section 7.

The designation of Electors shall be notified in writing to the Chair of the Election Commission on or before October 1 of the year in which a Presidential Election is held.

The alternate electors shall exercise the right to vote in the event of death, absence, disability, or resignation of any of the official electors following the order in which they appear on the list notified to the Chair of the Commission.

Section 12.- Obligations of the Electors.-

Every elector and his alternates shall take an oath or make an affirmation before the Chair of the Election Commission stating that they shall vote for the national party candidates or person they represent and they shall have the duty and responsibility to vote in such manner when the Electoral College is convened.

Section 13.- Date of the Presidential Elections.

The election of electors for the offices of President and Vice President of the United States of America shall be held together with the general elections in Puerto Rico.

Within the period provided for in Section 9.002 of the "Election Code," the Chair of the Election Commission shall issue a Proclamation announcing the date on which the presidential election shall be held.

Section 14.- Persons Entitled to Vote.-

Every person qualified as a voter under the provisions of the "Election Code" shall be entitled to vote in the presidential election.

Section 15.- Absentee Voting.-

Absentee Voting shall be available to any qualified voter in accordance with the requirements and processes provided for in the “Election Code.”

The Chair of the State Election Commission is further empowered to prescribe through regulations the measures necessary to guarantee the federal rights of voters under the laws of the United States of America relating to the presidential vote.

Section 16.- Information Campaign.-

The Chair of the Election Commission, together with the election representatives of the candidates for President of the United States shall develop and conduct a voter information and education campaign on the Presidential Election in Puerto Rico. Said campaign shall encourage voters to participate in said elections and shall educate them on the manner in which they shall mark the ballot to cast their vote.

For such campaign, the Chair shall use any communications media and public broadcast techniques within his reach, including dissemination via television and Internet media.

Section 17.- Presidential Ballot.-

The Chair of the Election Commission, together with the election representatives of the candidates, shall design a presidential ballot, in both official languages (Spanish and English), in a different color than that used for the election of officials nominated for public office in the Government of Puerto Rico. Subject to the provisions of this Section, the Chair and the election representatives shall prescribe through Resolution the design and the text to be printed on the presidential ballot. The provisions of Section 9.011 of the Election Code, including the provisions on write-in candidates, shall not apply to presidential ballots.

The emblem or insignia of the national party, the name of the party, and a picture of the candidate for President of the United States shall be placed at the top of the appropriate column, leaving enough space for the voter to make his mark. The phrase "Electors for" shall be placed immediately below shall appear in print, and under this phrase the names of the candidates, with a description of the office to which they have been nominated; and below this, the name of the candidates, and the offices for which they were nominated.

The order or column where the names of the candidates for President and Vice President of the United States of America shall be placed shall be determined through a lottery to be conducted by the Chair of the Election Commission in the presence of the election representatives of the candidates for President of the United States. Each ballot shall also include the instructions on how to vote. The name of the pledge delegates shall not appear on the ballot.

Candidates for President of the United States of America who participate in the presidential election in Puerto Rico shall notify the Chair of the Election Commission the name, picture, and insignia that shall appear as their emblem in the presidential ballot. Said notice shall be made by means of a certification before the sixty (60) days prior to the presidential election. If the appropriate certification is not received, the Chair shall assign a geometric shape as the emblem of the candidate.

Section 18.- Poll Book.-

The Election Commission shall deliver one (1) copy of the poll book to be used on the day of the voting event to each election representative of the candidate for President of each national political party, not later than twenty (20) days after the deadline for voter registration.

Section 19.- Voting at Polling Places.-

The provisions of the “Election Code” and the regulatory provisions adopted for the implementation thereof shall be applied to voting processes at the polling places as well as to the incidents that take place during the voting event insofar as they are not inconsistent with the provisions of this Act.

If a Voter refuses to accept the presidential ballot, the polling place inspectors shall render it void by drawing a line across the spaces provided for the Voter’s mark and writing the letters “NR” and signing them on its face. At the closing of the polls, the inspectors shall write on the incident log the number of presidential ballots voided for this reason.

Section 20.- Presidential Election Results.-

Every vote cast for a candidate for President or Vice President whose name appears in the Presidential Ballot shall be counted in favor of all of the Electors designated by such candidate.

Section 21.- Canvass.-

The Chair of the Election Commission and the election representatives of the candidates, through regulations to such effect, shall provide the form and manner in which the canvass process shall be carried out, in accordance with the provisions of the “Election Code,” and of this Act.

Section 22.- General Canvass and Result Certification.-

The Election Commission shall establish rules and measures as appropriate for the general canvass of the presidential ballots to conclude before the date on which the Electoral College is constituted for the Electors of the states, the District of Columbia, and Puerto Rico to vote for the candidates for the offices of President and Vice President of the United States of America.

Upon concluding the general canvass of the presidential ballots, the Chair of the Election Commission shall issue a certificate of the results of the election to the

President of the United States of America, the President of the Senate, and the Speaker of the House of Representatives of the United States, to the Governor of Puerto Rico, the President of the Senate, and the Speaker of the House of Representatives of Puerto Rico. Such certification shall state the name of the Candidates for President and Vice President whose electors have polled the highest number of votes. The Chair of the Election Commission shall issue a certificate of election to each of the elected electors and the latter shall furnish the certificate the day on which the Electoral College is convened.

Section 23.- Electors Voting.-

The Monday after the second Wednesday in December of a presidential election year, the President of the Senate, and the Speaker of the House of Representatives of Puerto Rico shall call the Electors of Puerto Rico in accordance with the certificate of the election issued by the Chair of the Election Commission. Said Electors shall cast their secret vote for the candidates for President and Vice President of the United States that they represent.

For purposes of the presidential election, the Electoral College shall be established at the Capitol of Puerto Rico. The voting and canvass processes pertaining to the November 3, 2020 election, shall be directed by the Speaker of the House of Representatives at the chamber of said Legislative Body and, thereafter, every four (4) years, the direction of these processes shall be alternated between each legislative body and their respective Presiding Officer. The members of both legislative bodies may be present as observers during the voting and canvass processes.

The Presiding Officers of the House of Representatives and the Senate of Puerto Rico shall carry out the processes in accordance with the provisions of the Constitution of the United States, and the federal laws; and the results shall be certified in accordance with the provisions therein.

Section 24.- Violations of the Provisions on the Presidential Election.-

Any person who acts in violation of any of the provisions of this Act, or willingly fails to comply with an obligation imposed under this Subchapter and this Act, or refuses to comply therewith shall be guilty of an election offense and, upon conviction, shall be punished by imprisonment for a period that shall not exceed six (6) months, or by a fine that shall not exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 25.- Prohibitions and Penalties.-

In addition to the prohibitions and penalties established in this Act, the provisions on prohibitions and offenses established in the "Election Code" shall also govern.

Section 26.- Severability.-

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional. If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied. It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective,

nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance. This Legislative Assembly would have approved this Act regardless of any determination of severability that the Court may make.

Section 27.- Effectiveness.-

This Act shall take effect immediately after its approval.