

(S. B. 1314)
(Conference)(Conference)(Reconsidered)

(No. 58-2020)

(Approved June 20, 2020)

AN ACT

To adopt the “Puerto Rico Election Code of 2020”; repeal Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21st Century”; repeal Act No. 6 of September 24, 1979, as amended, known as the “Compulsory Presidential Primaries Act”; add a subparagraph (i) to paragraph (h) of subsection (23) of Section 2.004, add a Section 10.006, and amend subsection (b) of Section 3.003 of Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act”; repeal Act No. 12-2018, known as the “Act to Guarantee the Right of U.S. Citizens Residing in Puerto Rico to Vote in the Presidential Election,” and incorporate its provisions into this Code; and for other related purposes.

STATEMENT OF MOTIVES

The main objectives of this new “Puerto Rico Election Code of 2020,” are based on the following principles:

1. To empower voters by making election-related processes more accessible. The voter is the focus and protagonist of the election system and he must be able to fulfill that role without having to face procedural limitations or conditions which unreasonably impair, limit, or complicate his ability to exercise his right to vote and his right to become a hopeful or candidate to any public office; provided, that he meets the constitutional requirements as well as those established by this Act.
2. To direct the adoption of high-tech computer information systems which make it easier for voters to exercise their right to vote, register to vote, and update their Voter Registration as necessary to guarantee their right to vote.

3. To modernize and restructure the State Election Commission, hereinafter the CEE (Spanish acronym) or Commission, so that it becomes a more accessible and efficient government entity that is less costly for taxpayers.

4. To provide political parties and candidates with a legal framework that guarantees their federal and state rights as well as maintains a reasonable balance between such rights and those of the voters.

From a constitutional perspective, the right to vote in Puerto Rico is very forward thinking at a global level and is legally considered a fundamental right. Section 1 of Article I of our Constitution provides that "...political power emanates from the people and shall be exercised in accordance with their will..."

Consistent with this principle, Section 2 of Article II of the Constitution provides that: [t]he laws shall guarantee the expression of the will of the people by means of equal, direct, and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise."

Furthermore, Section 4 of Article VI of the Constitution establishes that:

General elections shall be held every four years on the day of November determined by the Legislative Assembly. In said elections there shall be elected a Governor, the members of the Legislative Assembly, and the other officials whose election on that date is provided for by law.

Every person over eighteen years of age shall be entitled to vote if he fulfills the other conditions determined by law. No person shall be deprived of the right to vote because he does not know how to read or write or does not own property.

All matters concerning the election process, registration of voters, political parties and candidates shall be determined by law.

Every popularly elected official shall be elected by direct vote and any candidate who receives more votes than any other candidate for the same office shall be declared elected.

Internationally, we were one of the first countries to grant women and people who have attained the age of eighteen (18) the right to vote. We also eliminated the absurd closed polling place system in 1980. We recently enacted legislation to ensure that elderly persons who live in a housing facility or who are bedridden in their homes or at hospitals are able to exercise their right to vote and made it easier for them to do so. We also adopted an electronic canvass system that is reliable and fast at disclosing election results. These advances and others, however, are not enough. For example, to this day:

1. All update and transaction requests made by a citizen in order to register with or maintain their status in the Poll Book require the citizen to be physically present and the furnishing of documentary evidence to the CEE.

2. Voters who are travelling outside of Puerto Rico on the day of an election, and do not appear on the Early Voting lists because they were unable to visit an office of the CEE to request it, or because they became aware they would not be in Puerto Rico on the day of the Voting Event after the deadline to request early voting had passed, are prevented from exercising their right to vote.

3. A law did grant voters time to go vote during work hours on the day of an election event. In truth, however, this has not been effectively implemented due to the problems it causes for many workers.

In addition to the aforementioned situations, this Legislative Assembly has the responsibility and duty to guarantee the constitutional rights of citizens as voters and to make it easier for them to exercise such a fundamental right.

Despite the many constitutional and democratic protections concerning the right to vote in Puerto Rico, from a procedural and operational standpoint, we have an election system designed for the 20th Century. For decades, many legal and regulatory provisions have imposed convoluted processes and conditions that tend to limit and complicate the ability to exercise the right to vote. These procedural conditions were adopted as a result of the lack of technological systems and the traditional distrust that exists among political parties.

The democratic world has been moving towards technological election systems with more operational efficiency. That should also be our goal for the 21st Century.

By reformulating their election laws and adopting technology systems, various jurisdictions of the United States of America, and jurisdictions in other countries, have overcome many of the procedural and operational aspects of our election system. Such systems provide easier ways for voters to register and maintain their registered status as qualified and active voters; a more streamlined process to enable the exercise of such right, thus guaranteeing voters their constitutional right; easier ways to update their election-related information without having to visit government offices; modern voting methods; fast, accurate, and transparent automated canvass systems; and guarantees that votes shall be cast according to voter intent.

The People of Puerto Rico cannot be kept hostage by an archaic election system that is full of myths, excessive distrust, and the incidental convenient actions of each political party. For years, it was said that Puerto Ricans should vote in closed polling places because the concept of open polling places was susceptible to fraud. It was not until the 1980 General Election that the administration of Carlos Romero-Barceló implemented the open polling place which is still a successful part of our election system. Likewise, people alleged that electronic canvass systems with

scanners and the direct delivery of polling place results electronically was susceptible to fraud. However, the new electronic canvass system used in the 2016 General Election proved the reliability of this technology.

Act No. 4 of December 20, 1977, as amended, created the State Election Commission and provided all that pertains to the organization of our election system. The aforementioned Act was enacted to eliminate the control of our election system by a single political party, to strengthen political party balance in order to improve procedural purity, and to guarantee public trust through a transparent election process to be held in an environment of peace and respect.

Subsequently, Act No. 6 of September 24, 1979, as amended, known as the “Compulsory Presidential Primaries Act,” granted Puerto Rican voters the right to vote in the presidential primaries of the national parties of the United States of America. Through Act No. 12-2018, known as the “Act to Guarantee the Right of U.S. Citizens Residing in Puerto Rico to Vote in the Presidential Election,” we provided for the exercise of the presidential vote in each general election for the first time in history. With Act No. 78-2011, known as the “Puerto Rico Election Code for the 21st Century,” we strengthened the Island’s democratic system, broadened voters’ rights, and reduced the intervention of foreign factors during the election process to the bare minimum. The most relevant matters established by this measure were: that three percent (3%) of the votes for the office of Governor in the previous General Election would be the sole requirement for a party to remain registered; that a split ballot shall have at least one valid vote for a candidate under the column of the political party for which the voter cast his vote; and it reduced the time and cost of political campaigns and political advertising by establishing the deadline to file candidacies and endorsement petitions on a date closer to the primaries. Furthermore, it eliminated the possibility of registering or re-registering a political party with public funds by establishing that the term to register parties begins the

year following a General Election. Likewise, it tempered the Act to the provisions of applicable federal laws, such as the “Help America Vote Act” (HAVA) and the “Uniformed Overseas Citizens Absentee Voters[sic] Act” (UOCAVA) which established federal standards for the administration of elections; voting systems; to guarantee access for disabled voters so they may vote independently and with privacy; for informational, educational, and election-related materials; for a state-level and centralized electronic poll book; and to guarantee that voters who are in the armed forces, merchant marine, or overseas, as well as their dependents have access to absentee ballots so they may exercise their right. In 2010, the Military and Overseas Voters (MOVE) Act[sic] amended UOCAVA to direct the electronic transmission, via the Internet of ballots and election-related materials to absent voters. It also adjusted the language of the act so as to introduce electronic canvass which makes the voting process easier for the voter and expedites the disclosure of the election returns as reliably as possible.

Act No. 78, *supra*, did not provide for political campaign oversight. That matter is regulated by Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.” The aforementioned Act created the Office of the Election Comptroller which specializes in overseeing political contributions, campaign expenses, and once this Act takes effect, it shall also oversee and control the Government of Puerto Rico’s broadcast media expenses during general election years.

Contrary to the simplistic allegations made by some sectors, the election system is not an expense, but rather a vital investment to ensure democracy in Puerto Rico. The simplistic view of those sectors leads them to state that the CEE should limit its operations to general election years. Those opinions, however, omit the fact that the Constitution recognizes voters as the supreme authority in our democracy

and it is their fundamental right to be called to the ballot box at any time to decide important matters which require their direct vote.

No election event which shall have a general impact in Puerto Rico can be properly planned in one or two years. The election process goes beyond the printing of ballots and the preparing of polling centers. It requires a level of planning and organization that very few know about or comprehend. Furthermore, our code of laws imposes compliance with rigorous terms for the protection of rights in each of the stages prior to the election event.

The CEE is definitely a government agency that must operate and be available continuously in order to coordinate any election event directed by law within or outside of a general election year. Otherwise, it would limit the sovereign people's ability to vote when deemed necessary, or with the promptness required by the circumstances because its election system operates intermittently, every four years, or because its limited operation does not provide the time and resources necessary to coordinate an election event.

This Act ensures the continuity of the CEE's operations by adopting new conditions to modernize this agency, and to make it less costly to operate as well as more efficient without sacrificing the right of the sovereign People to be called, at any time, to exercise their right to vote when deemed necessary, as provided in our Constitution.

Another important piece of information is that the U.S. Department of Homeland Security concluded that the election systems of the United States are part of the Nation's critical infrastructure. Such conclusion extends to this Legislative Assembly the obligation to strengthen, modernize, and facilitate Puerto Rico's election system with all possible continuity, accessibility, accuracy, purity, and transparency guarantees; which includes efficiency, and the maintenance and availability of its technology systems.

STRUCTURAL AND ADMINISTRATIVE CHANGES OF THE CEE

Among the changes provided herein are:

- 1) Directing the CEE to evaluate its current internal administration information technology systems in order to implement, as necessary and within the shortest possible time, more efficient, automated, and smart systems which require little human interaction; that have the capacity to design and administer zero-base budgets; and to manage regular and detailed human resources; and which conform to this Act.
- 2) Consolidating or reducing administrative and electoral offices, according to service needs.
- 3) Eliminating executive positions and offices such as vice presidents and deputy clerks.
- 4) Consolidated administrative offices shall be directed by trusted officials of the Chair as the executive and administrative authority. As a collegial body, Election Commissioners may make administrative recommendations to the Chair or require information on the operations thereof.
- 5) These restructured administrative offices shall conduct operations using the zero-based budgeting method for each year of the four-year election cycle, according to the size of the operations and voting events projected for each year.
- 6) Requiring the CEE to file annual reports on performance and efficiency for each position and the application of the Sole Employer Act for CEE positions whose services shall not be not required by the Commission on a continuous basis upon the implementation of structural and operational changes.
- 7) Only the “Election Offices” of the Commission shall have personnel of the political parties using the institutional balance mechanism.

8) The detail of personnel concept is strengthened to allow the CEE to request—at its sole discretion—personnel from other public entities. The personnel may be of any title, series or class when the need for electoral services arises. The CEE’s discretionary and unilateral authority to request personnel may be exercised during the “Election Cycle” periods defined in this Act for each type of event. In circumstances other than “Election Cycles,” the detail of personnel in the Commission shall only be made at the CEE’s request and with the consent of the sending agency.

9) Establishing ethical restrictions to prevent conflicts of interest created by nepotism.

10) Directing the Commission to establish a new administrative and electoral methodology with the digitization of all administrative and electoral documents and forms, including the electronic processing or workflow thereof under the paperless office concept as much as possible. A historic precedent is established in this Act by directing that every digital document, preserved or issued by the Commission shall be recognized as valid and original for all administrative, electoral, legal and judicial purposes.

ELECTORAL CHANGES IN THE CEE

The electoral changes provided in this Act to facilitate and guarantee voters their right to vote, as well as to reduce the CEE’s operating costs, include:

1) The polls’ opening and closing times are changed and extended from nine o’clock in the morning (9:00 am) to five o’clock in the afternoon (5:00 pm). These new voting times are better suited for Puerto Rico’s current realities and shall be more convenient for volunteer election officials and voters thereby increasing voter turnout.

2) The reduction or consolidation, in stages, of Permanent Registration Boards (PRB) to be relocated to the Integrated Service Centers (CSI, Spanish acronym) of the Government of Puerto Rico or existing public facilities free from external political influences to the institutional and electoral balance. Not later than June 30, 2022, PRBs shall become regional offices and there shall be not more than twelve (12) offices in the jurisdiction of Puerto Rico. Once the new “Integrated Voter Services State Center” (CESI) (Call and Web Center) is established not later than July 1st, 2022, and once the implementation of technology systems that allow for distance voter interaction in real time directed under this Act is completed, the CEE may continue to reduce the number of PRBs until they are reduced to a minimum number or completely eliminated.

3) Broadening the categories of voters that are eligible for “Absentee Voting” and “Early Voting.” No active voter residing in Puerto Rico who meets the requirements set forth in the Constitution and this Act shall be deprived of his right to vote:

a. For being absent from Puerto Rico at the time of a voting event provided by law, even those who are traveling for leisure or work, among others.

b. For being required to be at his workplace in Puerto Rico on the day of a voting event.

c. For being a Sole Caretaker who affirms that he is the only person available on the day of a voting event to care for children younger than fourteen (14) years of age in his immediate family, persons with disabilities, and bedridden patients at home.

d. For having a disability, although not bedridden, that makes their transportation or access to a polling center difficult.

4) Not later than March 31, 2021, and on the same date thereafter, the CEE shall submit a report to the Governor and the Legislative Assembly on the technological advances employed in election processes worldwide, and the technology initiatives that may be implemented in Puerto Rico.

5) Directing that, not later than the 2024 General Election, an Electronic Poll Book shall be used to identify and register voters attending the polls, thus substantially reducing poll book printing costs.

6) Recognizing the validity, for purposes of voting and conducting election-related transactions, of certain official documents and photo identification cards issued by the Government of Puerto Rico and the federal government, such as the identification cards issued under the Real Id Act of 2005, the US Passport, the US Global Entry, Identification Cards of the US Armed Forces, US Merchant Marine, and the driver's license of the Department of Transportation and Public Works of Puerto Rico, (DTOP). Provisionally, and until it is no longer necessary, the Voter Identification Card issued by the CEE shall only continue to be issued to and recognized only for voters who have no other valid identification card under this Act. Over time, the CEE is authorized to include other identification cards whose accuracy and contents are acceptable.

7) Reiterating the voter challenge process in effect conducted on the day of any election event.

8) Transferring from the Commission to the Office of the Election Comptroller the evaluation and approval of applications in connection with the public broadcasting expenses incurred by the Government of Puerto Rico during every general election year. Therefore, the Advertising Review Board within the Commission is eliminated and its functions and duties are transferred to the Office of the Election Comptroller.

9) A new, more practical, just, and, above all, realistic methodology is provided to certify the voter turnout ratio in every voting event, which shall result in substantial economic savings for the Commission and taxpayers in relation to the number of polling places to be opened and the number of ballots, election material and equipment to be acquired with public funds. Upon the entry of the Federal Court Order in *Colon Marrero et al. v. Conty Pérez et al.*, whereby the inactive status of 770,000 voters classified as I8 and I9 for not having voted in the 2008 and 2012 general elections was administratively changed to active status, forcing the Commission to plan election expenditures over the inflated amount of 2,867,557 alleged active voters when the total population of Puerto Rico that year, according to the U.S. Census, was nearly 3.4 million inhabitants. In addition to the unnecessary financial and operational burden that the Commission was forced to assume to guarantee the vote of those voters who never reached the polls, the voter turnout rate was registered at 55%, which is too low when compared to Puerto Rico's voter turnout rates prior to the federal court order. Let us remember that, up to the 2016 General Election, the Commission was required to plan each election based on the number of active voters in the General Voter Registry, the voter turnout rate was calculated based on the total active voters.

10) Providing that the process to fill vacancies in the offices of Mayor and Municipal Legislator shall be that provided in this Act.

TECHNOLOGY INNOVATION IN VOTER SYSTEMS

As of today, the CEE and the political parties that constitute it are the sole custodians and administrators of all voter registrations and election-related transactions that voters shall carry out. In order to do so, voters must visit a PRB personally, which is inconvenient, and submit themselves to the archaic process and distrust of political parties. This Act creates a new scenario where voters assume the leading role in the election process for the first time in our history.

This Act directs the CEE to complete the design, in the dates set, for the implementation of the new technological voting systems, as well as the public education campaign in connection therewith, that shall provide citizens with an easy and direct way to vote as well as carry out election-related transactions without having to be physically present at a polling center or an election office.

As a transition, and as long as the CEE deems it necessary, all voters who lack the skills or the equipment to operate these systems shall be guaranteed access to the conventional voting methods used in the 2016 General Election and, in the case of transactions related to their voter registration, they shall be provided with assistance to access the new systems at the regional Permanent Registration Boards (PRB) and the Integrated Service Centers (CSI) of the Government of Puerto Rico.

This Act recognizes that, due to the proximity of the 2020 General Election, factors such as time and economic resources shall render it impossible to implement all of these technological systems and their procedures. This Act provides the necessary transitory measures for such cases.

As a minimum, the systems for voters to interact remotely and in real time shall be the following:

- 1) Electronic Voter Registry (eVR or eVR System)

It shall empower citizens to own their voter record which they may amend themselves whenever necessary in accordance with the law and regulations, making them aware, and legally and directly responsible for the information in their record. It shall render any transaction that voters shall conduct easier, namely registrations, transfers, relocations, service requests, reactivations, and even voluntary deactivation, among others. Just as with the transactions carried out at the PRB, every transaction carried out by the voter in this system shall have the effect of being carried out under oath, and shall be subject to penalties for furnishing false information as well as to the verification of the Commission of each of these

electronic transactions before validating them and including them in the General Voter Registry.

2) Endorsement System (SIEN or SIEN System)

Except for the transitory measures adopted in this Act for the 2020 General Election Cycle, every endorsement petition for Political Parties by Petition, Primary Hopefuls, Candidates, and Independent Candidates shall be made electronically through the Endorsement System (SIEN) of the Commission.

3) Electronic Poll Book

To identify and record the attendance of voters at the polling places electronically.

CLAIMING THE RIGHT TO VOTE IN THE PRESIDENTIAL ELECTION
UNDER THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

Act No. 12-2018, known as the “Act to Guarantee the Right of the U. S. Citizens Residing in Puerto Rico to Vote in the Presidential Election” is hereby repealed to integrate the provisions thereof into this new Election Code.

Despite the fact that the residents of Puerto Rico are recognized under the laws of the United States of America as U.S. citizens at birth, and are subject to the Powers of the officials in charge of the three branches of the U.S. Government, they are deprived of their right to vote in the U.S. elections on equal footing with their fellow citizens residing in the rest of the Nation.

This deprivation of rights is imposed unilaterally by the U.S. Government under the premise of a colonial territory which was rejected by the People of Puerto Rico in the 2012 and 2017 Plebiscites. In both plebiscites, the people of Puerto Rico also claimed equal rights and obligations through the statehood. The deprivation of this right hinders the fundamental principles of the U.S. democracy, the self-determination of citizens, and the Republican system where the authority of the government is exercised with the consent and vote of the people governed.

Based on these democratic principles, the Supreme Court of the United States held in *Wesberry v. Sanders* 376 U.S. 1, 17-18 (1964) that,

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.

The First Amendment to the Constitution of the United States of America protects “the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” Hence, the exercise of the right to Vote for the President promoted in this Act represents a constitutionally-sanctioned action to demand the redress of grievances for the deprivation of the right to vote of the U.S. citizens residing in Puerto Rico, and the recognition of their right to vote for the President that governs their lives.

After the Plebiscite held on November 6, 2012, the U.S. citizens residing in Puerto Rico expressed their democratic will for self-determination at the polls: 53.97% of voters expressed to be in disagreement with the current colonial territory status and rejected it; and 61.16% voted in favor of statehood as their preferred status.

Since the 1952 constitutional process provided for in Public Law 600 of July 3, 1950, the Government of the United States of America has been claiming that the People of Puerto Rico have consented to their colonial territory status. Even when it was recognized that this consent never existed, the people of Puerto Rico overwhelmingly revoked this claim at the polls in the 2012 Plebiscite and thereafter.

The policy of the U.S. Government has been to recognize the self-determination of Puerto Rico when it is convenient for their unilateral colonial interests, just as it happened in 1952, so as to support the deprivation of the civil and

human rights of the U.S. citizens in the Island. Contradictorily, the U.S. Government ignores the voter's self-determination expression given that 60 years later, in the 2012 and 2017 Plebiscites, the people of Puerto Rico voted and rejected the colonial status and claimed equal rights and obligations under statehood. This anti-democratic contradiction of the U.S. Government requires the people of Puerto Rico to demand through their vote the redress of these grievances, including their right to vote for the President of their Nation.

For all legal and political purposes, and despite the express will for self-determination of the people of Puerto Rico, the government of the United States of America continues to impose its powers over the colonial territories in a unilateral and anti-democratic manner without the consent or participation of the U.S. citizens in Puerto Rico at the polls to elect the federal officials responsible for the decision-making and approving all the laws and regulations which affect the rights and lives of the 3.2 million U.S. citizens at birth who reside on the Island, a population of citizens larger than that of 21 states of the Union.

These unilateral and anti-democratic powers have increased rather than decreased after the results of the 2012 Plebiscite, to the extent of becoming the most humiliating and anti-democratic type of colonialism. An example of this is the approval of the so called PROMESA in 2016 which even deprived Puerto Rico of the exercise of self-governance on local matters.

The U.S. citizens of Puerto Rico are entitled to achieve their full political and socioeconomic development potential; however, they require equal rights and obligations within the Union.

The future, the quality of life, the human rights, and even the access to healthcare services of the 3.2 million U.S. citizens born in Puerto Rico should not and cannot continue to be undermined by the United States while the calamity of

colonialism continues to destroy jobs, businesses, savings, pensions, and even the family unit as a result of the mass migration caused by this colonial territory status.

The exercise of the right to vote for the president constitutes a decisive Project in the mission to uphold the civil and human rights of U.S. citizens of Puerto Rico in view of the inequality and disadvantages of our century-old colonial territory status.

History has taught us that, in the U.S. political culture, one does not plead for rights, but rather demands and claims them. It is time for Puerto Rico to demand its right to political and socioeconomic equality to which it is entitled by virtue of the U.S. citizenship.

Under the protection of the civil and fundamental right of the First Amendment to the Constitution of the United States of America, it is hereby directed that, on the same day of the General Election, from the 2024 General Election thereafter, every U.S. citizen who is a qualified voter in Puerto Rico shall be able to exercise their right to vote in order to express their preference for the candidates for President and Vice President of the United States of America, and to have their votes counted in every presidential election. The authorization for the use of public funds and property herein provided for such purposes is based on the current –and never revoked– electoral mandate expressed by the sovereign People on the plebiscites held on November 6, 2012, and on June 11, 2017, where an overwhelming majority rejected the colonial status and expressed their preference for the admission of Puerto Rico as a state of the Union.

At this juncture in the 21st century, where there is a well-developed election-related tradition that is deeply rooted in our citizens who are also aware of their rights as voters; a wide voter turnout, and access to safe technological systems that may render feasible for voters to exercise their rights with certainty and transparency and

ease of verification, this Legislative Assembly is compelled to strengthen and modernize our election system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

CHAPTER I

Section 1.1 The “Puerto Rico Election Code of 2020” is hereby established; Act No. 78-2011, as amended, known as the “Puerto Rico Election Code for the 21st Century,” is hereby repealed; Act No. 6 of September 24, 1979, as amended, known as the “Compulsory Presidential Primaries Act,” is hereby repealed; heading (1) of subsection 23 of Section 2.004, Section 10.006, and subsection (b) of Section 3.003 of Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act” are hereby added; Act No. 12-2018, known as the “Act to Guarantee the Right of U.S. Citizens Residing in Puerto Rico to Vote in the Presidential Election” is hereby repealed and its provisions are hereby incorporated into this Code; and for other purposes.

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CHAPTER II

GENERAL PROVISIONS

Section 2.1.- Title.-

This Act shall be known and cited as the “Puerto Rico Election Code of 2020.”

Section 2.2.- Declaration of Purposes.

The State, with the consent of the governed, is the institution that rules every democratic system. The legitimacy and the authority of the State rest on the expression and participation of the citizens in the election processes that created it.

In Puerto Rico the universal, equal, secret, direct, and free suffrage is considered a fundamental right for electing officials, participating in public affairs, and enabling citizens to make their claims to the Government of Puerto Rico and the Government of the United States of America.

Any person seeking nomination to a public office in the Government of Puerto Rico may be elected through a direct vote and the candidate who polls a majority of valid votes shall be declared elected.

This Act harmonizes/encompasses the broad democratic tradition of the U.S. citizens of Puerto Rico; the state and federal constitutional provisions; and the legal standards for the administration of elections and voting set forth by law, including the modernization and innovation thereof.

Section 2.3.-Definitions.-

It shall be understood that any term importing the singular shall include the plural, unless the context indicates otherwise. Likewise, it shall be understood that any term importing the masculine gender shall include the feminine gender, and vice versa.

For purposes of this Act, the following terms or phrases shall have the meaning indicated below:

(1) “Polling Place Tally Sheet” - A document stating the official result of the canvass carried out at a polling place.

(2) “Incident Log” - A document where relevant incidents that take place during an election event, meeting, session, or other process of a body of the Commission shall be recorded.

(3) “Agency” or “Government Agency” - Any department, bureau, office, instrumentality, public corporation, or subsidiaries thereof, municipalities, or political subdivisions of the Government of Puerto Rico.

(4) “Federal Agency” or “Federal Government” - Includes any branch, department, bureau, office, instrumentality, public corporation, or subsidiaries thereof, which are part of the Government of the United States of America.

(5) “Citizen Group” - A group of natural persons organized with the intent to participate in the election process or through the registration of a political party.

(6) “Election Year” - The year in which a General Election is held.

(7) “Mark Recognition Area” - A space on the surface of the ballot outlined by a blank rectangle with black borders —without any written or printed marks— where the Voter should make his voting mark.

(8) “Hopeful” or “Primary Hopeful” - Any natural person who participates in the internal primary processes or alternate nomination methods of a political party of Puerto Rico with the intent to, or who carries out activities, fundraisers, or events with the intent to hold any internal office or seeking nomination for an elective public office.

(9) “Political Party Balance” - A political oversight and counterbalance mechanism to be implemented at the Local Commissions and its local Electoral Bodies to plan, coordinate, organize, and operate election events within their appropriate cycles, as provided in this Act.

(10) “Institutional Balance” - A political oversight and counterbalance mechanism to be implemented at the offices and institutional bodies of the Commission concerned with carrying out strictly election-related activities at the state level and at the Permanent Registration Boards, as provided in this Act.

(11) “Candidate” - Any natural person certified as such by the State Election Commission or authorized by this Act and the federal laws to appear in the ballot of a General Election or Special Election.

(12) “Independent Candidate” - Any natural person who, without being formally nominated by a Political Party, appears on the ballot of a General Election or Special Election as a candidate for elective public office, pursuant to the provisions of this Act.

(13) “Candidacy” - The individual aspiration of a natural person certified by the Commission to run for any elective public office.

(14) “Housing Facility” - A place where persons with special needs who require a particular treatment or care live or stay over, such as rest homes, retirement centers, assisted living communities, women shelters, witness protection centers, elderly homes, or similar institutions for pensioners, veterans, and persons with special needs.

(15) “Voting Booth” - A partition or structure made of plastic, cardboard, fabric, paper, metal, or other material that encloses and protects a space where voters may cast their secret ballots.

(16) “Polling Center” - Any public or private facility where polling places for a specific Electoral Unit are set up.

(17) “Certification” - A preliminary or final determination made by the Commission or its authorized electoral bodies whereby they ensure, affirm, and attest in a document that, upon evaluation, the Political Party by Petition, Primary Hopeful, Candidate, Independent Candidate to an elective office, or Citizen Group

has met all the pertinent requirements under this Act and the regulations thereunder in order to be recognized as such in the electoral bodies, processes, and events. It also constitutes a Certification any legal, administrative, and rulemaking acts where the Commission or its authorized electoral bodies attest and affirm in a document that upon evaluation, a fact or document is correct and admissible for any electoral, administrative, or judicial purpose.

(18) “Certificate of Election” - A document whereby the Commission recognizes the candidate’s election to public office, or the results of an election after a general canvass or recount.

(19) “Voter Registration Deadline” - The due date prior to an election event, for a Voter to be included, excluded, rendered active or inactive, or to update or change a Voter’s information, or carry out any transactions or request election-related Registrations, Transfers, or Relocations in the General Voters Registry or through the Electronic Voters Registry System (eVR). This term shall not exceed fifty (50) days prior to any election event and the Commission shall make all efforts to reduce said term as much as possible, insofar as the technological systems provided in Section 3.13 are established.

(20) “Election Cycle(s)” - Shall be applied pursuant to the terms below:

(a) In a General Election, from June 1 of the year prior to the General Election and up to thirty (30) days after the Commission issues the final certification of the General Canvass or Recount.

(b) In a Plebiscite, a Referendum, or a Special General Election throughout Puerto Rico, from the twelve (12) months prior to the election day; or from the approval of the enabling act or Concurrent Resolution of the Legislative Assembly directing the holding of any such election events; or whichever occurs first; and up to thirty (30) days after the Commission issues the final certification of the General Canvass or Recount.

(c) In a Closed Primary of a Political Party, from the eight (8) months prior to the election day and up to thirty (30) days after the Commission issues the final certification of the General Canvass or Recount.

(d) In a Presidential Primary of a National Party, a Special Election for a municipality or a representative or senate district, from the six (6) months prior to the election day and up to thirty (30) days after the Commission issues the final certification of the General Canvass or Recount.

(e) In any other type of voting event not included in this definition, the terms of each Election Cycle shall be provided through legislation.

(21) “Four-year Election Cycle” - A group of four (4) calendar years beginning on January 1 of the year following the General Election and until December 31 of the year in which the following General Election is held.

(22) “Citizen” - Any natural person who, by birth or naturalization, is recognized by the laws of the United States of America as a U.S. citizen or American citizen.

(23) “Polling Place” - A place authorized by the Commission where the voting process of a specific Electoral Unit is carried out.

(24) “Commission” - Is the Puerto Rico State Election Commission or CEE (Spanish acronym).

(25) “Election Assistance Commission” - The U.S. Election Assistance Commission or EAC, a federal election assistance agency, as created under the Help America Vote Act of 2002 (HAVA), as amended.

(26) “Local Election Commission” - An official entity of the Commission at the election Precinct level chaired by a judge of the General Court of Justice and composed of representatives of the Political Parties and Independent Candidates at the Precinct level.

(27) “Alternate Commissioner” - May be either regular or additional, as defined in this Act; and is the person who substitutes the Election Commissioner with all his powers, duties, and prerogatives.

(28) “Election Commissioner” - May be either regular or additional, as defined in this Act; and is the person designated by the president of a state, legislative, municipal party, or any of the foregoing parties by petition or state national party to represent him in the Commission, provided that the Certification requirements are met and the Commission so determines.

(29) “Political Action Committee” - A citizen group or any other organization engaged in promoting, furthering, or supporting or opposing a Political Party, a Candidate, an Independent Candidate, a Hopeful, or a write-in candidate, and raising or allocating funds for such purposes, whether or not it identifies with or is affiliated to any other party, group, or candidacy. Furthermore, it includes those organizations engaged in promoting, furthering, or supporting or opposing any option or ballot measure presented in a Plebiscite or a Referendum.

(30) “Campaign Committee” - A citizen group engaged in directing, promoting, furthering, or aiding, or providing advice for the campaign of any Political Party, Candidate, Independent Candidate, Hopeful, write-in candidate, option, or alternative with the consent of said Political Party, Hopeful, or Candidate. It may receive contributions and incur expenditures. The contributions received shall be deemed to be made on behalf of the Hopeful, Candidate, or Political Party, or appropriate option or alternative, and the events planned, organized, or carried out, as well as the expenditures incurred shall be deemed to be coordinated with them. The mere presence of Hopefuls or Candidates in an event of another Hopeful, Candidate, or Political Party shall not be sufficient to conclude that an expenditure is coordinated between Campaign Committees. It shall be presumed that the expenses incurred between Hopefuls or Candidates present in an event of another

Hopeful or Candidate, or Political Party are not coordinated, and such presumption shall be refutable. As provided in our code of laws in effect, the coordination of expenditures shall be interpreted more restrictively and it shall be necessary for authorized persons in the respective Campaign Committees to execute a written agreement setting forth how the expenditures were divided among the Committees. For such purposes, this interpretation shall be retroactive to the effective date of Act No. 222-2011, as amended. The limitations and obligations provided in Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” shall be complied with.

(31) “Pledged Delegate” - A person designated in accordance with the provisions of this Act and pledged to vote for a particular candidate for President and Vice president of the United States of America.

(32) “Election Comptroller” - The Chief Executive Officer and the Appointing Authority of the Office of the Election Comptroller of Puerto Rico, pursuant to Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

(33) “Sole Caretaker” - A voter who is the only person available in a family unit to care for the children younger than the age of fourteen (14), persons with disabilities, and persons bedridden in their homes.

(34) “Election Offense” - Any action or omission that violates the provisions of this Act and the regulations thereunder and which entails a penalty or security measure.

(35) “Document” - A printed paper or other similar material, or in digital or electronic format stating a fact, or information. It includes paper, electronic, and digital forms.

(36) “Special Election” - An election process to be carried out on a date other than the date of the General Election to fill one or more vacancies in an elective public office.

(37) “General Election” – A direct election process for voters conducted every four (4) years as provided in the Constitution and the law in order to choose the officials who shall hold elective public offices at the state, federal, municipal, and legislative level.

(38) “Presidential Election” or “Presidential Elections” - A process conducted during a General Election whereby voters cast their ballots to express their preference for the candidates for the office of President and Vice President of the United States of America, through the designation of pledged delegates, as provided in this Act, beginning the 2024 General Election.

(39) “Voter,” “Qualified Voter,” “Active Registered Voter,” or “Valid Registered Voter” - Any citizen who meets the requirements provided in this Act to be registered in the General Voter Registry of Puerto Rico and to vote. At a minimum, such voter shall be a citizen of the United States of America, be at least eighteen (18) years of age on or before the date of the election provided by law, as well as meet the requirements of voting domicile in Puerto Rico provided in this Act.

(40) “Electronic Canvass System” - The system that records and counts the votes cast through an electronic device that reads or recognizes marks on a paper ballot.

(41) “Form” - May be in a paper format or similar material, or in electronic or digital format, and designed to be completed or transmitted manually or through an electronic device and a telematic network. In the case of a form in electronic format (eForm), its programming shall enable the automatic formatting, calculation, search, transmission, and validation of the information contained therein.

(42) “Party Registration” - The rights and prerogatives that this Act and the Commission grant to a Political Party due to their proven electoral support in the most recent General Election within the minimum number of votes polled and according to their respective Political Party category. The registration shall be rendered ineffective when, during the most recent General Election, the Political Party fails to achieve the percentages of electoral support required in this Act.

(43) “Elected Official” - Any person who holds an elective public office.

(44) “Election Official” - An active registered and trained voter who does not hold an incompatible office, according to the applicable local and federal laws and regulations, and who represents the Commission in election-related issues and matters, as provided by the Commission through a document which shall be duly filled-in and sworn by the designated Voter.

(45) “Goelectoral” - The application of geographic demarcations to the election context of Puerto Rico. In the case of election planning, it refers to the geographic demarcations comprising electoral units, precincts, and municipalities. In the case of Candidacies for elective public offices, it refers to City Halls, as well as senate and representative districts.

(46) “Government” - All the agencies that constitute the Legislative, Executive, and Judicial Branches of Puerto Rico.

(47) “Absentee and Early Voting Administrative Board” or “JAVAA” (Spanish acronym) - An electoral body of the Commission, with Institutional Balance, created with the purpose of managing the application, Voting, and adjudication process of Absentee and Early Voting.

(48) “Polling Place Board” - An electoral body constituted at the polling place and charged with managing the Voting process at the assigned polling place. Those election officials or observers authorized by the Commission through regulations may also participate.

(49) “Permanent Registration Board” - An electoral body, with Institutional Balance, in charge of carrying out election-related transactions and services, as well as any other function or services delegated by the Commission in agreement with the Government.

(50) “Electoral Unit Board” - An electoral body with Institutional Balance, constituted at the Electoral Unit and charged with directing and supervising the voting process. Those election officials or observers authorized by the Commission through regulations may also participate.

(51) “Poll Book” - Printed document, whether on paper or a similar material, or electronic format (Electronic Poll Book), prepared by the State Election Commission that includes the information of qualified voters assigned to vote in a Polling place or Center.

(52) “Campaign Field Office” - Any building, structure, facility, establishment, venue, or mobile unit used to carry out political advertising.

(53) “Overvote” - When the number of selections made for Candidates, Independent Candidates, Hopefuls, write-in candidates, options, or alternatives exceed the number that the Voter is entitled to vote for.

(54) “Mark” - Any type of affirmative expression made by the voter to cast a ballot in an election and which is expressed pursuant to the specifications in this Act, whether on paper or in any electronic system that the Commission has determined to be used in the Election.

(55) “Valid Mark on Ballot” - A marking made by the Voter on the paper Ballot and within the Mark recognition area of not less than four (4) square millimeters. Any Mark made outside of the Mark recognition area shall be invalid and deemed to be not made, and thus, inconsequential. The requirements and specifications of a valid mark shall be met in order for a vote to be recognized. In the case of Write-ins, the Voter’s direct nomination stating the full name of the

Candidate, or option, according to the type of Voting event, and a valid mark made within the Mark recognition area of the write-in column shall be recognized as a vote.

(56) “Mark Under Emblem” - Consists of a valid Mark made under a Political Party’s emblem.

(57) “Election Material” - Miscellaneous material, printed or electronic document, equipment, or device used in any election process managed by the Commission.

(58) “Mass Media” - Advertising agencies, radio, motion picture, television, cable television, satellite systems, newspapers, magazines, signs, electronic media, and Internet, businesses or ventures, and other similar means of mass communication.

(59) “Broadcast Media” - Books, radio, film, television, cable television, Internet, newspapers, magazines and publications, handouts, postcards, signs, satellite systems, telephone, phone banks, posters, banners, plaques, bills, loudspeakers, streamers, registration, notices, objects, symbols, logos, and pictures, whether in tapes, disks, compact disks, electronic media, or other similar means.

(60) “Alternate Method” - An alternate procedure to substitute a Primary or Special Election, as approved by the central governing body of a Political Party to select candidates for public offices and whose process complies with the minimum guarantees provided in this Act.

(61) “Member” or “Affiliate” - Any Voter voluntarily affiliated to a Political Party who attests with his signature that he belongs to said Political Party; complies with its regulations and the decisions of its internal bodies; supports its candidates, and the government program; and participates in its activities.

(62) “Mobilization” - Any mechanism or system designed to communicate with Voters for the purpose of encouraging and transporting them in motor vehicles to vote in an election. It also includes all actions taken by the offices of the Election Commissioners and the headquarters of Political Parties by means of the telephone, Internet, social media, radio, press, television, banners, etc., and any other communication mechanism for the purpose of encouraging Voters to go to their respective Polling Places.

(63) “Strictly Election-related” - Any matter directly related to planning, coordinating, and executing necessary actions whose specific purpose is to render feasible the Voters’ right to vote and the holding of an Election; the direct attention and services to Voters in Election-related matters, whether physically, by mail, or through computer or electronic systems; the preparation, custody, operation, and distribution of materials and election equipment; the development of regulations and election guidelines of the Commission, advertising, or voter education campaigns; the design, operation, maintenance, and security of every electoral computer system or documents related to the General Voter Registry; canvass or recounts, among others equally election-related. It excludes matters of managerial or administrative nature within the Commission that are not directly related to the aforementioned.

(64) “Undervote” - Means when votes are not detected or if the votes cast for Candidates, Independent Candidates, Hopefuls, write-in candidates, options, or alternatives are fewer than what the Voter is entitled to.

(65) “Voter Identification Number” - A unique, universal, and permanent identification number assigned to every duly registered person by the Commission.

(66) “Administrative Offices” - Any operational unit of the Commission engaged in administrative work in connection with management, human resources, property, procurement and supplies, physical facilities, internal security, finances, among others, that are not reserved for Election Offices under this Act.

(67) “Election Offices” or “Electoral Bodies” - Any operational unit of the Commission engaged in strictly election-related work.

(68) “Central Governing Body” - A governing body at a state level that every State Party, National Party, and Party by petition has designated as such under its regulations.

(69) “Local Governing Body” - A governing body that every Legislative Party and Municipal Party by petition has designated as such under its regulations.

(70) “Ballot” - A printed, electronic or digital format document designed by the Commission, where the Voter casts his vote in any Voting Event.

(71) “Adjudicated Ballot” - A ballot cast correctly by the Voter with at least one valid Mark in favor of a Political Party, Candidate, Independent Candidate, write-in candidate, Hopeful, option, or alternative presented in the ballot.

(72) “Spoiled Ballot” - A ballot that a Voter expresses to have spoiled at a Polling Place and for which a second ballot is furnished.

(73) “Blank Ballot” - An unmarked ballot that shall not be deemed to be a ballot cast nor adjudicated.

(74) “Straight-ticket” - A ballot where a Voter casts a single vote with a Valid Mark inside the blank rectangle under the emblem of the Political Party of his preference without further marks in the ballot. With said mark all of the candidates within the same column under said emblem shall receive a vote.

(75) “Overvoted Ballot” or “Overvoted Office” - Refers to when voters select more Candidates or nominees than what he is entitled to. In this case none of the Candidates or nominees shall accumulate votes. In the case of votes for offices or nominees, only Ballots cast for individual candidates or Split-ticket may be overvoted offices. In the case of Referendums or Plebiscites, voting for multiple alternatives on the same issue shall be deemed an Overvoted Ballot.

(76) “Split ticket” - A ballot on which the Voter makes a Valid Mark inside the blank rectangle under the emblem of the political party of his preference, and voting for at least one candidate in the column under said emblem, and makes a Valid Mark inside the blank rectangle next to any candidate of said political party, or in the columns of other parties, or independent candidates, or by writing the full name of another person in the write-in column pertaining to said office, and making a Valid Mark inside the blank rectangle next to the name written.

(77) “Untallied Ballot” - A ballot cast by any Voter that was not counted by any electronic canvass system used by the Commission. Said ballot shall be reviewed and adjudicated during the General Canvass or Recount.

(78) “Void Ballot” - A ballot cast by a voter from which the emblem of any Political Party has been ripped off; on which a name has been written other than in the write-in column; on which a Candidate’s name has been crossed out; or that bears initials, words, marks, or designs of any kind other than those permitted to cast a vote and that may render it unreadable by the electronic canvass system. Said ballots shall not be deemed to be Adjudicated Ballots.

(79) “Individual Candidate Ballot” - A ballot where a Voter who is not interested in voting under the emblem of any political party, casts a vote for individual candidates by making a Valid Mark inside the blank rectangle next to the candidate(s) of his preference; or by writing the full name of another person in the write-in column, in the row corresponding to said office, and making a Valid Mark in the blank rectangle next to the name written.

(80) “Adjudication-required Ballot” - An untallied Ballot, a Challenged Ballot, and ballots cast by voters in special polling places for Provisional Voting. These Ballots shall be subject to review and adjudication by the Commission during the General Canvass.

(81) “Objected to Ballot” - A ballot voted for more than one Political Party or block of Candidates, Hopefuls, options, or alternatives. It shall not be deemed to be an Adjudicated Ballot.

(82) “Challenged Ballot” - A ballot cast by the Voter, and which has been subject to a challenge process provided in this Act.

(83) “Ballots with no Adjudication Value” - Blank, overvoted, undervoted, and Void Ballots. Such ballots shall not be considered when computing the percentages of the voting results. They may only be counted as a group on the appropriate boxes printed on the Tally Sheets for tallying purposes in all Polling Places and not as part of the certification of the results of each election. Said Ballots with no Adjudication Value, without a valid expression of the Voter’s intent: “in no way may be counted for purposes of influencing or affecting the results of an election, referendum, or Plebiscite, among other voting events” *Suárez Cáceres v. CEE*, 176 D.P.R. 31. 73-74 (2009).

(84) “Unused Ballot” - A ballot that was not used in the Voting process.

(85) “Political Party” or “Party” - The Political Parties of Puerto Rico, as defined in Section 6.1; and National Parties of the United States of America, as defined in Section 8.3(5) of this Act. Moreover, this Act provided for their respective powers, duties, and prerogatives pursuant to the nature and scope of both categories.

(86) “Person” - An individual, whether natural or juridical, with rights and obligations.

(87) “Juridical Person” - Is a corporation, limited liability company, partnership, cooperative, trust, labor organization, or group of persons organized in accordance with Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

(88) “Plebiscite or Referendum” - An election process or contest to present voters one or more options to resolve the political status of Puerto Rico or about issues regarding constitutional, public, juridical, or political law. Both terms are used interchangeably. The ballot configuration and the computation of results shall be carried out in accordance with what was held in *Suárez Cáceres vs. Comisión Estatal de Elecciones*, 176 D.P.R. 31 (2009).

(89) “Electoral Precinct” - The geographic or electoral demarcation of Puerto Rico for election-related purposes, which shall comprise one municipality or a part thereof.

(90) “Chair” - The Chair of the State Election Commission.

(91) “Alternate Chair” - A person who substitutes the Chair of the State Election Commission with all its powers, duties, and prerogatives, as provided in this Act.

(92) “Primary” - The process whereby Candidates running for elective public offices are chosen pursuant to the provisions of this Act and the rules adopted by the Commission and the central governing body of the concerned Political Party.

(93) “Election Process” - Election-related activities and operations carried out by the Commission.

(94) “Challenge Process” - The process whereby the status of a Voter in the General Voter Registry is contested. The purpose of the Challenge Process is to void an application for registration, exclude or render inactive a Voter from the General Voter Registry. It shall also mean the act to challenge a vote cast by a Voter in an Election under the conditions and upon furnishing evidence as provided in this Act. Every Challenge Process shall meet the requirements of this Act in order to be presented, evaluated, and adjudicated.

(95) “Electronic Voter Registry,” “eVR,” or “eVR System” - The Commission’s computer and online system that, not later than July 1, 2022, shall allow Voters electronic access to their respective voter records remotely and in real time in order to register, request services, or carry out transactions to update or inactivate their electoral status. The data in this public access system and the transactions conducted by Voters, once the Commission validates them, shall be used to update the database of the General Voter Registry.

(96) “General Voter Registry,” “List,” or “Electronic Poll Book” - The Commission’s electronic database that constitutes the primary and official source of Voter information as well as their various classifications. It is organized under an electronic medium and may be printed or managed through electronic devices and telematic networks grouping Voters by Electoral Precinct, Electoral Unit, Polling Place, or other conditions as provided by the Commission. In addition to the Voter’s personal information, it may also contain Voter’s photographs, digital images of their identification cards authorized by this Act, voter’s signatures, their digital signature, biometric images, and other elements as determined by the Commission. This system shall operate with the highest possible security measures to protect Voter’s confidential information in compliance with the applicable state and federal regulations. Following the guidelines established herein, the Commission shall regulate the design and configuration of the printed and electronic poll books. The Commission shall further regulate such data within the Registry that may be disclosed in the poll books for election-related purposes and keep other information confidential which may be used to verify Voter identity, including electronically. The electronic poll book of the Registry may substitute printed poll books; however, it shall always offer the guarantee of transparency, accuracy, auditability, efficiency in election-related processes; and avoiding any risk for manipulation and voters poll book fraud at Polling Places.

(97) “Party Affiliation Registry” - A printed or electronic registry provided by the Commission and under the individual and confidential custody of each Political Party which, pursuant to its rules and regulations, shall update it and include the Voter members of said Political Party who have complied with the method established by the Party for such purposes. The Commission shall provide its resources to assist Political Parties in preparing said registries or poll books. This Party Affiliation Registry shall be kept in an electronic format and may be printed or managed through electronic devices or telematics networks, grouping Voters according to Precinct, Electoral Unit, Polling Place, or other conditions as provided by each Party that holds a valid certification from the Commission.

(98) “Relocation” - A procedure whereby a Voter requests to be assigned in the General Voter Registry to another Electoral Unit within the same Precinct due to a change in domicile or an error in location.

(99) “Secretary” - The Secretary of the State Election Commission with the powers, duties, and prerogatives provided in this Act.

(100) “Conventional Voting Systems or Methods” - Those prescribed in the regulations, rules, and procedures approved and implemented by the Commission in the 2016 General Election, in order to implement the different types of Voting: at Polling Places, Easy Access Polling Places, Absentee Voting, Early Voting, Vote by Phone, and Provisional Votes.

(101) “Electronic Canvass System (ECS)” or “Optical Scanning Vote Counting System (OpScan)” - Any machine, program, mechanic or computing device, electronic or cyber system used by the Commission, and under the supervision thereof, to count the votes cast during any election event, as well as any of its components, including, but not limited to, cables, electrical connections, landline, wireless, and telematics network data connections, battery systems, ballot boxes, and any other component needed for the machine or system to count votes

and transmit voting tallies and results. This system or the combination of any of the foregoing technological elements shall have the certification or certifications of compliance with federal standards for voting systems, as applicable. Any of the Electronic Canvass methods used by the Commission shall have security systems in place for the use and transmission thereof, and include the notification mechanism to confirm that the vote was cast pursuant to the Voter's intent.

(102) "Transfer" - When a voter requests to be assigned, in the General Voter Registry, to another Election Precinct due to a change in domicile.

(103) "Administrative Transfer" - When the Commission receives information from another government agency or organization about a Voter's change of domicile, and after the Commission notifies the Voter, his registration shall be updated from one Precinct to another due to said change of domicile.

(104) "Electronic Transmission" - The transmission of information, data, Ballots, election results, or documents that consists of moving coded information from one authorized point to another, or more, through telematics networks with electrical, optical, electro-optical, or electromagnetic signals, and which is carried out using the security systems adopted by the Commission to guarantee the integrity and certainty of the transmitted information.

(105) "Court" - Any of the parts or judges of the General Court of Justice of Puerto Rico designated by the Supreme Court of Puerto Rico, pursuant to the administration rules adopted for such purposes, to hear election-related cases in accordance with this Act and Act No. 222-2011, as amended, known as the "Puerto Rico Political Campaign Financing Oversight Act."

(106) "Unanimity" or "Unanimous Vote" - The acceptance or denial of all the members entitled to vote in any electoral body created under this Act, who are in attendance when the decision is to be made. In the case of the State Election Commission and the Local Election Commissions, said concept shall apply to the

votes cast by Election Commissioners in attendance and, when unanimity cannot be achieved among them, the decision of the Chair of each of these bodies shall prevail unless otherwise provided in this Act.

(107) “United States Postal Service,” “USPS,” “Mail,” or “Postal Service” - Means the United States postal or mail system.

(108) “Electoral Unit” - The smallest geographic or geoelectoral delimitation, into which the Precincts have been divided for election-related purposes.

(109) “Voting Event” - Includes any election event provided by the Constitution, law, or Concurrent Resolution of the Legislative Assembly, such as the General Election, Presidential Election, Special Election, state Party Primary, national party presidential primary, Referendums, Plebiscites, and ballot measures submitted to voters.

(110) “Early Voting” - a special Voting method to guarantee the exercise of the right to vote of qualified and active Voters domiciled in Puerto Rico, if they face obstacles or difficulties to attend the Polling Center on the day a Voting Event is held. This Act establishes the minimum categories under which Voters may qualify for this type of Voting and the Commission may include additional categories. Early Voting shall, at least, be carried out in early voting Polling Centers enabled by the Commission for inmates in penal institutions, bedridden patients in their homes or at hospitals; and the elderly who stay overnight in housing facilities.

(111) “Absentee Voting” - A special method that guarantees the exercise the right to vote of voters domiciled in Puerto Rico and active in the General Voter Register who foresee to be physically absent from Puerto Rico on the day a Voting Event is held.

(112) “Write-in Vote” - A voting method that shall only be used in Primaries, Special Elections, and General Elections where a vote may be cast for Offices or Candidates. Said vote shall be valid if the Voter writes the name of the person his

preference in the Ballot corresponding to the elective office of choice, in the appropriate row under the write-in column, and makes a valid mark inside the space provided therefor next to the name. It shall not be used in any other type of Voting Event other than for Offices or Candidates that is, in Plebiscites or Referendums. In such contests, the determinations in *Suárez Cáceres v. Comisión Estatal de Elecciones*, 176 D.P.R. 31, (2009) shall apply.

(113) “Invalid Ballot” - Means any Overvoted, Undervoted, Void Ballots, Blank Ballots, and Objected to Ballots. Said ballots, blank ballots, and objected to ballots shall not be counted or be part of the tally of votes cast in any voting event.

(114) “Valid Vote” - Means the ballots that were cast correctly pursuant to the provisions of this Act as well as adjudicated to any Political Party, Candidate, Independent Candidate, Hopeful, write-in, option or alternative.

Section 2.4.- Terms.-

In computing the terms stated in this Act, the Rules of Civil Procedure of Puerto Rico in effect shall apply, except for those specific terms provided for in this Act.

Section 2.5.- Uniformity.-

The rulemaking authority conferred under this Act to the electoral bodies shall be exercised guaranteeing, to the maximum extent possible, that all processes related to Voting Events are held under the standardized rules pursuant to of our code of laws and the Constitution.

CHAPTER III

PUERTO RICO STATE ELECTION COMMISSION

Section 3.1.- Puerto Rico State Election Commission.-

The Puerto Rico State Election Commission is hereby created. The seat and central offices of the Commission shall be located in the city of San Juan, Puerto Rico.

(1) Mission.

To ensure purity, transparency, security, certainty, swiftness, accessibility, and ease for the voters in a cost-efficient manner, free of fraud and coercion in the planning, organization and holding of election services, processes, and events and without bias towards any group or sector, or ideological or party trend.

(2) Composition of the State Election Commission

(a) As a collegial, deliberative, and adjudicative body, the regular and voting members of the Commission shall be one Chair, a minimum of two (2) and up to a maximum of three (3) regular Election Commissioners representing each Major State Party with party registration after the most recent General Election, which polled the largest number of straight-ticket votes under their emblem on the State Ballot from the total valid votes casted in that Ballot.

(b) The Alternate Chair, the Alternate Commissioners designated by each regular Election Commissioner, and a Secretary shall be ex officio non-voting members of the Commission, except when the Chair delegates his representation on his Alternate and when a Commissioner notifies the Chair that his Alternate Commissioner shall represent him in his absence.

(c) If less than three (3) Major State Parties maintain a party registration status, as defined in Section 6.1 of this Act, after the final Certification of the General Canvass of the results of a General Election the constitution of the Commission shall be increased until the maximum three (3) regular Election Commissioners is reached. This adding mechanism shall be used, as necessary, together with the Election Commissioner of the registered State Party that polled, in the most recent general election, the second and up to the third largest number of straight-ticket votes under its emblem in the State Ballot from the total valid votes

cast in said ballot. Election Commissioners shall be recognized as regular members of the Commission.

(d) If after the final Certification of the General Canvass or Recount of the results of a General Election, less than three (3) Major State Parties and State Parties maintain their party registration status to be eligible to increase the composition of the Commission through the adding mechanism provided in paragraph (c) of this Section, the minimum composition of two (2) regular Election Commissioners shall prevail in the Commission with the two (2) eligible State Parties pursuant to election support requirements and candidate nominations as provided in paragraph (a) of subsection (2) of Section 3.1.

(e) The Election Commissioners of new State, Legislative, and Municipal Parties by Petition that are not eligible for regular membership in the Commission shall be recognized as Additional Election Commissioners with voting rights in the Commission once the Commission has issued their Final Certification as such, as provided in Section 6.1 of this Act. Such Additional Election Commissioners and their respective Alternate Commissioners shall be called by the Chair to meetings of the whole Commission from the beginning of the election cycle of the next General Election and when the matters to be discussed, considered, or adjudicated are specifically related to the categories and geoelectoral delimitations of these Political Parties, as defined in this Act; provided that, their votes shall only be allowed in such matters. Additional Election Commissioners and their Alternate Commissioners shall earn per diem, as provided by the Commission, for each whole Commission meeting they attend and for each meeting called by Commission bodies.

(f) As a transitory measure, any State Party by Petition whose Election Commissioner is a regular member in the Commission, as of the approval of this Act, shall keep said membership under the same specific conditions provided

in subsection (9) of Section 3.10 until the Commission issues the Final Certification of the election results of the General Canvass of the 2020 General Election; however, the acknowledgement of said specific retention shall not be construed as a limitation or impairment for the implementation of all other provisions of this Act, including the Institutional Balance.

(g) Any tie between the votes polled by the Political Parties upon determining the maximum constitution of the Commission, shall be decided in a public drawing conducted by the Chair of the Commission.

(3) Budget.

(a) The Executive Director of the Office of Management and Budget, the Secretary of the Treasury, and the Executive Director of the Fiscal Agency and Financial Advisory Authority have the duty to prioritize, identify, and make available the economic resources needed to fulfill all the purposes of this Act pursuant to the calendar provided thereunder, including all the technological and information systems ordered herein.

(b) No general or special provision of law, regulations, executive or administrative order, or any plan may be invoked to alter or postpone budget transfers and the appropriations necessary for the Commission to achieve the purposes of this Act. Disbursements of budget transfers and appropriations for the Commission to comply with the provisions of this Act shall never exceed thirty (30) calendar days after the filing of the request by the Chair.

(c) The Commission's budget shall be accounted for and disbursed with priority as provided in this Act or as requested by its Chair. No government official or employee of the Government of Puerto Rico may freeze the Commission's budget items or accounts, or postpone budget expenditures or disbursements inconsistently with the dates and the calendar provided in this Act.

(d) The Commission's annual budget request shall be designed and presented using zero-based budgeting, as appropriate, according to the magnitude of the processes, services, technological systems, and election events for each year of the four-year cycle.

(e) Funds related to the Commission's administrative and electoral operations, including the maintenance, update, and certification of technological systems and equipment acquired and available in their operational inventory shall be deemed to be Regular and Recurring Funds. Such funds' request shall also be based on the annual reports to be filed with the Commission by Election Commissioners and the directors of every office or instrumentality stating their respective needs, as well as the work productivity of each of their employees and personnel on detail; and cost-efficiency for the use of office materials, information systems, and equipment.

(f) Funds related to the planning, organization, and holding of any voting event provided by law that the Commission may anticipate prior to filing its budget request for each fiscal year, such as General Elections, Plebiscites, Referendums, Primaries of Political Parties, presidential Primaries, or others shall be deemed to be Election Event Funds. If any of the aforementioned election events cannot be anticipated prior to filing the budget request of each fiscal year, the Governor and the Legislative Assembly shall provide additional resources upon the Commission's request. Said additional resources shall not be deemed to be part of the Commission's Regular and Recurring Funds.

(g) Resources appropriated to the Commission to evaluate, plan, contract, modify, acquire, design, develop, implement, update, educate, and maintain any technological, information, or cyber system or equipment needed to fulfill the purposes of this Act shall be deemed to be the Technological Innovation Fund. These resources shall not be deemed to be part of the Regular and Recurring

Funds nor the Election Event Funds of the Commission. In addition to the appropriations received by this Fund, any appropriations received by the Commission, which are deemed to be surplus at the close of each fiscal year shall also be deposited into this Fund. No resource appropriated or transferred to this Fund shall be used for other purposes other than those provided herein.

(h) The Commission is hereby empowered to solicit and receive contributions from foundations and other public or private entities in order to strengthen the Technological Innovation Fund, provided that such contributions do not constitute a conflict of interest, an ethics violations, or the violation of any law.

(i) For the purposes of quantifying the resources needed for the Technological Innovation Fund and the technological systems provided in this Act, including those that shall not be used until after the 2020 General Election, the Chair of the Commission shall:

i. File a report, not later than sixty (60) days from the approval of this Act, stating in detail the cost projections of each system at their different stages and for each fiscal year.

ii. The report shall further state the costs of mass education and information on the use of such systems by the employees of the Commission and voters.

iii. The Commission shall submit a copy of this report to the presiding officers of the Legislative Bodies, through the Office of the Clerk of the House and the Office of the Secretary of the Senate, as well as to the Governor and the Office of Management and Budget (OMB).

(4) Procurement.

(a) The Commission may purchase, hire, amend, and extend contracts in effect, or lease any supplies, equipment, printed materials, services, facilities or structures, technological systems and equipment from public and private

entities without being subject to the provisions of Act No. 14-2004, as amended, known as the “Puerto Rican Industry Investment Act”; Act No. 73-2019, known as the “Act of the General Service Administration for the Centralization of Procurement in the Government of Puerto Rico”; or any other plan or related law.

(b) The Commission’s Bid Board shall evaluate and award, pursuant to the law and the regulations thereunder, the acquisitions of goods and services for the Commission. In the event that the acquisition of technological equipment and information systems, the evaluation and award of proposals, tenders, or contracts, as appropriate to each type of acquisition and the total amount thereof shall be under the exclusive jurisdiction of the Board of Advisors of the Office of Information Technology and Electronic Data Processing System (OSIPE, Spanish acronym). The Board of Advisors of OSIPE shall adopt regulations for such acquisitions.

(c) For the purposes of preventing controversies or litigations in connection with the acquisition or contracting of goods and services which are necessary for a Voting Event, from hindering the planning, coordination, calendar, and holding thereof, the Commission shall evaluate and decide directly on the adjudication thereof at its discretion. If a unanimous vote is not achieved between the votes of regular Election Commissioners, the Chair shall decide the adjudication. Any of the foregoing—the decision of the Bid Board, the Board of Advisors of OSIPE, or the unanimous decision of the Commission or the Chair—shall be deemed to be a final and binding adjudication at the administrative level. No complaint or legal action filed with a Court of Law in connection with this adjudication or contracting shall stay the same, unless the Order, Decision, or Judgment becomes final and binding.

(d) The Chair shall have discretion to acquire goods for up to seventy-five thousand dollars (\$75,000) within the same fiscal year for each supplier without competitive bidding; and up to one hundred fifty thousand dollars

(\$150,000) to contract services within the same fiscal year for each contractor. If the amount of each acquisition of goods or service contracts exceeds the aforementioned amounts, the Chair shall direct the acquisition of goods through the consent of the whole Commission.

(5) Institutional Structure.

(a) It shall be an institution in continuous operation, as compact as possible in terms of human resources, offices, and departments, without sacrificing the efficiency and purity of election services, processes, and events. The implementation of a restructuring plan to consolidate and reduce the administrative and election offices and departments shall be completed not later than June 30, 2022. The restructuring, consolidation, or downsizing of the Administrative Offices, shall correspond to the determinations of the Chair.

(b) It shall be a public agency accessible to voters and the least costly possible for taxpayers; promoting the automation of its administrative and electoral operations with the use of technological systems that reduce human intervention to the extent possible, as well as, facilitate real-time remote interaction with voters thus avoiding unnecessary visits to the offices of the Commission.

(c) Administrative Offices shall be managed by an official of trust of the Chair. The Director of every Administrative Office shall be appointed to a position of trust by the Chair of the Commission and shall be an at-will employee.

(d) Only the Election Offices of the Commission shall have personnel from Political Parties under the construct of a board with Institutional Balance.

(6) Human Resources of the Commission

(a) The Commission shall be an Individual Administrator and its personnel shall be excluded from the provisions of Act No. 8-2017, as amended known as the “Government of Puerto Rico Human Resources Administration and

Transformation Act”; Act No. 45-1998, as amended, known as the “Puerto Rico Public Service Labor Relations Act”; and Act No. 95 of June 29, 1963, as amended, known as the “Public Employees Health Benefits Act.”

(b) Commission personnel may avail themselves of the benefits of any Retirement System, Retirement Investments, or defined contributions account provided by the Government of Puerto Rico or other in which said personnel is enrolled at the time of their appointment; or may select any private retirement method.

(c) The Commission shall design and approve a Classification and Pay Plan that includes all employees and that conforms to the restructuring of Administrative Offices and Election Offices herein directed. Said plan shall be implemented taking into account the needs of the election system through the automation of election processes and the elimination of unnecessary bureaucracy.

(d) In the case of employees whose functions need not be continuous or are incompatible with the restructuring and the new Classification Plan, the Chair shall make the registration of such employees into the Sole Employer program feasible, pursuant to Act No. 8-2017, as amended, known as the “Government of Puerto Rico Human Resources Administration and Transformation Act.”

(7) General prohibitions, conflict of interest, and nepotism.

(a) No person may be designated, hired, appointed, or hold an office as a member of the Commission, if said person:

i. Has been convicted of a felony.

ii. Has been convicted of a misdemeanor involving moral turpitude or an election-related misdemeanor.

iii. Fails to present, at the time of his appointment or hiring, and at the close of each fiscal year official proof of compliance with his tax or financial liabilities with the Department of the Treasury, the Child Support

Administration, the Municipal Revenues Collection Center, and for municipal licenses or excise taxes, as applicable.

iv. Is not an active voter domiciled in Puerto Rico.

v. Holds or seeks to hold an elective public office.

(b) Members of the Commission are hereby prohibited from receiving additional compensation through professional service contracts from any agency of the Executive, Legislative, or Judicial branches, including municipalities and public corporations. Teaching contracts or services in university, vocational or healthcare service institutions are hereby excluded from this provision.

(c) No regular career, provisional, temporary, contractor, or employee on detail shall be recruited if he is related to any regular member, ex officio member, official, or division chief of the Commission within the second degree of consanguinity and up to the third degree of affinity. Employees who are recruited, contracted, or on detail prior to the effective date of this Act shall be excluded from this prohibition.

(d) The prohibitions provided in the Puerto Rico Government Ethics Act, Act No. 1-2012, as amended, or other law in effect, specifically in what pertains to nepotism or conflicts of interests, as well as undue influences from family members shall apply to employees of the Commission.

(e) When the Chair of the Commission, due to apparent or evident conflict of interest, fails to sign an appointment, contract, document, or certification, the Secretary of the Commission shall be empowered to sign and, in such cases, said signature shall have the scope of institutional power granted to the Chair under this Act.

(8) Administrative Methodology.

Savings are hereby directed in human resources and storage spaces for paper files and equipment through the digitalization of every type of administrative

and election-related document or form including, to the extent the technology available allows, its electronic processing or workflow under the concept of paperless office. Any document digitalized or in electronic format that is kept and issued by the Commission shall be recognized as valid and original for all administrative, financial, election-related, legal, and judicial purposes. No official or employee of the Executive, Legislative, and Judicial branches, including municipalities, public corporations, and private entities may request the Commission to provide original paper documents of any type when the Commission issues and makes said documents available by digital or electronic sources.

(9) Technological, Information, and Innovative Systems.

In order to achieve these technological purposes, the Commission shall create the Office of Information Technology and Electronic Data Processing System (hereinafter, OSIPE, Spanish acronym).

(a) OSIPE shall have the following main functions:

i. To execute the operation, processing, security, and maintenance of any technological, information, cybernetic, electronic, and digital system currently available in the Commission. It includes the operation, security, and maintenance of the General Voter Registry.

ii. To conduct studies and evaluations, make recommendations and cost estimates to modify existing technological systems and equipment, or the acquisition of new systems and equipment that adjust to technological systems and the administrative and election-related methodology provided in this Act.

iii. To establish and administer the Commission's management information and internal administration systems. The foregoing shall not be deemed a strictly election-related function. Quite different from election technology systems, no software acquired by the Commission for administrative or

managerial purposes may become a closed platform or program. Any solution acquired for these purposes shall be open and compatible with general use applications that may be implemented by the Central Government of Puerto Rico.

iv. To evaluate and adjudicate offers related to the acquisition of equipment and computer and information technology systems of the Commission.

(b) Shall function as an Institutional Balance Board pursuant to Section 3.6 of this Act.

(c) The OSIPE Board shall hold joint meetings, at least, once a week. No official, employee, or internal or external advisor of OSIPE shall make programming or planning changes without the express and unanimous authorization of the OSIPE Board and without the unanimous consent of regular Election Commissioners, except when this Act requires the establishment of an automation, accessibility, or electronic voting program such as those required under Section 3.13. In this case, if unanimity is not achieved in the Commission, the Chair of the Commission shall implement the changes needed to fulfill the purposes of this Act.

(d) To keep the Commission up-to-date on all its election-related procedures and operations.

(e) To keep the election registries directed under this Act up-to-date to ensure that the information is accurate, updated, and reliable.

(f) To manage, keep, and operate Voting, election results disclosure, or Electronic Canvass processes adopted.

(g) To ensure that its systems and procedures are rigorously adjusted to the security standards and certifications in the election processes of this Act and federal agencies.

(h) To prohibit members of the OSIPE Board from evaluating any technical project with a supplier with whom it has a financial relationship or with whom it is related within the fourth degree of consanguinity or second degree of affinity.

(i) To establish a Project Innovation Plan pursuant to the dates established in this Act, and those established by the Chair or the Commission, as appropriate, taking into consideration whether the nature of the project is administrative or election-related. The Plan shall include a description and the purposes of each project, its stages, and cost estimates.

(j) Upon the Commission's approval of the plans and recommendations, the Chair shall include said plans and recommendations in the budget request and under the Innovation Fund item created under this Act.

(k) Webpages and electronic voter interaction systems shall be accessible to persons with disabilities, with the information available in both official languages, Spanish and English, and capable of offering a secure service to voters in the Electronic Voter Registry (eVR); the applications for absentee and early voting; the electronic filing of Candidacies for Hopefuls as well as Party and Independent Candidates; the filing of electronic endorsements, in addition to any other service or transaction required under this Act or required by the Commission through regulations.

Section 3.2.- Functions, Duties, and Powers of the Commission.-

The Commission shall be responsible for planning, organizing, directing, and supervising the electoral body and election-related procedures that, pursuant to this Act and the applicable federal laws, govern any Election Event to be held in Puerto Rico. In addition to any other provisions in this Act, in discharging said function the Commission shall have the following duties:

(1) To comply with and enforce the provisions and purposes of this Act.

(2) To adopt, alter, and use an official seal, of which judicial notice shall be taken, and which shall be stamped on all of its documents, resolutions, and orders.

(3) To approve rules and regulations as are necessary to implement the provisions of this Act. These regulations shall be published in the Commission's webpage within a period not to exceed ten (10) days from the approval thereof.

(a) The Commission shall approve Regulations for all voting events and ballots in the General Election and the General Canvass thereof, as well as any other regulations to be used in said election event, not later than six (6) months before the General Election. Said regulations shall be published in the webpage within at least five (5) months before the General Election.

(b) The Commission shall notify the participating Political Parties, organizations, and Independent Candidates of the drafting of any rules, which it intends to consider for approval if it specifically involves rules and regulations that result in changes to the Voting or canvass system to be used in a General Election without being subject to Act No. 38 of June 30, 2017, as amended, known as the "Government of Puerto Rico Uniform Administrative Procedure Act." In these cases, the Commission shall also hold public hearings so that the general public may have an opportunity to express themselves on the matter. These public hearings shall be called through notices to be published in the Commission's webpage. This process shall be completed within not less than one (1) week before the holding of the public hearing. Such notices shall specifically inform the public the webpage where the proposed rules or regulations to be considered in the hearing shall be available.

(c) In the case of other types of voting events, such as state or presidential Primaries, Plebiscites, Referendums, or others, the period for approving their respective regulations shall not exceed four (4) months before the Election

Event, unless the law provides another period. The rules and regulations for these types of election or voting events shall be published in the Commission's webpage within a period not to exceed ten (10) days from the approval thereof; and until at least three (3) months before the date of the Final Certification of their respective election results.

(4) To promote, by all means possible, the registration of new voters, the reregistration of Voters, and the updating of each Voter's record in the General Voter Registry.

(5) To call meetings of Local Commissions and of any other electoral body as deemed necessary.

(6) To ensure that a record of all procedures, acts, and determinations is kept as provided herein.

(7) To approve the work plans and adopt rules and bylaws to conduct matters under its jurisdiction, including those needed to review and correct the data in the General Voter Registry thus ensuring that the electoral information is accurate and updated.

(8) To negotiate and enter into agreements and covenants directed under this Act and those deemed necessary within or outside the jurisdiction of Puerto Rico, in order to comply with its legal and electoral obligations.

(9) To study election-related issues and design an integrated plan geared toward attaining greater efficiency, swiftness, and resolution of every election-related matter and procedure through institutional restructuring and the adoption of secure and automated technological systems that provide administrative and election-related processes and services with greater accessibility in real time for remote Voters.

(10) To strictly comply with the dates set forth in this Act, in order to enable its institutional restructuration and the adoption of new information systems and procedures, including those that shall be temporarily used in the 2020 General Election and those to be adopted for future election events.

(11) To require the temporary and free assignment of any public facility, built or operated with public funds –even if it is administered by a private entity– for the Commission’s strictly election-related use. In case a facility administered by the private sector is used, the Commission shall have a global liability insurance policy. In cases where facilities are administered by the government, the liability insurance policy of the agency or public entity that administers the facility shall be automatically applied to the Commission.

(12) To request, at its sole discretion and during the Election Cycles defined in this Act, other public entities of the Executive, Legislative, and Judicial branches, including municipalities and public corporations to detail personnel of any type, rank, or classification should the need for election services arise. Every official who is required to be on detail shall be legally bound under the Commission’s unilateral power to request detail personnel at its discretion during Election Cycles. In circumstances other than Election Cycles and details within the offices of the Election Commissioners defined in this Act, personnel shall only be detailed by virtue of legislation or at request of the Commission and with the discretionary consent of the agency from which the employee is to be detailed.

(13) To develop a mass campaign to collect additional Voter information that is necessary to enable the use of the technological systems directed under this Act. The Commission shall ensure that every election-related registration, application, or transaction, as of the effective date of this Act, complies with the collection of additional information such as, but not limited to the email address,

phone and cellphone numbers, driver's license number, and the last four (4) digits of the social security number.

(14) To reduce and consolidate the Permanent Registration Boards (PRB).

(15) To take actions as are necessary directly with Voters, during the rendering of services, election events, or other mediums, and enter into agreements with public, municipal, state, federal, and private entities to begin an uninterrupted collection of additional personal Voter information that allows for the verification of their identities through the electronic and online systems to be adopted by the Commission in order to interact with Voters electronically, remotely, and in real time as of the effective date of this Act.

(16) Every electronic verification of a Voter's identity shall always include, at least, the last four (4) digits of his Social Security Number, regardless of whether the Commission uses other data or information fields to conduct said verification.

(17) To keep custody and oversee the preservation, in original or digital format, of all election-related and administrative records, registries, and documents under their custody; including those of historical value or required to be preserved by law and regulation.

(18) To develop an affirmative action plan and approve regulations to comply with state and federal laws and guidelines that guarantee voting access and the voting rights of people with disabilities, bedridden and elderly voters, and other voters who face barriers.

(19) To hear, investigate, and resolve matters or controversies under its jurisdiction by virtue of this Act, which are submitted for its consideration by any interested party.

(20) To summon persons or witnesses and request documents, data, or information about strictly election-related matters.

(21) In case of strictly election-related matters, the Commission may designate, by a unanimous vote, Hearing Officers whose duties and procedures shall be prescribed by regulations. Hearing Officers shall submit reports and recommendations to the Commission.

(22) To seek any remedy or writ it may deem necessary to fulfill the purposes of this Act and, mainly, to protect voter's rights.

(23) To determine, by regulations, the equitable distribution of election-related materials and fix the sales price thereof, taking production, electronic management, and printing costs into consideration. None of the above provisions shall limit the discretion of the Commission to exempt from such payment any Political Party, Independent Candidate, Citizen Group, or nonprofit educational institution or civic organization that requests them. Likewise, in these cases, the quantity of the material to be distributed free of charge may also be agreed on; however, each Political Party, Independent Candidate, or Citizen Group certified by the Commission and participating in a Voting Event shall be entitled to a reasonable minimum number of publications free of charge.

(24) To determine the emolument, transportation and communication means, equipment, materials, and human resources from the offices to be assigned to regular Election Commissioners. In the case of the Alternate Chair, the Secretary, and other Commission offices, the determination regarding said resources shall be made by the Chair.

Section 3.3.- Meetings of the Commission.-

(1) The Commission shall meet weekly in Regular Session on the date, at the time, and in the place previously agreed upon by the regular Election Commissioners and without having to issue a call therefor.

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

(3) The Commission may also hold as many Special Sessions as it deems necessary to carry out its functions, upon a call to such effect, by agreement of a majority of the Election Commissioners or by determination of the Chair.

(4) During the six (6) months before any General Election, and during the two (2) months before a Special Election, Referendum, Plebiscite, or Voting Event the Commission shall meet in permanent session, and may adjourn from time to time, by agreement of its regular members.

(5) The meetings of the Commission shall be private, except for the adjudication sessions in the General Canvass of an Election. However, it may be determined by unanimous agreement of the regular Election Commissioners present that meetings shall be public.

(6) The only persons who can be present during meetings are the Chair, the Alternate Chair, the regular Election Commissioners, their Alternate Commissioners, and the Secretary. The Chair shall call Additional Election Commissioners as appropriate, pursuant to paragraph (e) of subsection 2 of Section 3.1 of this Act. The Commission shall have the prerogative to invite any person to participate in the discussion of an issue that requires advice or information.

(7) Alternate Commissioners may only participate in the discussion and voting when substituting for the regular Election Commissioner of their Party.

(8) Minutes shall be taken by the Secretary at each meeting and presented at the next meeting for the Commission's approval. A stenographic, recorded, or electronic record shall be kept of the Commission's work, debates, and deliberations.

(9) Any Election Commissioner may request a certified transcript of such record, whether partial or total, that is of his interest.

Section 3.4.- Decisions of the Commission.-

(1) The decisions of the Commission on strictly election-related matters shall be made by a unanimous vote of the regular Election Commissioners present

that constitute the Commission and shall be recorded through a Certification of Agreement signed by the Secretary.

(2) Unless otherwise provided in this Act, the Chair's vote shall only be necessary when a unanimous vote cannot be reached by the Election Commissioners.

(3) Every motion filed with the Commission by any of the Election Commissioners at a meeting shall be immediately considered for discussion and voted on at the following Commission meeting without having to be seconded. Furthermore, motions may be filed in writing with the Secretary and notified to the Election Commissioners and the Chair, in which case it shall be considered for discussion and vote, without having to be seconded at the following Commission meeting. Motions may not be considered if the period between the notice and the meeting is less than forty-eight (48) hours. Failure to meet the notification requirement, as set forth this Act, shall defer the motion's consideration until said requirement is met.

(4) In the absence of a unanimous vote by the Election Commissioners present at the meeting, the Chair shall decide in favor or against not later than ten (10) days after the absence of a unanimous vote. In such cases, the determination of the Chair shall be deemed a decision of the Commission and judicial review thereof may be requested pursuant to the provisions of this Act.

(5) Any amendment to the regulations of an Election Event or the general canvass thereof, other than internal Primaries of state or national Political Parties or Affiliate Special Elections proposed within ninety (90) days before the appropriate Voting Event, shall require the unanimous vote of the Election Commissioners present. If unanimity cannot be achieved in this case, the proposed amendment shall be defeated and may not be voted on or resolved by the Chair.

(6) Any amendment regarding the inclusion of another Early Voting category within ninety (90) days before a General Election shall be made by unanimous vote of the Election Commissioners present. If unanimity cannot be achieved in this case, the proposed amendment shall be defeated and may not be voted on or resolved by the Chair.

(a) If an official declaration of emergency by the federal or state government coincides with the ninety (90) day period before the Voting Event date, other than internal Primary election of state or national Political Parties, and unanimity cannot be achieved by the Election Commissioners present to add Early Voting categories, the Chair may create said categories to guarantee the Voters' fundamental right to vote that, due to said emergency, are unable or have difficulties to attend the Polling Centers.

(b) The same criteria and procedures shall be used in the event of a declaration of emergency that requires the opening of Polling Centers or the extension of due dates to send or receive Election materials, Absentee Ballots, and Early Voting. In such cases, the determination of the Chair may include the electronic transmission and/or the use of the USPS.

Section 3.5.- Jurisdiction and Procedures.-

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

(1) The Commission shall have authority to investigate any sworn strictly election-related claim or complaint filed with the Office of the Secretary. It may also hold public hearings on the matter under investigation. The Commission may delegate the evaluation of any complaint to an Examination Committee composed of Commission personnel or a person recommended by each of the regular Election Commissioners and a person recommended by the Chair.

(a) If the need to hold public or executive hearings is determined, the Secretary of the Commission shall notify the hearing calendar to the parties within the time periods prescribed by regulations.

(b) The Commission shall consider and resolve the election-related matters and complaints filed for its consideration on or before thirty (30) days after the filing thereof with the Office of the Secretary.

(c) Said period shall be five (5) days when the matter or complaint is filed with the Office of the Secretary within sixty (60) days before a Voting Event.

(d) Every matter, complaint, or controversy filed with the Office of the Secretary within five (5) days before a Voting Event shall be decided on directly by the Commission the day after its filing. However, any matter, complaint, or controversy filed on the eve of a Voting Event shall be decided on not later than six (6) hours following the filing thereof, and, if filed on election day, within one (1) hour after being filed.

(2) Regular Election Commissioners shall have standing at the administrative level to intervene in any strictly election-related matter, complaint, or investigation under the jurisdiction of the Commission; however, they shall have no standing over any controversy regarding issues specifically related to the Commission's internal administration, Primaries, and internal affairs of Parties other than the affiliation of the Commissioner. In such cases, the standing shall only be recognized to Election Commissioners of local or national Political Parties whose Primary processes are controversial at an administrative or judicial level. No standing shall be recognized when the party represented by the Commissioner has yet to be certified or registered to participate in the Voting Event that is the object of any complaint, investigation, or judicial proceeding.

(3) No matter, complaint, investigation, or controversy under the internal jurisdiction of the Commission and no process, order, judgment, or judicial decision may directly or indirectly impair, stay, interrupt, or delay a Voting Event according to the specific hours and date provided by law unless the Supreme Court of Puerto Rico finds it unconstitutional or a violation of any civil right that, with the exception of a General Election, renders the voting event unlawful.

Section 3.6.- Commission Documents.-

(1) Commission documents shall be managed under the Administrative and Technological Methodology provided in paragraph (k) of subsection 9 of Section 3.1. The implementation of said methodology shall be completed on or before June 30, 2023.

(2) Not later than June 30, 2023, the Commission shall complete the digitalization of voters' records and the documents of their electoral transactions as of January 1, 2020. On the same date, the Commission shall complete the digitalization of each Voter's Identification Card.

(3) Records, briefs, documents, files, and materials of the Commission whether in paper or digital format shall be deemed to be public documents and may be examined by any Election Commissioner or interested party, except as otherwise provided in this Act. However, the Commission shall not provide any person with a copy of the Voters General Registry or the electronic version thereof, nor copies of voter's identification cards, ballots, tally sheets, or official checklists to be used in a voting event, except as provided in this Act for model or sample ballots.

(4) Registration documents shall be deemed to be private and confidential, and copies thereof shall only be available to registered Voters, Election Commissioners, the Commission and its official bodies, or any competent court in the discharge of its functions, with regards to strictly election-related matters or the configuration of candidate lists to members of the jury in judicial proceedings.

(5) Election Commissioners shall be entitled to request a copy of Commission documents and said documents shall be issued free of charge within the ten (10) days following the request. Printed copies shall only be issued when electronic or digital versions are not available.

(6) The Registry of Affiliated Voters of each Party or the voters' lists in Primaries of Political Parties shall not be deemed to be public documents. Only the Election Commissioner of the Political Party concerned shall have access to said documents. The Courts of law shall always recognize lists of affiliates as confidential to be used exclusively by the party concerned.

(7) No document, image, data, or information of the Commission, whether in paper or electronic format, shall be deemed to be a public document, official document, public property, or part of public function unless it is in the physical or electronic records that are property of the Commission; or are issued by the Commission in one or both of the aforementioned formats for administrative, judicial, or public purposes.

Section 3.7.- Commission Chair and Alternate Chair.-

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

(2) The Chair and the Alternate Chair shall be appointed not later than July first (1st) of the year following a general election. Such office shall be held for four (4)-year terms as of said date, until their successors are appointed and take office.

(3) The Election Commissioner of the Major State Party, whose party polled, in the immediately preceding General Election, the largest number of straight-ticket votes on the State Ballot from the total valid votes cast in said ballot, shall propose to the remaining regular Commissioners the name or names of

candidates for the office of Chair and the Alternate Chair. If within a period of thirty (30) calendar days after a vacancy occurred in the office of Chair and/or Alternate Chair, the unanimous consent of the regular election commissioners is not reached to fill the vacancy, the Governor shall then appoint the candidate or candidates to fill the vacancy or vacancies. The Governor shall make these appointments not later than fifteen (15) calendar days from the expiration of the previous term. Said appointments shall require the advice and consent of two-thirds (2/3) of the total members of the two (2) Houses of the Legislative Assembly, not later than fifteen (15) calendar days from the receipt of the appointment or appointments made by the Governor, as appropriate. In the absence of appointments by the Governor and/or the advice and consent of the Legislative Assembly, the whole Supreme Court of Puerto Rico shall elect by a majority of votes a judge to hold the office of Chair or Alternate Chair in the Commission, as appropriate. The voting of the whole Supreme Court of Puerto Rico shall be conducted not later than fifteen (15) calendar days after the Governor's failure to make an appointment or the absence of the advice and consent of the legislative bodies at the close of the regular or special session when the appointment or appointments were received. Within one hundred twenty (120) days prior to a General Election, plebiscite, referendum, or primary, all the previous time periods shall be reduced to half.

(4) The Chair as well as the Alternate Chair shall be of legal age, judges of the Court of First Instance of the General Court of Justice, domiciled in Puerto Rico as of the date of their appointment, qualified voters, of recognized moral probity and knowledgeable in election-related matters.

(5) The appointment of the Chair and Alternate Chair shall entail a total and absolute discharge from and impediment for carrying out any judicial or other functions germane to judgeship. During his tenure as Chair of the Commission, the Chair of the Commission shall earn the salary, in accordance with this Act,

corresponding to the office of Chair or to his position of judge, whichever is higher. Once the Chair and the Alternate Chair cease to hold office in the Commission, due to resignation or expiration of the term of their appointment, they shall earn, upon their return to the office of judge, the salary they would have been entitled to if they had continued holding such office uninterruptedly. The appointment as Chair or Alternate Chair shall not have the effect of interrupting the course of the term of appointment as judge.

(6) After their terms in the Commission expire or due to resignation, and at the discretion of the Governor, they shall be eligible for final compensation provided in Section 3 of Act No. 125 of June 10, 1967, as amended.

(7) The Chair shall earn an annual compensation and any deferential set forth by law equal to that of an Associate Justice of the Supreme Court of Puerto Rico.

(8) The Alternate Chair shall earn an annual compensation and any differential set forth by law equal to that of a Judge of the Court of Appeals of Puerto Rico.

(9) If the Alternate Chair acts as Chair due to the temporary absence of the latter, the Alternate Chair shall discharge the powers and duties vested under this Act in the Chair and shall hold said office until the Chair is reinstated.

Temporary absences of the Chair shall not exceed thirty (30) consecutive calendar days; except when the absence is due to a temporary illness of the Chair but he is expected to resume his duties within sixty (60) consecutive calendar days. If the aforementioned periods are extended, the procedure provided in this Act to fill the vacancy of the Chair shall be prompted and the Alternate Chair shall continue discharging the office of Chair in the Commission until a successor is appointed and takes office. Within one hundred twenty (120) days before a General Election, all the aforementioned periods as well as those provided for the appointment of the

Chair shall be reduced by fifty percent (50%). If the appointment of a substitute for a Chair or Alternate Chair who has not completed his term shall be made for the remainder of the term of office of the predecessor.

(10) The Chair and Alternate Chair, once their terms in the Commission expire, shall not be able to hold the office of Election Commissioner or Alternate Commissioner of any Political Party within a period of four (4) years counted from the date their electoral office expired.

Section 3.8.- Powers and Duties of the Chair.-

The Chair shall be the chief executive and administrative authority of the Commission and shall be responsible for overseeing election-related services, procedures, and events within an environment of absolute integrity and impartiality. In discharging such task, the Chair shall have the powers and duties listed below, including, but not limited to, the following:

(1) Complying with and enforcing the provisions and purposes of this Act, the Constitution of Puerto Rico and of the United States of America, the laws that authorize or provide for any type of election process or Voting Event, as well as the election regulations that, by virtue of law, are approved by the Commission and by unanimous agreement of the Election Commissioners.

(2) Representing the Commission before any forum or public and private entity; and being the main spokesperson of the institution.

(3) Approving rules, regulations, and plans as are necessary for the administration and the administrative offices of the Commission. Said administrative regulations shall be published in the Commission's webpage.

(4) Administering, restructuring, consolidating, or eliminating to the fullest extent possible, the offices and departments of the Commission in order to render it efficient and as compact as possible in terms of their human resources, facilities,

equipment, and materials thus promoting a cost efficiency and reasonable budget without sacrificing the Mission of the Commission and the public policy of elections.

(5) Giving priority to technological innovation in the internal administration of the Commission and in election services, processes, and events through the establishment or improvement of information, digital and cybernetic systems, so as to facilitate voter's access remotely and in real time, as well as exercise the right to vote with purity, transparency, and security in order to guarantee that each vote is counted according to the intent of each Voter.

(6) Selecting, recruiting, and appointing personnel as needed to carry out the purposes of this Act, as well as fixing their appropriate compensation according to the financial resources of the Commission and subject to the Classification and Pay Plan adopted thereunder.

(7) Every appointment shall require, at least, that said person be an active Voter domiciled in Puerto Rico, meet the requirements of professional experience or academic education, and not having been convicted of an offense involving moral turpitude or an election offense.

(8) Commission personnel –of any type, classification, or rank– cannot be Hopefuls or Candidates for an elective public office, nor delegates in presidential Primaries.

(9) Any person who applies for a position of trust or of political balance, shall also meet the requirements established by the Commissioner of each Political Party.

(10) Hiring or acquiring the services, technological resources, equipment, and materials as are necessary for the non-electoral administrative operations of the Commission.

(11) Drafting a report of the expenditures incurred during the fiscal year in effect as well as the Commission's budget request, as provided in subsection 3 of Section 3.13 of this Act, which shall be filed with the whole Commission for the evaluation and discussion thereof.

(12) Administering the Commission's budget pursuant to the regulations approved thereunder.

(13) Negotiating and entering into collaboration agreements with other public entities of the state and federal Government as well as private entities to achieve the purposes of this Act.

(14) Making recommendations to the Commission on changes and matters under its jurisdiction as deemed necessary and convenient.

(15) Educating and providing orientation to voters and Political Parties about their rights and obligations, using any communications media and public broadcast techniques within his reach.

(16) Submitting a report to the Commission, at each meeting, on administrative or election-related matters considered and addressed by the Chair since the last meeting, when deemed necessary and at his discretion.

(17) Submitting to the Commission, for its consideration and approval, all proposals or drafts for election-related rules, regulations, and plans deemed necessary to comply with this Act. Administrative rules, regulations, and plans shall be under the jurisdiction of the Chair, although he may discuss and request the recommendations of regular members of the Commission before approval or amendment thereof.

(18) Taking such other actions as are necessary and convenient to comply with this Act.

(19) Paying compensation and/or per diems, as determined by regulations, to any person entrusted by the Commission to conduct any investigation or render any service thereto.

(20) Constituting the Presidential Primary Board together with the Election Commissioner designated by the Central Governing Body of each National Party.

(21) Ensuring that National Parties and their Election Commissioners have the same rights, powers, and prerogatives as State Parties and their commissioners during the Election Cycles corresponding to each Presidential Primary. Said equal treatment means the access to Commission procedures, deliberations, information, documents, and data, but not to compensations and emoluments paid to Election Commissioners of State Political Parties.

(22) Overseeing that Political Parties make the best use of Commission equipment and materials during internal election processes. The use of equipment and materials must be approved by the Chair who, in turn, shall assign personnel to supervise the use and maintenance thereof.

(23) Selling services and leasing Commission facilities, equipment, and materials for voting events of public or private entities. Prescribing by regulations, the conditions and the prices for such purposes.

(24) Imposing administrative fines for violations of the provisions of this Act that are not classified and penalized specifically as election-related offenses. The following limitations shall be taken into consideration:

(a) Hopefuls, Candidates, Independent Candidates, elected officials, and natural persons — Up to a maximum of one thousand dollars (\$1,000) for the first violation and up to a maximum of two thousand five hundred dollars (\$2,500) for subsequent violations.

(b) Political Parties, Campaign Committees, authorized committees, Political Action Committees, other juridical persons, and Citizen Groups certified

by the Commission — Up to a maximum of ten thousand dollars (\$10,000) for the first violation and up to a maximum of twenty-five thousand dollars (\$25,000) for subsequent violations.

(c) Before imposing any fine, the Chair shall serve on the parties an order to show cause for which the administrative fine should not be applied, giving them the opportunity to correct any error. The Commission shall prescribe by regulations the specific actions subject to a fine, as well as the applicable amount to each.

(25) Any person who, for the first time includes, keeps, or transmits any piece of information, document, form, false information, or image in or through an electronic system provided and operated by the Commission, the Chair shall impose an administrative fine of five hundred dollars (\$500) for each piece of information, false information, or image included, kept, or transmitted. Repeat offenders shall be charged with an election offense, as provided in Section 12.8 of this Act.

Section 3.9.- Removal of Chair and Alternate Chair from the Office.-

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

- (1) open bias against a Political Party, Candidate, Independent Candidate, Hopeful, committee, or Citizen Group;
- (2) conviction of a felony;
- (3) conviction of a misdemeanor involving election-related matters or moral turpitude;
- (4) gross negligence in the discharge of their duties;
- (5) total and permanent disability that impairs the discharge of their office;
- (6) noncompliance with this Act and the unanimous decisions of the Commission and/or

(7) disbarment or suspension, whether temporary or permanent, by the Supreme Court of Puerto Rico.

Complaints regarding the aforementioned grounds for removal shall be filed with the Office of the Secretary of the Commission, and shall be referred to and addressed by a panel of three (3) judges of the Court of Appeals designated by the whole Supreme Court of Puerto Rico. Any final determination made by this panel of judges may be reviewed pursuant to the process established in Chapter XIII of this Act.

Section 3.10.- Election Commissioners. -

Election Commissioners shall hold office as regular or additional members in the Commission in accordance with subsection 2 of Section 3.1 of this Act.

Regular Election Commissioners together with the Chair shall share the responsibility of directing and supervising strictly election-related works in order to ensure full compliance with the public policy and the Mission of the Commission. Regular Election Commissioners may submit administrative recommendations to the Chair or request information about the operations of the Administrative Offices.

Regular and additional Election Commissioners shall be appointed by the President of their Political Party through written communication addressed to the Chair.

(1) The term of office of regular and additional Election Commissioners shall begin upon the appointment made by the President of their Political Party until June 30 of the year following each General Election; provided, that his Party maintained the party registration status after the most recent General Election. The President of the Political Party may renew the term of office of his Election Commissioner through written communication addressed to the Chair.

(2) After a General Election, if his Party loses the party registration status or certification, as defined in this Act, the appointment of the regular or additional

Election Commissioner shall expire ten (10) days after the final results of the General Canvass or the Recount of the most recent General Election are certified. If before the following General Election, his Party by petition automatically losses its preliminary certification due to noncompliance with the requirements provided in Section 6.1 of this Act, his Election Commissioner shall cease functions immediately.

(3) Election Commissioners shall only be subject to the trust of the President of their respective Political Parties, throughout their term in the Commission.

(4) Regular Election Commissioners shall not be subject to the provisions of Act No. 146 of November 19, 2009, as amended, even if they opt to render their services under a contract. They shall earn an annual compensation, and any other differential set forth by law, equivalent to the salary of a judge of the Court of Appeals of Puerto Rico. Regular Election Commissioners shall be eligible for a final compensation as provided in Section 3 of Act No. 125 of June 10, 1967, as amended, upon completing their term or upon resignation.

(5) The Alternate Commissioners of regular Election Commissioners shall not be deemed to be public officials or employees and shall earn—through an appointment or professional services contract entered into with the Chair of the Commission—an annual remuneration of one hundred twenty dollars (\$120.00) less than the remuneration of regular Election Commissioners. Alternate Commissioners as well as regular Election Commissioners may opt to offer their services through an appointment or professional services contract entered into with the Chair of the Commission. Their offices in the Commission shall be subject exclusively to the appointment and the trust of the Election Commissioner and the consent of the President of their respective Political Parties. Their terms in office shall have conditions equal to those described for Election Commissioners.

(6) The designation and appointment of Election Commissioners and their regular and additional Alternate Commissioners shall be conducted as follows:

(a) The President of the Party shall notify the designation in writing to the Chair of the Commission, who shall confirm the appointment not later than ten (10) days after receipt of the designation. Said appointment shall be referred to the Secretary of the Commission for the appropriate administration of oath and pertinent process not later than five (5) days after the appointment.

(b) The Chair of the Commission shall immediately inform the appointment to the Commission and proceed with the appropriate legal and administrative processes so that the Election Commissioner or his Alternate may begin to discharge all of their prerogatives, powers, and duties pursuant to this Act.

(7) Regular and additional Alternate Commissioners shall perform the duties of Election Commissioners in case of absence, disability, resignation, death, destitution, or when the office becomes vacant for any reason, or until the Election Commissioner in question returns to his duties or a new appointment is made.

(8) Once Election Commissioners and regular and additional Alternate Commissioners cease to hold office, due to resignation or to the expiration of their term of office, they shall not be able to discharge the office of President, Alternate President, or Secretary of the Commission for a period of four (4) years, counted from the date on which they ceased to hold office.

(9) Only Election Commissioners of Political Parties that are regular members of the Commission, because they meet the requirements of Section 3.1(2) of this Act, shall have office space in the facilities of the Commission and be entitled to request the Chair to appoint, whether as regular or detail employees, two (2) executive assistants, one (1) attorney, one (1) secretary, two (2) clerks or equivalent thereof, one (1) statistician, one (1) election planning analyst, and one (1) registration officials' coordinator who shall also be his representative in the

Permanent Registration Boards' Liaison and Procedures Office or the equivalent thereof. Said personnel may be assigned by the Election Commissioners to discharge electoral duties in their offices as well as in the headquarters of their respective Parties. Persons on detail or appointed to positions of trust, shall render their services under the supervision of the Election Commissioner concerned, conduct the work entrusted and receive the salary and benefits fixed by law and regulations for Commission personnel. Said employees shall be persons of known moral probity, qualified and active voters, domiciled in Puerto Rico, and knowledgeable in election-related matters.

(10) Regular Election Commissioners may request the Chair to set aside an item in the budget to hire election advisers. This designation shall only be made when service needs warrant such designation during a General Election year or during the Election Cycle of any other Voting Event. If the budget item is allocated, said allocation shall be equal for every Election Commissioner and the number of advisors to be hired shall be determined by each Election Commissioner; however, the sum total of all the contracts shall not exceed the budget item allocated for such purposes.

Section 3.11.- Secretary of the Commission.-

The Office of the Secretary of the Commission shall operate with Institutional Balance. The Secretary, however, in addition to the office Director, shall be considered a public official and shall earn an annual compensation as well as any differential set forth by law, equivalent to that of a State Superior Judge of the Court of First Instance of Puerto Rico. The Secretary shall be appointed by the Chair of the Commission at the Election Commissioner of the Majority State Party's recommendation. The Secretary shall direct the works of the Office of the Secretary of the Commission and shall keep custody of and be the sole issuer of the official seal thereof. In the event of his absence or a high volume of work, the Secretary shall

designate a member of his office as his substitute with either full or partial powers in every election and administrative action.

1. The Secretary shall be a person of recognized professional capacity, moral probity, and knowledgeable in election-related matters, who, together with the Chair, shall act as representative of the public interest in the Commission.

2. The term of office of the Secretary shall be four and a half (4.5) years beginning not later than July 1 of the year following the General Election and shall expire December 31 of the year following the next General Election; or until a successor is appointed and takes office. The appointment outside of the foregoing dates and periods shall not affect the expiration date set for December 31 of the year following the General Election.

Section 3.12.- Functions and Duties of the Secretary.-

The Secretary shall discharge the duties and the functions delegated under this Act, herein, those assigned by the Commission which are compatible with his office as well as the following:

(1) To coordinate daily, with OSIPE, the implementation, operation, updates, and content of the web pages and social media accounts of the Commission.

(2) To draft, prepare, and certify the minutes of the Commission's meetings.

(3) To certify, compile, notify, and publish the resolutions, orders, opinions, and determinations of the Commission. The Secretary shall sign the foregoing documents in substitution for the Chair, when necessary.

(4) To receive briefs, notices, and other documents that may be submitted by the Commission.

(5) To notify the Commission of the documents, briefs, appeals, notices, and other papers filed with the Office of the Secretary not later than the session immediately following their receipt.

(6) To notify the interested parties about the summons, the holding of hearings, resolutions, orders, determinations, and actions of the Commission through the appropriate means.

(7) To issue certifications and attestations of the documents, opinions, and other determinations of the Commission.

(8) To keep custody and maintain in order all election-related documents and records including those which the Commission deems to be of historical significance.

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

(10) To administer oaths with regards to strictly election-related matters.

(11) To manage a Center for Electoral Studies which shall be in charge of compiling, evaluating, and publishing reports on the electoral processes in light of Puerto Rico's technological, procedural, and legislative development, and that of other jurisdictions of the United States, for the benefit of the Commission and Voters.

(12) To coordinate the Commission's interagency agreements and maintain the information in the General Voter Registry up-to-date, correct, and accurate.

Section 3.13.- Electoral Technology Systems.-

Not later than June 30th, 2021, and on the same day each year following a General Election, the Commission shall file a report with the Governor and the Legislative Assembly, through the Office of the Clerk of the House and the Secretary of the Senate, on the advances of the electoral technologies used globally and the technological initiatives that may be implemented in Puerto Rico.

Except as otherwise provided in this Act, the Commission shall have discretion to prescribe by regulations the details related to the design, technical security, and configuration of the technology and electoral systems to be directly used by Voters. The Commission shall not have discretion to determine the adoption of the technology systems provided in this Act or their implementation dates. When the Commission is unable to reach a unanimous decision with regards to any matter pertaining to the acquisition, regulation, or implementation of the technological and information systems provided in this Act, or any other matter, system, good, or service directly related thereto, it shall be the duty of the Chair to resolve and adjudicate the matter in order to ensure compliance with this Act as well as the integrity and execution of the electoral processes.

The combination of the voter identification number assigned to each Voter by the Commission, and the last four (4) digits of the Voter's social security number constitute an essential element that the Commission shall use, at least, to validate the identity of voters in any process and in the electronic transactions the voter conducts with the Commission as an institution and vice versa. The Commission may adopt, through regulations, additional validation requirements that do not exclude the combination of voter identification number and the last four (4) digits of the social security number. The social security number of each voter and the last four (4) digits thereof shall be deemed to be confidential information of the Voter and the Commission as an institution. This confidential information shall only be included in the electronic database of the General Voter Registry and shall be kept under the custody of OSIPE personnel specifically assigned and authorized to safeguard the social security numbers, under the most rigorous access and security controls. The confidential information pertaining to Voter's social security numbers shall only be used by OSIPE for specific election-related purposes, shall not be printed in voter lists, or otherwise distributed or disclosed to Political Parties, Independent

Candidates, or to any other natural or judicial person unless directed by a court order. No official, employee, contractor, officer, ad hoc notary, or election official of the Commission, Local Commissions, Registration Boards, Electoral Unit Boards, or Polling Place Boards at any level, who at any stage of the process or of an election-related transaction may have or has incidental access to the social security number of the Voter or the last four (4) digits thereof may copy it or otherwise keep, share, or transmit it. A violation of the provisions of this paragraph shall constitute an election offense punishable pursuant to Chapter XII of this Act.

The electronic systems with which Voters shall interact shall operate in an integrated manner from a single website so as to facilitate Voter access.

(1) In addition to remote and real-time electronic access, these systems, at a minimum, shall:

(a) Be accessible through electronic devices such PCs, tablets, smartphones, special devices for persons with severe physical disabilities, those equivalent to any of the foregoing, and any other secure electronic device that may arise in time.

(b) Have robust security and strong encryption systems in order to transmit information through the available telematics networks.

(c) Have cutting-edge and accurate methods to electronically verify the identity of the Voter, including, but not limited to, the email address, telephone and mobile phone numbers, driver's license number, and the last four (4) digits of the social security number.

(d) Have simple interface designs for Voters with limited technology skills. The Commission shall never use codes, abbreviations, or symbols in the interface that have not been simultaneously explained to or defined for the Voter. The website shall always contain an up-to-date glossary of election-related terms.

(e) Have the support of an Integrated Voter Services State Center (CESI) (Call and Web Center) to provide guidance, through various means of written and verbal communication, on electronic election-related transactions and the use of these systems. For quality control purposes and to maintain a record of the services provided, this Center shall have the capacity to record verbal and written conversations between the Commission's service representative and the Voter when the latter gives consent and there is proof of such consent in the record of the telephone call or written conversation.

(f) Issue printable electronic or digital receipts with a confirmation code of the transaction made by the Voter and allowing for the printing thereof.

(g) Have interactive guides or instructions for voters on each operation the voter must take to cast his vote or complete his election-related transaction, which includes notifications for the receipt, acceptance, or rejection of each one of his transactions.

(h) Facilitate direct and individual communication between Voters and the Commission through an electronic inbox so as to keep Voters informed about any important matter that they should be aware of collectively or individually such as, for example, deadlines for conducting system transactions, and voting instructions, among others. All communications shall be delivered in Spanish or English in accordance with the Voter's preference, if any. If no preference is expressed, all communications shall be delivered in Spanish.

(i) Have the capacity to send and receive images in digital format or of another other type.

The Commission shall implement, at least, the following new technological election systems for use by Voters:

(2) The Electronic Voter Registry (eVR or eVR System). The Commission shall implement the eVR System as a top priority in order for Voters to be able to use it not later than July 1st, 2022.

(a) The eVR System shall empower Voters by making their voter record their own, and allowing them to amend it or correct it when necessary in accordance with the law and regulations; thus keeping the Voter continuously informed and making them directly liable for the content of their voter registry. The information entered by the Voter upon verification by the Commission shall be updated in the General Voter Registry. Just as all election-related transactions conducted by a PRB, any transaction conducted by a Voter through this system shall be deemed to have been conducted under oath and shall be subject to penalties when false information is furnished.

(b) Any Voter interested in conducting election-related transactions through the eVR System must meet all of the voter registration application requirements provided in Section 5.9 of this Act, which includes providing the Commission with additional information that is not contained in the General Voter Registry as of the date of approval of this Act, but that is necessary to establish the parameters to verify the identity of each Voter electronically. The combination of the voter identification number assigned by the Commission to each Voter and the last four (4) digits of the Voter's social security number shall be accepted, as a minimum, to validate the identity of each Voter. Election-related transactions shall not be validated if this minimum requirement is not met.

(c) The electronic Voter registry in this system shall consolidate all the possible transactions that the Voter may conduct so they can be conducted remotely and in real-time with the Commission. It shall facilitate all transactions that the Voter may need to carry out such as registrations, transfers, relocations, reactivations, service requests, and even voluntary registration cancellations.

(d) Its interface shall include the operating mechanisms necessary for:

- i. enabling the Voter to send his photograph in JPEG format or PDF (Portable Document Format) documents to the Commission, as necessary;
- ii. the hosting of inboxes for as many types of messages as possible so as to facilitate individual or mass communication between the Commission and Voters and vice versa; and
- iii. interactive chats to facilitate communication between Voters and the personnel of the Integrated Voter Services State Center (CESI).

(e) Before adopting the eVR System, the Commission may use all means available and seize any opportunity to collect the additional information that each voter is required to furnish. The eVR System shall become operational on or before July 1, 2022.

(f) The role of the Commission and the Political Parties shall be limited to designing, operating, and providing the services of this system continuously and efficiently, in order for it to be available twenty-four hours a day, seven days a week (24/7), so as to educate Voters, through the Integrated Voter Services State Center (CESI), on how to use it correctly; the review of the information furnished by Voters, and the actions provided for in this Act and the regulations.

(g) The Voter who chooses not to furnish the additional information requested by the Commission in order to complete his voter registration in the eVR System may not conduct election-related transactions through the system. To complete their service requests or exercise their right to vote, such voters shall be required to personally visit the service offices or Polling Centers indicated by the Commission, as appropriate.

(h) Every notification, summons, resolution, determination, confirmation or denial, request for information, service or election-related transaction, verification, mass or individual notice, or any communication required by this Act, or the regulations approved thereunder, to be conducted between the Commission and a Voter, and vice versa, shall be conducted through the means of electronic communication that the Voter provided to the Commission in his voter registration through the eVR System once it becomes operational on July 1st, 2022; provided, that the Voter has signed into this system. In default thereof, all of the aforementioned communications shall be conducted through the conventional methods provided in this Act and the regulations thereunder. Any electronic or printed proof of the electronic communications between the Commission and a Voter, and vice versa, shall be legally valid for any election-related purposes in the Commission, its bodies, and in the courts of law.

(3) The Endorsement System (SIEN, Spanish acronym) is an information system with online access for the collection, presentation, evaluation, and validation or rejection of the endorsement petitions required by this Act. Except for the transitory provisions herein provided, the use of paper or similar materials for the collection, presentation, evaluation, validation, or rejection of the endorsement petitions that the Primary Hopefuls, Independent Candidates, and the Political Parties by Petition are required to submit is hereby prohibited as of the 2024 Four-year Election Cycle. Any endorsement petition required by this Act from the Primary Hopefuls, Independent Candidates, and Political Parties by Petition shall be processed electronically through this system as provided in Section 7.16 of this Act.

The Commission's discretion shall be limited to defining the configuration of this system, provided that, as a minimum, the last four (4) digits of the Social Security number of the endorsing Voter are used to validate his identity when the endorsement is collected. The Commission shall not have discretion to

alter the timetable provided for the implementation of this system or the minimum conditions herein established.

The combination of the voter identification number assigned by the Commission to each Voter and the last four (4) digits of the Social Security number shall be accepted, as a minimum, to validate the identity of each Voter. Endorsement petitions shall not be validated if these minimum requirements are not met.

The Commission's General Voter Registry shall be used as the main reference and in a centralized manner for every process concerning the evaluation, validation, or rejection of endorsement petitions of any type as of the approval of this Act.

(a) Four-year Election Cycle of the 2024 General Election

During and as of this Four-Year Election Cycle, the Commission shall implement the Endorsement System (SIEN) for all endorsement petitions required by this Act. The Commission shall make SIEN compatible with the Electronic Voter Registry (eVR) to be implemented not later than July 1st, 2022, so that, in addition to the internal criteria used by the Commission to validate or reject the endorsement petitions, the Commission is also able to electronically notify each Voter registered with the eVR System of the receipt thereof, as well as verify directly with the Voter if, in fact, the Voter accepts or rejects the petition submitted on his behalf. SIEN shall be configured as established in Section 7.16 of this Act.

(4) Electronic Poll Books in Voting Centers

The Commission shall implement this system as a top priority and as follows:

(a) Four-year Election Cycle of the 2020 General Election

The Commission shall employ the conventional methods used in the 2016 General Election during this Four-year Election Cycle, which includes print

voter lists to control voter identification, registration, and attendance in the Polling Centers.

(b) Four-year Election Cycle of the 2024 General Election

Beginning this cycle, the Commission shall implement the Electronic Poll Book system in the Polling Centers and Polling Places as of this cycle to control Voter identification, registration, and attendance. This system shall be implemented as a Pilot Project during the 2024 Primaries of the Political Parties and it shall be used in conjunction with the conventional method of print voter lists used during the 2020 Primaries of the local parties.

Not later than December 31, 2021, the Commission shall approve the regulations for the design and use of this system, including as a precautionary measure that print lists shall only be available in the Electoral Unit Boards and at the Local Commissions as of the 2024 General Election.

Section 3.14.- Integrated Voter Services State Center (CESI).-

For the purpose of replacing the Permanent Registration Boards (PRB) of all precincts and to establish a centralized operational infrastructure to provide support and educate the Voters who shall use the interactive technology systems provided in Section 3.13 of this Act, the Commission shall have an operational Integrated Voter Services State Center (CESI) not later than January 1st, 2022.

CESI shall operate under the concept of institutional balance and as a “Call and Web Center” that shall provide as many interaction options for the Voters and the center’s service representatives as possible through different communications methods and systems such as telephone calls, email, chats, and text messaging, among others deemed necessary by the Commission.

The Commission shall:

(1) Regulate the operations of this Center, the works, and the internal protocols to be followed by the members thereof when interacting with voters, and

when processing and validating election-related transactions including any related information and images.

(2) Establish its regular business hours, special extended hours, and holidays within one hundred eighty days (180) before any Voting Event.

(3) Have a phone call recording system to record the interactions between the service representatives and Voters, provided that the latter have been notified and voluntarily accepted, in order to ensure tracing and quality services.

Section 3.15.- Voting and Canvass Systems.-

All voting and canvass systems shall be considered a part of Puerto Rico's critical infrastructure as required by the U.S. Homeland Security Agency.

Only the voting and canvass systems provided by this Act, or a combination thereof, as necessary, may be used in a Voting Event authorized by law and sponsored by the Commission.

(1) The Commission shall have discretion to regulate the details pertaining to the design and implementation of the Voting and canvass systems provided for in Section 3.13 of this Act, and any other related details, which includes temporarily combining the aforementioned systems with the Conventional Voting Systems or Methods used during the 2016 General Election.

(2) The Commission shall use the regulations of the 2016 General Election as a reference when approving regulations for Conventional Voting Systems or Methods and may amend such regulations to conform them to the regulations approved for the new technology systems directed under Section 3.13 of this Act.

(3) During the transition to the Voting and canvass systems directed under Section 3.13 of this Act, and to the extent deemed appropriate, the Commissions shall maintain an electronic canvass system equal or similar to that used in the 2016 General Election to be used in all Polling Places. The electronic canvass system shall be capable of counting votes in an easy, fast, precise, secure, and reliable manner

with security and auditing mechanisms that ensure transparency in the Voting process in compliance with the federal standards in effect.

(4) The Commission shall establish a mass and practical education campaign on the Voting and canvass systems. The education campaign shall include details pertaining to the operation and the benefits of such systems, including security guarantees, accuracy in the canvass process, reliability, transparency, and auditability. The campaign shall be conducted in Spanish and English.

(5) Any Voting Event held pursuant to this Act that requires the Voter to be physically present for him to exercise his right to vote shall be held in open polls.

(6) The Commission shall evaluate the Voting and canvass systems which are based on the most advanced technological and electronic developments available worldwide so as to adopt them in Puerto Rico or to improve our current systems. The Commission shall file its recommendations on the matter with the Office of the Clerk of the House and the Secretary of the Senate not later than the year following each General Election.

Section 3.16.- Institutional Balance Boards.-

The Institutional Balance Boards shall operate within the Commission with remunerated or detailed personnel. The aforementioned Boards shall be established in operating areas directly administered by the Commission where strictly election-related works are carried out; and which require the direct and continuous supervision of members of at least (2) different Political Parties.

As a general rule, except as otherwise provided in this Act, the composition of the Institutional Balance Board in each electoral operational area of the party representatives in each of its respective sublevels shall be established as follows:

(1) The members of these Boards shall be recommended to the Chair by the regular Election Commissioners of the two (2) state parties represented in the State Commission that polled, in the most recent General Election, the highest

number of straight-ticket votes under their emblem in the State Ballot from the total valid votes cast on that ballot.

(2) Each of these operational areas shall have a Director appointed by the Chair of the Commission with the recommendation of the Election Commissioner of the Majority State Party. The Director shall have all direction, management, administrative, and execution powers and all those powers delegated under this Act. The deputy director or second-in-command of each operations area shall be appointed by the Chair of the Commission with the recommendation of the Election Commissioner of the State Party that polled, in the most recent General Election, the second highest number of straight-ticket votes under its emblem in the State Ballot from the total valid votes cast on that ballot. The deputy director, together with the director, shall constitute the Institutional Balance Board of the area.

(3) The members of the Board shall have equal access to the information and personnel of the operational area and shall unanimously make decisions on changes of a strictly election-related nature in their area or on recommendations they are required to make to the whole Commission. If the members of the Board fail to reach a unanimous decision, the matter shall be referred to the consideration of the whole Commission.

(4) When matters of strictly election-related nature and the operational structure of the area so require, both Election Commissioners may proportionally designate their representatives for each of the operational areas' sublevels that are strictly election-related so as to ensure balance is maintained. Only the Chair may determine the need to recognize such sublevels. Those designated as such shall answer directly, in first instance, to the management, administrative, and execution authority of the area's Director, and party representatives to the Board member of their Political Party.

(5) When the workload of the electoral operational area requires a higher number of Institutional Balance human resources than the two (2) members of the Board and their respective representatives in the electoral operational sublevels, the Commission may only add up to a third (3) Board member corresponding to the Election Commissioner of the Party that is a regular member of the Commission, but has no representation in the Board. This third (3) member of the Board shall be provided with the same voting rights, access to information, and personnel conditions as the other members of the Board. All of the agreements of the Commission to add a third (3) member to Institutional Balance Boards and their party representatives in the operational sublevels, shall be unanimously approved by the Election Commissioners who are regular members of the Commission and who represent the two (2) state parties that polled, in the most recent General Election, the highest number of straight-ticket votes under their emblems in the State Ballot from the total valid votes cast on that ballot. The aforementioned agreements shall always be made in writing, shall be temporary, and shall have a specific date of expiration which shall never exceed one (1) year. When the Election Commissioners fail to reach a unanimous decision on increasing the number of Institutional Balance Board members, it shall be construed as a final and binding decision of the Commission and the Chair may not vote on or resolve such matter.

(6) An Institutional Balance Board may not be established to carry out administrative or managerial work that is not directly related to strictly election-related matters, in any operational area or in any of the operational sublevels thereof.

(7) At a minimum, the Institutional Balance Boards shall be established in these electoral operational areas as follows:

(a) The Office of Information Technology and Electronic Data System (OSIPE): As provided in this Section, both regular Election Commissioners authorized under this Act shall designate a Board member. Only Board members

shall have voting rights when deemed necessary, as provided in subsection (3) of this Section. In accordance with subsection (4) of this Section, each Election Commissioner shall also designate one (1) representative each in the following operational sublevels: Databases; Telematic Networks Transmission and Security; Electronic Voter Interaction Systems; and websites and Social Networks. Even though OSIPE shall be responsible for establishing and administering the Commission Management Systems, it shall not be considered an Institutional Balance sublevel. Its members shall be appointed by the Chair of the Commission.

(b) Office of the Secretary: A Secretary equivalent to a Director appointed by the Chair of the Commission with the recommendation of the Election Commissioner of the Majority State Party. In addition, there shall be a Special Assistant to the Secretary to be appointed by the Chair with the recommendation of the Election Commissioner of the State Party that polled, in the most recent General Election, the second highest number of straight-ticket votes under its emblem in the State Ballot from the total valid votes cast on that ballot. The Special Assistant to the Secretary shall substitute the Secretary in the event of his absence; however, the Special Assistant shall not have authority to use the Secretary's official seal. In accordance with subsection (4) of this Section, each regular Election Commissioner shall designate one representative each in the following operational sublevels: Special Board of the Office of the Secretary; Quality Control and Exclusions Unit; Historical Archive Unit, and likewise for the Special Projects only when deemed necessary for strictly election-related works.

(c) Election Operations Center: As provided in this Section, each regular Election Commissioner shall designate one Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (3) of this Section. In accordance with subsection (4) of this Section, each Election Commissioner shall designate one representative each in the following operational

sublevels: Packing of Election Materials and Equipment and the Permanent Registration Board Coordination Unit.

(d) Absentee and Early Voting Administrative Board (JAVAA): A Chair, equivalent to a Director, appointed by the Chair of the Commission with the recommendation of the Election Commissioner of the Majority State Party. The Chair shall not be considered a member of the Institutional Balance Board and he shall have all direction, management, administrative, and execution powers, as well as those powers delegated by this Act. As provided in this Section, each Election Commissioner shall designate a Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (3) of this Section. In accordance with subsection (4) of this Section, each Election Commissioner shall designate one representative each in the following operational sublevels: Vote-by-Mail, Early Voting before a Political Party Balance Board or any other sub-board whose creation is deemed necessary for strictly election-related works.

(e) Geoelectoral Planning: As provided in this Section, each Election Commissioner shall designate one Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (3) of this Section. In accordance with subsection (4) of this Section, each Election Commissioner shall designate one representative each in the following operational sublevels: the Geographical Information System Administration and the election-related works carried out by the Geoelectoral Technicians and Coordinators.

(f) Integrated Voter Services State Center (CESI) (Call and Web Center): As provided in this Section, each Election Commissioner shall designate one Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (3) of this Section. In accordance with subsection (4) of this Section, each Election Commissioner shall designate one

representative each at the operational sublevels in any sub-board whose creation is deemed necessary for strictly election-related works.

(g) Permanent Registration Boards (PRB): One Board member appointed by the Chair with the recommendation of the Election Commissioners who are regular members of the whole Commission.

(h) Temporary Registration Boards (TRB): One Board member appointed by the Chair with the recommendation of the Election Commissioners who are regular members of the whole Commission.

(i) Education and Training: As provided in this Section, each Election Commissioner shall appoint one Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (2) of this Section. In accordance with subsection (3) of this Section, each Election Commissioner shall designate one representative each in the sub-boards overseeing the election-related works carried out by the Education and Training Technicians.

(j) Liaison and Election-Related Transactions in the External Facility: As provided in subsection (1) of this Section, each regular Election Commissioners shall designate one Board member. Only Board members shall have voting rights when deemed necessary, as provided in subsection (2) of this Section.

(8) Whenever the Commission agrees to create a new strictly election-related operational area, it shall do so pursuant to the general and regular rules provided in this Section so as to define its direction, the composition of the Institutional Balance Board in each operational area, and the designation of the representatives of the Political Parties at their respective operational sublevels.

Section 3.17.- Political Party Balance Boards.-

These Boards shall mainly operate with volunteer personnel although some of their members may be compensated, contracted, or on detail through the Commission or the Puerto Rico Office of Court Administration.

(1) These Boards shall be established at the local electoral bodies for the planning, coordination, organization, and operation of voting events within the cycles corresponding to each of these events. All local electoral bodies and their respective Political Party Balance Boards shall be under the authority of the Commission.

(2) Except for the Local Elections Commissions, the Political Party Balance Board shall always be chaired by the member who represents the Majority State Party.

(3) At a minimum, the political Party Balance Boards shall be established within the local electoral bodies as follows:

(a) Local Elections Commission: Its composition shall be described in Section 4.2 of this Act.

(b) Electoral Unit Board: Its composition shall be described in Section 4.8 of this Act.

(c) Polling Place Board: Its composition shall be described in Section 4.9 of this Act.

(d) General Canvass or Recount: All state Political Parties and State Parties by Petition certified by the Commission shall have representation at all tables during the General Canvass. Legislative and Municipal Parties, or Parties by Petition, and Independent Candidates shall be entitled to have an observer at each table where the General Canvass is conducted related to a candidacy set forth in the Certification issued thereto by the Commission.

When the Commission or Local Commission determines that there is a need to create a sub-body to carry out strictly election-related functions, they shall do so by using the provisions of subsection 3 of Section 3.17 of this Act as a reference.

CHAPTER IV

OTHER ELECTORAL BODIES

Section 4.1.- Special Election Commission.-

(1) A Special Commission, convened by the Chair of the Commission and composed of the Chair and the Election Commissioner of the Party concerned, shall be created to coordinate a Special Election when a Political Party has more than one Candidate to fill a vacancy in one or more elective public offices won by such Party in the previous General Election.

(2) The Special Commission shall direct, inspect, and certify the results of the Special Election. Furthermore, it shall implement the regulations adopted by the Central Governing Body of the Political Party in question; provided, that such regulations do not violate the provisions of this Act, and have been filed with the Special Commission with a Certification issued by the President and the Secretary of the Political Party. In the event of noncompliance, the Chair shall notify the findings and the Party shall correct them within ten (10) days. The determinations of the Chair pertaining to the legality of such regulations shall be final and binding at the administrative level, and may only be reviewed by the Court of First Instance by petition of the party, as provided in Chapter XIII of this Act.

Section 4.2.- Local Election Commissions.-

Local Election Commissions shall operate under the Political Party Balance principle.

(1) The Commission shall establish a Local Commission in each Election Precinct that shall be under its authority and supervision, and which shall operate permanently.

(a) The Local Commission shall be composed of a Chair who shall be a judge of the Court of First Instance designated by the Supreme Court of Puerto Rico at the request of the Commission, in accordance with the administrative rules

to be adopted for such purposes, pursuant to Chapter XIII of this Act; and by the Local Commissioners and their Alternates designated by the Election Commissioners of each Political Party or Party by Petition certified by the Commission. The Commissioners and Alternate Commissioners of the Parties by petition shall only join the works of the Local Commission as of the start of the election cycle of the Voting Event for which their participation was certified by the Commission.

(b) The judges who shall serve as Chairs in each local commission shall be appointed simultaneously with an Alternate Chair, in each of the Local Commissions, who shall discharge the duties of the Chair in the event of absence, disability, death, removal, or when, for any reason, a vacancy arises in said office.

(c) No judge may be appointed as Alternate Chair in more than three (3) Local Commissions or serve, at the same time, as the Chair of a Local Commission.

(2) In each Local Commission, the conditions for a regular membership, alternate membership by delegation, the manner in which members shall participate, vote, and make decisions, shall be equal to those applicable to the State Commission except as otherwise provided in this Act.

(3) The Local Commissions shall hold regular meetings the second week of each month in the facilities of the Permanent Registration Board or at the location chosen by its members, but always within the precinct under its jurisdiction. In the event the PRB has no facilities, no agency or public corporation of any of the Government branches may refuse to lend its facilities for such meetings, free of charge, at the request of the Chair of a Local Election Commission.

(4) The Chairs and Commissioners of each Local Commission shall receive a per diem of one hundred and twenty-five dollars (\$125) for each meeting.

(a) The payment of per diems for more than two (2) meetings a month shall not be authorized, except during the one hundred twenty (120)-day term preceding a Voting Event. In these cases, up to four (4) meetings a month shall be authorized.

(b) Such per diems shall have the nature of reimbursement of expenses and, therefore, shall not be taxable under the Puerto Rico Internal Revenue Code or the regulations approved thereunder.

(5) The Chair and two (2) Local Commissioners shall constitute a quorum for the transaction of business of the local commission.

(a) In the absence of a quorum, the Chair of the Local Commission shall call all Local Commissioners and their Alternates to a second meeting, in writing, or via email, telephone call, or text message (SMS).

(b) The Local Commissioners present or their Alternates, with a prior notice of delegation to the Chair, shall constitute a quorum at this second meeting.

Section 4.3.- Members of the Local Commissions.-

(1) The Local Commissioners and Alternate Local Commissioners shall be appointed by the Commission at the request of the Election Commissioners of the certified Political Party they represent.

(a) They shall be persons of recognized moral probity and duly qualified voters of the election Precinct to which they were appointed; however, if there is more than one election Precinct in a municipality, this requirement shall be met by being domiciled in said municipality.

(b) Furthermore, Local Commissioners and Alternate Local Commissioners shall not be Hopefuls or Candidates for elective public office, except for Candidates for Municipal Legislator, nor may they wear the uniform of any

military or paramilitary armed forces while discharging duties as Local Commissioners or Alternate Local Commissioners.

(2) Each certified Political Party or Party by Petition shall be entitled to have their Regular or Alternate Local Commissioners of the precinct, who are employees of the Government of Puerto Rico, its agencies, instrumentalities, public corporations, and municipalities, detailed at the request of the Election Commission to carry out full-time duties in the Local Commission or to perform additional functions assigned by the Commission, beginning on July 1st of the General Election year until the general canvass or recount is completed. The Commission may extend, by means of a Resolution, the scope of this provision to the holding of other voting events, such as a Special Elections, Plebiscites, or Referendums. No head of agency and public corporation, or mayors may deny employee detail requests.

(3) Likewise, the agencies of the Government of Puerto Rico shall grant those employees who are Local Commissioners the time necessary to attend the meetings called by the Local Commission which have been previously notified by such employees to their employers without charging it to any kind of leave or docking their pay.

Section 4.4.- Functions and Duties of the Local Commissions and the Chairs thereof.-

(1) Local Commissions shall have the duty to oversee the Permanent Registration Boards and to evaluate all election and registration-related transactions so long as the State Election Commission deems it necessary to have these Boards in each Precinct.

(2) In addition to any other functions or duties provided in this Act or the regulations promulgated thereunder, the Local Commissions shall:

- (a) recruit and train Polling Place and Electoral Unit officials;
- (b) receive, watch over, and return election material;

- (c) select Polling Centers with the approval of the Commission;
 - (d) coordinate the security, and opening and closing of Polling Centers;
 - (e) certify the Precinct canvass;
 - (f) supervise the Permanent Registration Board;
 - (g) take actions for strict compliance at its meetings on matters under their consideration and on cases involving election-related transactions in their Precinct that were processed during the preceding month; and ensure that the information pertaining to such transactions is correct, accurate, and up-to-date.
 - (h) point out and correct errors and omissions in the General Voter Registry; and
 - (i) constitute, direct, and supervise the Local Sub-commissions composed of the Alternate Local Commissioners which shall assist the Local Commission; such Local Sub-commissions shall be empowered to handle all matters delegated to them by the Local Commission during the holding of an election or voting event pursuant to the regulations approved by the State Election Commission to such effect.
- (3) The Chair of the Local Commission, as a representative of the public interest, shall have the duty to:
- (a) ensure that the Local Commissions carry out their functions so as to maintain an updated and reliable voter registry;
 - (b) ensure that the agreements reached unanimously by the Local Commissioners are consistent with the law, morality, and public order.
 - (c) refer for investigation any complaints filed for election offenses to ensure that the election processes in their Precincts are reliable, and free of fraud or coercion; and.

(d) preside over all challenge hearings and notify the Alternate Chair of the Local Commission to act in his place if he has a valid reason to be absent.

Section 4.5.- Agreements of the Local Commission; Appeals.-

(1) The agreements of the Local Commissions shall be approved by unanimous vote of the Local Commissioners present at the time of voting.

(2) Any matter submitted for the Local Commission's consideration which cannot be decided on unanimously shall be decided by the Chair of the Commission, who shall vote in favor of or against it. This shall be the only circumstance under which the Chair may vote. The Chair's decisions shall be considered the decision of the Local Commission.

(3) The decision of the Chair of the Local Commission may be appealed in the State Election Commission by any of the Local Commissioners and the appealed decision or agreement shall be rendered ineffective until it is resolved.

(4) Any appeal of a decision made by the Chair of a Local Commission, except for cases involving challenged Voters, shall be notified within the same session in which the appealed decision was made, before said session is adjourned, and it shall be recorded in the meeting minutes by stating the grounds for the appeal. Furthermore, if the appellant is interested in filing a brief in addition to the appeal as well as supporting documents, he must file them with the Secretary within forty-eight (48) hours. Voter challenges shall only be filed, processed, evaluated, and adjudicated in strict compliance with the rules and procedures provided in Sections 5.16, 5.17, and 5.18 of this Act.

(5) All appeals shall be filed with the Chair of the Local Commission who shall immediately forward it to the Office of the Secretary of the State Election Commission on the same day. The time periods provided for the processing of each appeal shall begin from the date and time on which the appeal is received by the Office of the Secretary.

(6) The Chair of the State Election Commission shall call a meeting as soon as possible to resolve the matter.

(7) Within the thirty-five (35) days before a Voting Event, any appeal of a decision made by the Chair of the Local Commission shall be filed in writing and signed by the appellant; and it shall be resolved by the State Election Commission not later than thirty (30) days from the filing thereof with the Office of the Secretary.

(8) Within five (5) and two (2) days before a Voting Event, any appeal of a decision made by the Chair of the Local Commission shall be notified personally to him, via telephone, or in writing signed by the appellant. Not later than two (2) hours from the receipt of the appeal, the Chair of the Local Commission shall deliver or notify it, as appropriate, to the Secretary of the State Election Commission who shall immediately notify Chair and the Commission. The Commission shall resolve the appeal the day after its filing with the Secretary.

(9) The day before a Voting Event, the appeals received by the Commission via telephone or in writing signed by the appellant shall be resolved within six (6) hours from the filing thereof with the Office of the Secretary.

(10) The appeals filed with the Office of the Secretary via telephone or in writing signed by the appellant on the day of the Voting Event shall be resolved by the Commission within two (2) hours from the filing thereof with the Office of the Secretary.

(11) If the Commission has not resolved the appeal after the prescribed period has elapsed, the appellant may resort directly to the Court of First Instance designated pursuant to Chapter XIII .The Court shall resolve the appeal within the same period provided by this Act to the State Election Commission to resolve an appeal proceeding from a Local Commission or within the period necessary when the judicial purpose is to prevent irreparable harm if it concludes there is harm.

(12) Under no circumstances shall the decision of a Local Commission reached by unanimous vote of its Election Commissioners or its Chair; an appeal of a decision of its Chair; or the decision issued by the Commission on such appeal, have the effect of staying, limiting, preventing, suspending, or otherwise hindering the Voting Event or the canvass of an election event, the general canvass, or any other procedure, action, or matter which, pursuant to this Act, shall begin or be held at a specific moment, stage, date, or time.

Section 4.6.- Permanent Registration Board (PRB).-

(1) Permanent Registration Boards shall operate in accordance with the concept of Institutional Balance. The Commission shall constitute, regulate, and supervise the Permanent Registration Boards (PRBs) which shall operate continuously at the places deemed necessary pursuant to the provisions of this Section.

(2) Any premises or facility used by a PRB must be accessible for persons with disabilities and be free of political influences which are inconsistent with the concepts of Institutional Balance and Political Party Balance.

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

(a) Carry out an ongoing voter registration, transfer, and relocation process and other possible election-related transactions.

(b) Carry out an ongoing process for the taking of photographs, without issuing voter identification cards, for new voters or registered voters whose photographs have not been taken for the General Voter Registry.

(c) Continuously process and issue photo voter identification cards only to voters who declare that they do not possess any other valid form of official photo ID accepted by this Act for voting and for conducting election-related transactions.

(d) Assign registered voters to the appropriate Polling Centers in accordance with the regulations approved by the Commission.

(e) Prepare a daily report of all election-related transactions.

(f) Submit, for the approval of the Local Commissions concerned, a monthly report on the operations of the preceding month, which shall include all processed election-related transactions and daily reports, which reports shall be delivered simultaneously to the Commission.

(g) In order to ensure that each Voter's information is up-to-date and that such voter exercises his right to vote in accordance with the laws and regulations, the PRBs shall make administrative changes to a Voter's registration when any change in his domicile or other Voter information contained in the General Voter Registry is detected during any transaction that he may carry out with a state, municipal, or federal agency. These administrative changes shall only take effect after they have been reviewed and authorized by the Commission after the PRB notifies the Voter of the findings and any possible change in his Voter registration.

(h) Enforce any and all collaboration agreements between the Commission and other agencies of the Government of Puerto Rico, the Government of the United States, and state and municipal governments.

(i) Any other functions directed by the Commission.

(4) The Commission shall continue its efforts to enter into interagency agreements so as to relocate the PRBs to facilities that are free of charge and operated by any branch, agency, or public corporation of the Government of Puerto Rico. Priority shall be given to the facilities of the Government of Puerto Rico Integrated Services Centers (ISC). No government entity that accommodates a PRB through an agreement may collect rent from the Commission, charge it for essential services, or impose any other fess. Under such agreements, the personnel of the PRB may be

trained and used to render other public services to citizens in the aforementioned public facilities in addition to the election-related services.

(5) Not later than June 30, 2022, the PRBs of all Precincts shall be placed in regional offices the number of which shall not exceed twelve (12) within the jurisdiction of Puerto Rico. The Commission shall continue to reduce the number of establishments from which the PRBs operate in the precincts until they are mostly or completely eliminated by June 30, 2023, once the new “Integrated Voter Services State Center” (CESI) (Call and Web Center) begins operations, not later than July 1st, 2022, and the public begins to use the new technology systems provided in this Act.

The Permanent Registration Board Officials of the PRBs whose facilities have been closed shall be transferred to the CESIs of the regions of each PRB and shall operate continuously from such centers by rendering services according to their functions. Provided, that the composition of the PRBs of the one hundred and ten (110) existing precincts shall be maintained.

(6) The Commission may establish Temporary Registration Boards (TRBs) when deemed necessary, and as the number of PRBs is reduced or are consolidated. The TRBs shall have the same composition as the PRBs.

(7) The Commission may constitute Temporary Registration Boards (TRBs) composed of its own employees or detailed employees to render services to voters in those areas or places where it deems it necessary and they shall follow the same operational rules of the PRBs.

Section 4.7.- Representation in the Permanent Registration Board.-

The Election Commissioners and their Alternates in the Local Election Commission shall not be members of the Permanent Registration Board.

The members of the Permanent Registration Board shall enjoy the trust of the Parties they represent and may be dismissed by the Election Commissioner of the political parties they represent.

The members of the PRB shall:

(1) Be persons of recognized moral probity; active voters able to vote in the Precinct or municipality where they work; duly qualified as such; high school graduates; may not be Hopefuls or Candidates for public office, other than Municipal Legislator; nor may they wear the uniform of any military or paramilitary armed force while discharging duties as members of such boards.

(2) Earn the salary and be entitled to the benefits determined by the Commission through regulations.

(3) Not be hired under a services contract unless they are members of the Retirement System Administration of the Government of Puerto Rico; however, in such cases, the compensation to be paid shall not exceed the maximum sum fixed for a regular position of an equal or similar category. When a member of the PRB is a retired pensioner who was awarded a services contract with the Commission, the compensation for such services shall not affect his pension. Such persons shall not be covered under any retirement system, nor shall they earn credit for pension purposes for the services rendered under contract.

Section 4.8.- Electoral Unit Boards.-

Electoral Unit Boards shall operate under the concept of Political Party Balance Board.

(1) In every Voting Event, the Commission shall ensure that a Board is constituted in each Electoral Unit to be composed as follows:

(a) In the General Election: of one (1) coordinator for each of the certified Political Parties, Parties by Petition, and Independent Candidates that are participating. The Electoral Unit Board shall be chaired by the coordinator of the

Majority State Party as defined in this Act. No Political Party or Independent Candidate may have more than one (1) coordinator in this Board.

(b) In Special Elections: of one (1) coordinator for each one of the certified Candidates who shall serve as their representatives. The Candidate who has the first position on the Ballot shall be the Chair of the Board, provided that such a position was determined by drawing lots through a raffle; and likewise for all the remaining coordinator positions in the Board. No Candidate may have more than one (1) coordinator in this Board.

(c) In a Referendum, Ballot Measure, or Plebiscite: of one (1) coordinator for each one of the alternatives included in the Voting Event ballot who shall serve as the representatives thereof. No ballot option shall be represented by more than one (1) coordinator. The right to represent each alternative on the ballot shall be granted, firstly, to the State Parties represented by their Election Commissioners in the State Election Commission, provided that they have been certified to act as representatives of any of the ballot options. In default thereof, the representation of any vacant ballot option shall be granted, secondly, to the coordinators assigned by the citizen group that was Certified first to represent such an option. The coordinator of the State Majority Party shall be the chair of the Electoral Unit Board provided that it has been certified to represent an option. The ranks of the remaining Board positions shall be determined, from highest to lowest, by taking into account who polled the highest number of straight-ticket votes under their Political Party emblem in the State Ballot during the most recent General Election always taking into account those that nominated candidates for both state candidacies: Governor and Resident Commissioner in Washington D.C.

(2) When a situation concerning representation in the Electoral Unit Board which has not been contemplated in this Act arises, a unanimous agreement shall be reached by the Election Commissioners in the State Election Commission

and, in default thereof, by the Chair; unless Unit Board representation is preempted by the enabling act of a Referendum, Ballot Measure, or Plebiscite.

(3) The members of the Electoral Unit Boards herein described shall supervise the members of the sub-boards and shall assign functions to them.

(4) All Boards and sub-boards of the Electoral Unit shall be within and under the immediate authority of their respective Local Elections Commission.

(5) The State Election Commission shall prescribe the bylaws of the Boards and sub-boards of the Electoral Unit.

(6) In addition to any other functions and duties provided in this Act or the regulations promulgated thereunder, each Electoral Unit Board shall:

(a) Supervise the receipt, distribution, use, and return of all election of the Electoral Unit Boards and their Polling Places to the Local Commission.

(b) Prepare, inspect, and supervise the Electoral Unit's Polling Places.

(c) Select and habilitate an Accessible Polling Place in the Electoral Unit.

(d) Establish an Electoral Unit sub-board composed of the sub-coordinators to provide Voters with information on the day of a Voting Event.

(e) Design and swear in substitute Polling Place officials designated by the Parties on the day of a Voting Event.

(f) Maintain order in the Electoral Unit and its polling places.

(g) Settle complaints or controversies in the Electoral Unit or in the Polling Places by unanimous agreements. If the Electoral Unit fails to reach a unanimous agreement it shall refer such complaints or controversies to the Local Commission for their resolution.

(h) Certify the Electoral Unit's incidence logs and the result of the canvass.

(i) Discharge any other duties assigned by the Local Commission.

Section 4.9.- Polling Place Board.-

Polling Place Boards shall operate under the concept of Political Party Balance Board.

(1) In every Voting Event, the Commission shall ensure that a Board is constituted in each Polling Place to be composed as follows:

(a) In General Elections: at a minimum, of one (1) Inspector and one (1) Secretary for each participating and certified Political Party, Party by Petition, and Independent Candidate; who shall serve as representatives thereof; and one (1) Observer for each Candidate for district representative and senator, and for each Candidate for representative and senator at-large. The Polling Place Board shall be chaired by the inspector of the Majority State Party as defined in this Act.

(b) In Special Elections: at a minimum, of one (1) Inspector, one (1) Secretary, and one (1) Assistant for each certified candidate who shall serve as his representatives. The position of Chair of the Board shall be held by the Candidate who holds the first position in the ballot; provided, that such a position was determined by drawing lots through a raffle and the remaining coordinator positions in the Board shall be assigned in the same manner.

(c) In a Referendum, Ballot Measure, or Plebiscite: at a minimum, of one (1) Inspector, one (1) Secretary, and one (1) Assistant for each one of the ballot options who shall serve as the representatives thereof. The right to represent each alternative on the ballot shall be granted, firstly, to the State Parties represented by their Election Commissioners in the State Election Commission, provided that they have been certified to act as representatives of any of the ballot options. In

default thereof, the representation of any vacant ballot option shall be granted, secondly, to the Inspectors, Secretaries, and Assistants assigned by the Citizen Group that was Certified first to represent such an option. The inspector of the State Majority Party shall be the chair of the Polling Place Board provided that it has been certified to represent one of the options. The ranks of the remaining Board positions shall be assigned, from highest to lowest, by taking into account who polled the highest number of straight-ticket votes under its Political Party emblem in the State Ballot during the most recent General Election always taking into account those which nominated candidates for both state candidacies: Governor and Resident Commissioner in Washington D.C

(2) The Commission, by unanimous decision of the regular election commissioners who are present, may regulate any changes deemed necessary in the polling place boards. The Chair may not vote if election commissioners fail to reach an agreement.

(3) When a situation concerning representation in the Polling Place Board which has not been contemplated in this Act arises, a unanimous agreement shall be reached by the Election Commissioners in the State Commission and, in default thereof, by the Chair, unless Polling Place Board representation is preempted by the enabling act of a Referendum, Ballot Measure, or Plebiscite.

(4) All Polling Place Boards shall be under the immediate supervision of their respective Electoral Unit Boards and under the authority of their respective Local Election Commissions.

(5) The State Election Commission shall regulate all that pertains to election materials and equipment, bylaws, and procedures of the Polling Place Boards. Likewise, in cases in which this Act authorizes the participation of Observers, the State Election Commission shall regulate their accreditation and the scope of their functions.

Section 4.10.- Delegation of Authority to Designate Election Officials.-

The Central Governing Bodies of the Political Parties, Independent Candidates, and Citizen Groups participating in a Voting Event may delegate their authority to designate election observers or officials as well as Polling Place officials at the local level, as appropriate, to one or more of the municipal governing bodies of such Parties, Independent Candidates, or citizen groups certified by the Commission.

Section 4.11.- Incompatibility.-

Any office within the Commission, or a Political Party Balance Board, or Institutional Balance Board, as provided in this Act, is hereby declared incompatible with the offices in the Puerto Rico Police and any other office that, pursuant to the federal and state laws and regulations, may not act in such capacity. It shall be stated in the oaths sworn by election officials prior to taking office that no such incompatibility exists.

Every Polling Place and Electoral Unit official who works on an election day shall be subject to the same prohibitions provided in this Act for members of the Local Commissions while in the performance of their duties.

CHAPTER V

VOTERS, GENERAL REGISTRY, TRANSACTIONS, AND CHALLENGES

Section 5.1.- Voters' Rights and Prerogatives.-

Reasserting the fundamental right to a universal, equal, direct, secret, and secure vote protected from any coercion and to ensure the clear expression and intent of the democratic will of the People, the following Voter rights and prerogatives are hereby also recognized:

(1) The right to cast a vote freely and for it to be counted and adjudicated according to the Voter's intent and as provided by this Act.

(2) The supremacy of the citizens' individual voting rights over the rights and prerogatives of all Parties, Independent Candidates, and political groups.

(3) The administration of Puerto Rico's electoral bodies within a framework of strict impartiality, uniformity, purity, transparency, and justice.

(4) Voters' right to broad access, without barriers or onerous procedural requirements, to all election-related transactions and services including the exercise of the right to vote.

(5) Voters' right to an election system and procedures that are based on broadest participation and accessibility, taking into account voters' dignity and credibility, and not on distrust of Political Parties or other Voters.

(6) The right to a modern and technologically advanced election system with options that facilitate the conduct of election-related transactions and remote voting in real-time.

(7) Voters' right to be protected from any form of stalking or harassment through the filing of a challenge with the intent of excluding them from the General Voter Registry, thereby preventing them from exercising their right to vote.

(8) Voters right to straight-ticket, split-ticket, independent, and write-in voting, as defined in this Act, to directly nominate persons to public office under equal conditions in each case.

(9) Voters' right to participate and vote to ultimately and conclusively resolve Puerto Rico's political status.

(10) Voters' right to have available in both English and Spanish any regular or special election process or voting event, which includes those related to voter registration and election-related transactions, voter information, educational campaigns, regulations, technology systems, the content of the Commission's webpages, and printed official and sample ballots, among others.

(11) Voters' fundamental right to free association through the registration of Political Parties as well as their right to become affiliated to the Party of their preference and endorse such Party's candidates to public office, as defined in this Act.

(12) Affiliated Voters' right to participate in the drafting of the bylaws and platforms of their respective political parties.

(13) Affiliated Voters' right to dissent on issues under the consideration of their Political Parties which are not programmatic or regulatory in nature.

(14) Affiliated Voters' right to due process of law in every internal disciplinary procedure as well as in the deliberative and decision-making processes of their Parties.

(15) The right of an affiliated voter who seeks nomination to request the holding of primaries in his party, and that such primaries be held pursuant to the guarantees, rights, and procedures established in this Act.

(16) Affiliated Voters' right to receive information regarding the use of their Political Parties' financial resources.

(17) Voters' right to be afforded an opportunity to vote by mail, at an Early Voting Polling Center that operates outside of his working hours if such voter is either a government or private employee who works on the day of a Voting Event and is unable to exercise his right to vote outside of his working hours. If the employee is unable to anticipate the conflict between his working hours and the Voting Event hours, and the deadline established by the Commission to request early voting has expired, the employer shall have the obligation to allow the employee a maximum of two (2) paid hours, to vote during his work hours.

The Commission shall educate Voters on the rights and prerogatives provided in this Section.

Thus, Voters are hereby granted the legal standing to initiate or bring any legal actions, pursuant to this Section, before the appropriate Court of First Instance, as provided in Chapter XIII of this Act.

Section 5.2.- Voters.-

A voter is any citizen who has met all the registration requirements and whose information is up-to-date in the General Voter Registry. An active Voter who has met all of the requirements of this Act shall exercise his right to vote in all of the ballots of the election Precinct in which his last reported domicile is located, according to his voter registration. If an active and duly qualified Voter votes outside of the election Precinct in which his domicile is located, only the votes cast for the Political Parties, Candidates, Independent Candidates, Hopefuls, write-ins, options, or alternatives which were available on the ballot for the Precinct in which he is registered shall be adjudicated in the General Canvass.

Section 5.3.- Voter Qualifications.-

Any citizen of the United States of America who is legally domiciled in Puerto Rico and who, on the date of a voting event, has attained the age of eighteen (18), and is duly qualified as active before the voting event pursuant to this Act and the regulations approved thereunder shall be deemed to be a voter in Puerto Rico; provided that he has not been declared mentally incompetent by a Court of law.

Section 5.4.- Voting Domicile.-

(1) For election purposes, it is the last address of a residence, dwelling, or house reported by the Voter in the General Voter Registry around which all of his personal interests, and regular and usual activities as a natural person, and those of his family unit, if any, revolve or shall revolve; and where such personal or family activities take place and attest to an evident intent of staying or remaining there indefinitely after having moved there or after a temporary absence.

(2) It is the Voter's right and power to determine the location of his voting domicile, provided that he does not appear as a registered active Voter more than once (1) in the jurisdiction of Puerto Rico; or as a registered active Voter in Puerto Rico and in another jurisdiction of the United States of America simultaneously. No active Voter in Puerto Rico may appear as an active Voter in another jurisdiction of the United States of America.

(3) A Voter's right and power to determine his own domicile for election-related purposes shall be as follows:

(a) His voter registration as an active Voter does not appear duplicated or more than once (1) within the jurisdiction of Puerto Rico; nor does he appear registered as active in Puerto Rico and in another jurisdiction of the United States of America simultaneously.

(b) The Voter maintains constant access to the residence, dwelling, or house he claims as his domicile and may inhabit or occupy it at any time. Residences or dwellings which have been leased by or otherwise transferred to a third party thus limiting the Voter's constant access thereto or ability to occupy it shall not be deemed a Voting domicile for election-related purposes.

(c) A Voter may only have one (1) domicile even when he owns or occasionally inhabits other places by reason of vacations, work, studies, rest, or health conditions.

(4) The last domicile reported by a Voter registered with the Puerto Rico General Voter Registry shall be presumed to be lawful and valid for all election-related purposes; provided that it is not conclusively proven with clear, robust, and convincing evidence that the Voter's domicile appears in another duplicate and active registration within Puerto Rico or in any jurisdiction of the United States simultaneously.

(5) If the Voter registered as active in Puerto Rico has, as his last and most recent address, a domicile in any other jurisdiction of the United States, other than Puerto Rico, where he is also registered as an active voter shall constitute sufficient cause for the Commission to deactivate or exclude his registration in the Puerto Rico General Voter Registry following the notification procedure and the time periods provided in this Act.

(6) If the Voter has a duplicate active registration within the jurisdiction of Puerto Rico, whether it is tied to the same domicile or a different one, it shall constitute sufficient cause for the Commission to administratively and unilaterally deactivate or exclude his oldest registration in the Puerto Rico General Voter Registry.

Section 5.5.- Disqualification from Voting.-

Any person who is declared mentally incompetent by a Court of law shall not be entitled to exercise his right to vote, even if he is an active voter.

Section 5.6.- Guarantee of the Right to Vote.-

Except as otherwise provided by this Act or an Order issued by a competent Court, the lawful registration of a voter shall not be rejected, cancelled, invalidated, or voided, nor shall a duly qualified voter be denied his right to vote through any regulation, order, resolution, interpretation, or any other means.

A Voter may not be arrested during the registration process or while voting, unless such Voter engages in actions that would give rise to a felony, election offense, or breach of the peace conviction.

Section 5.7.- General Voter Registry.-

(1) Any information, domicile, photograph, or image provided by a Voter to the Commission during the registration process, whether personally at an office or through the eVR System, shall be presumed to be lawful and valid for all election-related purposes; provided that it is not conclusively proven with clear, robust, and

convincing evidence that any of the foregoing is false or inaccurate; or that the Commission confirms, by employing the mechanisms authorized under this Act, that the Voter's registration is inadequate, inconsistent with the laws and regulations, or it appears as a duplicate within Puerto Rico or in any jurisdiction of the United States of America.

(2) The Commission shall prepare and maintain a centralized General Voter Registry at the state level which shall contain the registrations of all of Puerto Rico's Voters. This General Voter Registry shall be maintained in such a way that the Commission and its authorized bodies shall have continuous access thereto to verify Voters' information and data.

(3) The Commission shall ensure that voter information in the General Voter Registry constantly updated and that there are no duplicate registrations.

(4) The General Voter Registry updates shall be made by the electoral bodies authorized by the Commission to conduct election-related transactions in accordance with the rules approved for such purpose. General Voter Registry updates shall also be made by Voters using the Electronic Voter Registry (eVR System) to conduct election-related transactions once they are validated pursuant to the rules approved by the Commission.

(5) All lists of voters entitled to vote in an election shall be printed and used in the Polling Centers, taking as a basis the latest and most updated information contained in the General Voter Registry. The same shall apply when Polling Centers use an Electronic Poll Book instead of printed lists to identify and register voters.

(6) Once registered, all Voters shall be legally bound to maintain all information in their voter registry, including their domicile, up-to-date, true, and accurate; and to collaborate with the Commission so that it may achieve its mission of administering the election process and preventing fraud in such processes. The Voter may update or amend his voter registration by visiting the offices determined

by the Commission or through the Electronic Voter Registry (eVR System) which shall become operational not later than July 1st, 2022.

(7) In order to ensure a pure, reliable, and transparent election process, any election-related transaction, amendment, or update made by a Voter to his own registration, whether through one of the Commission's offices or through the eVR System, shall be deemed to have been made under oath. Making false statements or misrepresenting a voter's information or data in the General Voter Registry, whether in the electronic or print format, shall constitute an election offense.

(8) The Commission shall keep no less than one (1) true and correct backup copy of the General Voter Registry in a secure location, within or without Puerto Rico, and it shall continuously update its contents as necessary.

(9) In addition to the other mechanisms provided in this Act, the Commission shall enter into collaboration agreements with any other public or private entity, within or outside Puerto Rico, and as deemed convenient, to verify and electronically update the information and domiciles of the voters in the General Voter Registry. At a minimum, it shall enter into such collaboration agreements to obtain access to the databases of the Department of Transportation and Public Works (DTOP, Spanish acronym), the Department of the Treasury, the Department of the Family, the Municipal Revenues Collection Center (CRIM, Spanish acronym), the Electric Power Authority (PREPA), the Aqueduct and Sewer Authority (PRASA), the Department of Health, and the Vital Statistics Registry, in addition to those of federal agencies such as the Social Security Administration, and other state and municipal agencies within the jurisdiction of the United States of America.

(a) The officials and employees of the Executive, Legislative, and Judicial Branches of Puerto Rico, including its municipalities and public corporations, are hereby legally bound to timely furnish to the Commission, documents, data, and information related to the General Voter Registry it

incidentally or recurrently requires. The timely delivery of the documents, data, and information shall be made in the versions and formats required by the Commission.

(b) No provision of a regular or special law, regulation, executive or administrative order, or contract may be invoked to prevent, hinder, postpone, or reject full and timely compliance with this Commission's power concerning the General Voter Registry.

(10) In the event that the Commission detects a duplication between the content in the registration of an active Voter in Puerto Rico and the information obtained through its collaboration agreements related to the General Voter Registry, including the voting domicile, the Commission shall notify the Voter in writing to the latest and most recent address reported by the Voter whether in the Puerto Rico General Voter Registry or in any other jurisdiction of the United States of America. The Commission shall explain the specific discrepancy and shall allow the Voter a period of fifteen (15) days to accept, correct, or deny the discrepancy. The Commission shall prescribe:

(a) The mechanisms to notify the Voter through the U.S. Postal Service, return receipt requested, or via email in compliance with the provisions of the Help America Vote Act of 2003 (HAVA), or any other means of communication acceptable under this Act and the federal laws.

(b) The actions taken by the Commission in each specific instance of a discrepancy once the period of fifteen (15) days has elapsed without having received a response from the notified Voter; and the actions it shall take in the event the Voter issues a response.

(c) If the Commission's regulatory determination entails the deactivation of a Voter's registration, depending on the type of discrepancy that shall never imply the elimination of the Voter's information from the General Voter

Registry. Any Voter who is deactivated shall be entitled to request the reactivation of his registration provided, that the requirements of this Act are met.

Section 5.8.- Voters' Access to their Voter Registration and the Commissioners' and Election Comptroller's Access to a Copy of the General Voter Registry.-

The Commission shall provide voters with direct access to their voter registrations through the eVR System, as provided in subsection (2) of Section 3.13 of this Act, not later than July 1st, 2022.

The Election Commissioners of each certified Party in the Commission and the Office of the Election Comptroller may request a copy of the General Voter Registry and the Commission may deliver it on paper or electronic format.

Section 5.9.- Election-related Transaction Related to Voter Registration.-

(1) Any person who is interested in appearing in the Puerto Rico General Voter Registry shall fill-out a voter registration application with his Basic Registration Information which shall be deemed to have been provided under oath and include the following:

(a) The first name, middle name, last name, and mother's maiden name as they appear in the applicant's birth certificate.

(b) The first names of the applicant's father and mother as they appear in the applicant's Birth Certificate.

(c) Gender

(d) The date of birth as it appears in the applicants Birth Certificate (day-month-year).

(e) The place of birth: the municipality, state, and country as they appear in the applicant's Birth Certificate issued by the Puerto Rico Vital Statistics Registry. If the applicant is a citizen of the United States of America and was born in a jurisdiction other than Puerto Rico, he shall submit the Birth Certificate of the

jurisdiction where he was born, his U.S. Passport or another official and authentic document that unequivocally states his date and place of birth. If he files the voter registration application with a PRB or TRB, he must furnish at least one of the aforementioned documents which shall be returned to Voter once used by the election officials. The voter shall attach a PDF (Portable Document Format) copy of any of the aforementioned documents to his voter registration application when filing the application through the Electronic Voter Registry (eVR System).

(f) Citizen of the United States of America at birth. If the voter is a citizen of the United States of America through naturalization he shall file a certificate issued by the U.S. Department of State that attests to his naturalization or a valid U.S. Passport at the time of filing his voter registration application. If he files his voter registration application with a PRB, he shall furnish such documents, which shall be returned to him once they have been photocopied by the election officials. He shall attach a PDF (Portable Document Format) copy of any of the aforementioned documents to his voter registration application when filing the application through the Electronic Voter Registry (eVR System).

(g) Height

(h) Eye color

(i) Whether he has a permanent physical disability that prevents him from or makes it difficult for him to visit a Polling Center to vote. Voters using any special devices for persons with severe physical disabilities shall notify the Commission of such a fact. This information shall be deemed to be confidential and shall only be used by the Commission to facilitate the Voter's transactions with the Commission and ensure that the voter exercises his right to vote.

(j) Telephone numbers including the area code.

(k) The full residential address of his domicile including the zip code.

(l) The full mailing address including the zip code.

(m) Voter's Physical Identification. If the Voter registers at a Commission office authorized for such purposes, he shall be photographed or identified. If the Voter uses the Electronic Voter Registry (eVR) for a new registration, he shall attach a PDF (Portable Document Format) copy of any ID card authorized under this Act to his application.

(n) The registration filing date.

(o) Voter's signature. The Voter shall sign the voter registration application upon its filing at any Commission office.

(p) The driver's license number.

(q) The last four (4) digits of his Social Security number.

(r) Email address

(2) Any person who, as of July 1st, 2022, is interested in using the Electronic Voter Registry (eVR System) to file a new voter registration application or to conduct election-related transactions remotely and in real-time via the internet shall provide the Commission with the following registration information in order to verify his identity electronically. The information shall be deemed to have been provided under oath.

(a) The last four (4) digits of his Social Security number. Any material making reference to the last four (4) digits of a Voter's Social Security number shall be handled as and kept confidential by the Commission pursuant to the provisions of Act No. 243-2006 and any applicable federal legislation.

(b) The driver's license number and the name of the state or country of issue.

(c) The personal electronic mail address most frequently used. The email address provided by the applicant shall also serve as his username.

(d) The mobile phone number including the area code.

(e) To shall answer two (2) security questions.

(f) To set a password that includes four (4) numbers which shall never be the same as the last four (4) digits of the applicant's Social Security number.

(g) Voter's physical identification. If the Voter uses the Electronic Voter Registry (eVR) for a new registration, he shall attach a PDF (Portable Document Format) copy of any ID card authorized under this Act to his application. Otherwise, he shall follow the instructions provided in Section 5.13 of this Act.

(h) Voter's signature. The Voter's signature is not needed when the voter registration application is filed through the Electronic Voter Registry (eVR System).

All of the aforementioned additional information shall be deemed to be confidential and the Commission shall only use it for election-related purposes in order to validate the identity of voters through the technology systems and telematics networks. Such information shall never be printed on paper or any similar material except for the photograph which shows the Voter's likeness.

(3) Every Voter shall be assigned a unique, universal, and permanent voter identification number which shall be used to identify the voter's record in the General Voters Registry. This number shall not be the same as the last four (4) digits of the Voter's Social Security number.

(4) Any citizen who files a voter registration application within sixty (60) days before the Voter Registration Deadline shall submit a certified copy of his Birth Certificate in addition to proof of domicile. If the citizen uses the Electronic Voter Registry (eVR) to file his voter registration application within the aforementioned period, he shall attach a PDF (Portable Document Format) copies of the certified copy of his Birth Certificate and of his proof of domicile to his application.

(5) The Commission shall have discretion to regulate and adjust the aforementioned voter registration application requirements in accordance with the technological advancements.

(6) Pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and as long as the eVR System is not widely available, any individual who is unable to visit a Permanent Registration Board (PRB) to file his voter registration application, by reason of military service or as a result of being employed by the federal Government outside of Puerto Rico, may file the application by filling-out the voter registration application under oath and including a copy of his official military or federal government employee photo ID.

Section 5.10.- Election-related Transactions Related to Reactivations, Transfers, and Relocations in the General Voter Registry.-

(1) Taking the public policy of trusting the Voter as reference, as provided in subsection (5) of Section 5.1 of this Act, and in order to prevent, to the maximum extent possible, the creation of a burdensome process that entails the furnishing of documents, certifications, and proof beyond a form of personal ID herein authorized for all election-related purposes, the Commission shall prescribe the following within sixty (60) days from the approval of this Act:

(a) A process whereby any registered Voter may request the reactivation of his registration after becoming inactive for not voting in two (2) consecutive General Elections.

(b) A process whereby the Voter may transfer his registration to another precinct for having changed his domicile.

(c) A process whereby the Voter may relocate his registration to a different Electoral Unit within the same precinct if he changes his domicile.

Just as registration applications, other requests and any election-related transaction described in this Act may be also be conducted through the eVR System as soon as the Commission makes it available not later than July 1st, 2022. If an election-related transaction is conducted through the aforementioned system and furnishing any document or ID card is required, the Voter shall attach a PDF (Portable Document Format) copy of the appropriate images.

Section 5.11.- Deadlines for Election-related Transactions.-

(1) Four-year Election Cycle of the 2020 General Election

(a) No registration, reactivation, transfer, or relocation of a Voter for the 2020 General Election shall be authorized within fifty (50) days before such election.

(b) The absolute right of a Voter to vote in the Precinct and Electoral Unit where he is registered is hereby guaranteed if he changes his domicile to another Precinct or Electoral Unit within fifty (50) days before the Voting Event.

(c) This period shall never exceed fifty (50) days before the holding of a Voting Event and the Commission shall make every effort to reduce such period as much as possible as the technology systems provided in Section 3.13 are established.

(2) Four-year Election Cycle of the 2024 General Election

(a) As of this cycle, no registration, reactivation, transfer, or relocation of a Voter for the 2024 General Election, or successive elections, shall be authorized within thirty (30) days before such election.

(b) The absolute right of a Voter to vote in the Precinct and Electoral Unit where he is registered is hereby guaranteed if he changes his domicile to another Precinct or Electoral Unit within thirty (30) days before the Voting Event.

Section 5.12.- Continuity of Services and Election-related Transactions.-

The Commission shall guarantee the continuous availability and accessibility of services in order for voters to be able to conduct transactions related to registrations, reactivations, transfers, relocations, photographs, the processing of voter identification cards, as the latter applies in this Act, and General Voter Registry updates. All of these election-related transactions shall be conducted continuously in the Permanent Registration Boards (PRBs). These transactions shall also be conducted continuously through the eVR System not later than July 1st, 2022. When deemed necessary, the Commission may assign Temporary Registration Boards.

The Commission shall make voter registration services available at the naturalization ceremonies of the U.S. Citizenship and Immigration Services or in any other entity that administers the ceremony for new citizens. The Commission shall enter into a collaboration agreement and engage in continuous coordination with the federal Government in order to register new citizens who voluntarily so request.

Section 5.13.- Voter Identification Card.-

(1) In addition to the Voter Identification Card issued by the Commission, the identification cards listed hereinbelow shall be deemed to be valid, provided that they are current and have a photo, for all election-related purposes which includes election-related transactions and exercising the right to vote: any ID issued in accordance with the Real ID Act of 2005, the U.S. Passport, the U.S. Global Entry, IDs issued by the U.S Armed Forces and the U.S. Merchant Marine, and the driver's license issued by the Department of Transportation and Public Works of Puerto Rico (DTOP).

(2) The Commission may add other ID cards it deems secure and appropriate, provided that they have the Voter's photograph and are valid at the time they are used for any election-related purpose.

(3) As a provisional measure and until it is no longer deemed necessary, the Commission shall only issue Voter Identification Cards to those voters who have no other form of ID deemed acceptable under this Act or the regulations approved thereunder. The Commission shall prescribe by regulations the design, requirements, and expiration term for the voter identification card. To require the presentation of the Voter Identification Card for any public or private purpose other than election-related is hereby prohibited. The use of the Voter Identification Card as a personal ID is hereby authorized only when it used voluntarily by the Voter for such purposes.

(4) The Voter Identification Card shall be issued with the text in both English and Spanish and shall contain the following information:

- (a) Date of issuance;
- (b) Name,
- (c) Last name;
- (d) Mother's maiden name;
- (e) Gender
- (f) Eye color;
- (g) Height;
- (h) Voter signature or mark;
- (i) Photograph;
- (j) Date of birth;
- (k) Voter identification number; and
- (l) Control number

(5) Voters who have no form of valid ID must visit a PRB or the offices indicated by the Commission to obtain their Voter Identification Cards and complete their election-related transactions.

(6) In the case of voters who are in the process of registering or registered voters whose pictures do not appear in the General Voter Registry, but state that they hold another photo ID herein authorized, the Commission shall only take their photograph, without issuing a voter identification card, for the purpose of including it in their registration.

(7) Voters who are eligible for a Voter Identification Card replacement because they do not hold any other form of ID authorized under this Act for election-related purposes shall only be required to submit an affidavit or the minimum required documents which attest to their identity.

(8) Voters shall attach a PDF (Portable Document Format) copy of any ID authorized under this Act to their voter registration application when they use the Electronic Voter Registry (eVR System) to register for the first time. A Voter who has been previously registered, but becomes aware that the Commission does not have his photograph while conducting a transaction through the eVR System shall attach a PDF (Portable Document Format) copy of any ID authorized under this Act together with his transaction request.

(9) Any Voter photograph taken by the Commission or any digital images of a Voter's likeness or his identification cards which were provided by the Voter himself to be included in his Voter registration, shall be deemed to be confidential documents and to be used only for election-related purposes. A Court of Law may only issue an order to produce the aforementioned images in judicial proceedings concerning election offenses. Likewise, the Commission may only use such documents to enforce any of the provisions of this Act or the regulations approved thereunder pertaining to the identification of voters.

(10) The Commission may not show the photographs or digital images contained in its Voter records to any person other than an electoral body except in the cases stated above.

Section 5.14.- Evaluation of Election-related Transactions.-

(1) Each month, the Permanent Registration Boards (PRBs) shall submit to their appropriate Local Commissions all voter registration applications, requests for reactivation, transfer, and relocation, voter identification cards as well as modifications and updates, and photographs received during such month. The aforementioned includes the notifications of deceased voters received during that same period. The Local Commission shall evaluate all transaction requests received from Voters as well as the deaths notifications by the Puerto Rico Vital Statistics Registry during its monthly meeting.

(2) When the requests for election-related transactions are filed with a Permanent Registration Board (PRB), or electronically through the eVR System and its Integrated Voter Services State Center (CESI), such requests shall be referred to the Local Commission of the election precinct where the Voter appears or requests to appear in the General Voter Registry. In such cases, the Local Commission shall follow the same procedures described in subsection (1) of this Section.

Section 5.15.- Errors in Election-related Transactions.-

The Commission shall prescribe through regulations the manner and procedures whereby voters may rectify or correct any error, omission, or discrepancy arising from any election-related transaction in the simplest and most expeditious way possible.

Section 5.16.- Voter Challenges.-

(1) In order to exclude a Voter who appears in the General Voter Registry, a voter challenge and/or exclusion petition form shall be filed with the Local Commission of the precinct where the Voter is registered based on one (1) or more of the following grounds:

(a) the Voter is not a citizen of Puerto Rico or the United States of America;

(b) the Voter is not domiciled at the address reported in his application on the date of registration or at the time he is challenged;

(c) the Voter has not attained the age of eighteen (18) and shall not attain it on or before the date of the following General Election;

(d) the Voter is not the person he claims to be in his voter registration application;

(e) the Voter is deceased;

(f) the Voter has been declared mentally incompetent by a Court; and/or

(g) the Voter appears registered more than once (1) in the General Voter Registry.

(2) Every voter challenge petition form shall include the following information regarding such Voter as it appears in the General Voter Registry:

(a) Name and surnames.

(b) Date of birth.

(c) The Voter's residential address as it appears in the voter registration application.

(d) The grounds for the challenge.

Challenge petitions filed on grounds (a), (b), (c), and (d) above 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 authorized by law to administer oaths in Puerto Rico. Once the Chair of the Local Commission receives the challenge petition form, he shall schedule a hearing to be held within the following ten (10) days to hear the pertinent evidence. The challenged voter, the challenger, and any other person requested by the parties shall be summoned. The Local Commissioners of the various political parties, as well as the municipal chairs of the political committees of the various

political parties shall also be notified. The Commission, upon prior request and justification to such effect, shall have authority to extend the term to hold said hearings. Notices stating the names of challenged voters shall be published periodically and timely by the Commission in a newspaper of general circulation during the term established by law to carry out such process. The validity of the challenge petition form shall be determined by the consensus of the members of the Local Commission present at the time it is considered. If there is no consensus, the challenge shall be decided by the Chair of the Local Commission, this being the only occasion when the Chair may intervene in a challenge. Once it has been decided that the challenge is valid, the Chair of the Local Commission shall direct the exclusion of the voter from the General Voter Registry. When a challenge is based on grounds (e), (f), and (g) of this Section, the exclusion shall be effected as prescribed 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 the Chair's determination, and the grounds therefor. The Chair of the Local Commission shall also notify the Commission, the Local Commissioners, the challenger, and the challenged voter. The challenger is required to present proof even if the challenged Voter does not attend the hearing. Both the challenged voter and the challenger may appeal the determination before the Commission within the following five (5) days, except as provided for challenges on the grounds of voting domicile.

Section 5.17.- Term to Challenge Voters.-

Any voter may challenge any other voter from their precinct on the grounds established in Section 5.16 of this Act within a term of three (3) months and fifteen (15) days beginning on January 15 and ending on April 30 of the year of the General Election.

Section 5.18.- Proof for Challenge on the Grounds of Age.-

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 of the United States of America or any foreign country, shall be enclosed with the challenge petition form attesting to the age of such person; or a negative certification issued by the Vital Statistics Registry, or by any similar or analogous registry of 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 he was born in his voter registration application. The person whose exclusion is sought on such grounds may, at the hearing held by the Chair of the Local Commission, file a challenged voter affidavit attesting to his age as stated in his voter registration application under oath, and submit the appropriate positive certification from such registry which states the municipality or place where the challenged voter appears registered, his date of birth, the names of his parents, and any other general information.

The Chair of the local commission shall not order the cancellation of the person's voter registration if such person was born, according to his voter registration application, before July 31, 1931, or when the challenged voter, in order to maintain the legality of his voter registration application, furnishes to 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 certificate of baptism, attesting to such person's fulfillment of the voting age requirement.

The vital statistics registrars and the Secretary of Health, or his representative, shall issue the certifications requested for election-related purposes free of charge, pursuant to the provisions of this Act. The issuance of said certifications 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 representative are hereby directed to process such applications as a priority within a term not to exceed ten (10) days.

Section 5.19.- List of Judicial Judgments and Death Certificates.-

(1) Every month, if it is a General Election year, the Administrator of the Office of Court Administration shall send to the Commission a confidential list of all persons who have been declared mentally incompetent. The list shall be sent to the Commission on a quarterly basis if it is not a General Election year.

(2) A list of all deaths recorded in their books shall be delivered every month by the Vital Statistics Registry of the Department of Health to the Commission or to whomever the Commission indicates. The Permanent Registration Boards and/or Local Election Commissions may also request the Vital Statistics Registry to furnish death certificates as deemed necessary, and the Registry shall be required to furnish them free of charge within a term not to exceed five (5) days as of the date of the request. The Commission shall coordinate the details of such collaboration agreements, including the electronic processing of such lists and certificates, with the Vital Statistics Registry of the Department of Health of Puerto Rico and the Administrator of the Office of Court Administration.

CHAPTER VI

POLITICAL PARTIES

Section 6.1.- The Political Parties of Puerto Rico.-

For purposes of this Act, a Political Party of Puerto Rico is a party registered with and certified as such by the Commission, provided that it meets all the requirements set forth in this Section for its respective category. Organizations or citizen groups that do not meet the requirements herein provided may not portray themselves or be recognized as Political Parties.

Political Parties are private entities that are constitutionally recognized and invested with broad public interest. Their purpose is to promote the free-associated participation of citizens in election processes according to the platforms, principles, and ideas they propose; and through universal, free, secret, and direct voting.

Only citizens, as natural persons, may associate to form Political Parties and become freely and voluntarily affiliated to them. No organizations, juridical persons, unions, or any type of corporate or business association shall be registered or recognized as a political party. Once certified by the Commission, the Political Parties agree to comply and enforce compliance with the provisions of this Act and the regulations promulgated thereunder.

Political Parties shall only be individually certified and recognized within the categories provided in this Act, without constituting alliances or associations between Political Parties, their candidates, or independent candidates.

When a Political Party fails to maintain its registered status after a General Election and is interested in becoming registered once again it shall follow the process provided in this Act.

Political Parties and citizen groups shall be certified insofar as they meet the following requirements:

(1) State Parties

(a) “State Party”- A registered Political Party that participated in the most recent General Election and met the following requirements:

i. At a minimum, it nominated the following candidates under its emblem:

(A) State Ballot: a candidate for Governor of Puerto Rico and a candidate for Resident Commissioner of Puerto Rico in Washington D.C.

(B) Legislative Ballot: a candidate for senator at-large; a candidate for representative at-large.

(C) Municipal Ballot: a candidate for mayor with a group of pledged candidates for Municipal Legislators in at least fifty percent (50%) of Puerto Rico's municipalities.

ii. It polled more than two percent (2%) but less than twenty-five percent (25%) of all valid straight-ticket votes under its emblem in the State Ballot.

(b) "State Party by Petition"- A citizen group that, before the next General Election, applies for registration and certification and meets all of the following requirements therefor:

i. For its preliminary certification, it shall include, with its petition, the name of the party to be certified, the Party's emblem, a description of the Party's platform as well as its political and ideological focus; its bylaws and a list of the full names, voter identification numbers, mailing addresses, email addresses, and telephone numbers of a group of "active" voters in Puerto Rico constituting the Party's central governing body and their positions therein.

ii. It shall certify to the Commission, as a requirement for its final certification, that it shall nominate candidates for at least the following offices, under its emblem:

(A) State Ballot: a candidate for Governor of Puerto Rico and a candidate for Resident Commissioner of Puerto Rico in Washington D.C.

(B) Legislative Ballot: a candidate for senator at-large; a candidate for representative at-large.

(C) Municipal Ballot: a candidate for mayor with a group of pledged candidates for Municipal Legislators in at least fifty percent (50%) of Puerto Rico's municipalities.

iii. It shall submit the endorsement petitions required under Section 6.4 of this Act to the Commission for validation.

iv. Once the requirements of subparagraphs (i) and (ii) have been met, the Commission shall authorize the use of the name and the emblem as well as the collection and presentation of the Voters' endorsement petitions.

v. Once the requirements of subparagraphs (i), (ii), (iii) have been met, the Secretary shall issue the preliminary registration certification as a "State Party by Petition," upon authorization from the Commission.

vi. Once a preliminary certification has been issued, the Party by Petition may submit primary hopefuls or nominate candidates for elective public office, pursuant to the procedures provided in this Act.

vii. After all the candidacies required under subparagraph (ii) above have been filed, the Secretary, upon receiving authorization from the Commission, shall issue the final certification to participate in the next General Election. If it does not meet all of the candidacy requirements set forth, its petition to be registered as a party shall be nullified.

viii. After the General Election for which a certification was requested, only those parties that poll more than two percent (2%) of all valid straight-ticket votes cast for the State Ballot shall maintain their status as a registered State Party.

(c) "Majority State Party"- the registered "Major State Party" which polled the most valid straight-ticket votes under its emblem in the State Ballot during the most recent General Election.

(d) "Major State Party"- a registered "State Party," which polled more than twenty-five percent (25%) of all valid straight-ticket votes under its emblem in the State Ballot during the most recent General Election.

(3)[sic] Legislative Parties

(a) "Legislative Party" - A registered Political Party that participated in the most recent General Election and met the following requirements:

i. At a minimum, it nominated the following candidates under its emblem in the Legislative Ballot of at least one (1) senate district:

(A) Two (2) candidates for district senator, and one (1) candidate for representative per each representative district within such senate district.

ii. It shall be required to meet the requirements of subparagraph (i) when it nominates legislative candidates for two (2) or more senate districts.

iii. It shall only nominate candidates for senators and representatives at-large when it becomes certified to participate in the Legislative Ballot of all of Puerto Rico's senate districts. In such a case, it shall nominate at least one senator and representative at-large.

iv. It shall maintain its registered status if, during the most recent election, it polls more than three percent (3%) of all valid straight-ticket votes cast for the Legislative ballot in all of the legislative districts for which it nominated candidates.

(b) "Legislative Party by Petition" – A citizen group that, before the next General Election, applies for registration and certification and has met all of the following requirements therefor:

i. It shall include, with its petition, the name of the party to be certified, the party's emblem, a description of the party's platform as well as its political and ideological focus; its bylaws and a list of the full names, voter identification numbers, mailing addresses, email addresses, and telephone numbers of a group of "active" voters in Puerto Rico constituting the party's central governing body and their positions therein.

ii. It shall certify to the Commission that it shall at least nominate candidates under its emblem, for the following offices in each senate

district for which it registers or becomes certified: two (2) candidates for senator per each senate district; and one (1) candidate for district representative per each representative district within that same senate district. If it certifies that it shall nominate the aforementioned candidates for the legislative ballots of all of Puerto Rico's senate districts, it shall nominate at least one (1) candidate for senator at-large and one (1) candidate for representative at-large.

iii. It shall submit the endorsement petitions required under Section 6.4 of this Act to the Commission for validation.

iv. Once the requirements of subparagraphs (i) and (ii) above have been met, the Commission shall authorize the use of the name and the emblem as well as the collection and presentation of the Voters' endorsement petitions.

v. Once the requirements of subparagraphs (i), (ii), and (iii) above have been met, the Secretary shall issue the preliminary registration certification as a "Legislative Party by Petition," upon prior authorization from the Commission.

vi. Once a preliminary certification has been issued the Party by Petition may submit primary hopefuls or nominate candidates for elective public office pursuant to the procedures provided in this Act.

vii. After all the candidacies required under subparagraph (ii) above have been filed, the Secretary, upon receiving authorization from the Commission, shall issue the final certification to participate in the next General Election. If it does not meet all of the candidacy requirements set forth, its petition to be registered as a party shall nullified.

(a) The party shall maintain its registered status if, during the most recent election, it polls more than three percent (3%) of all valid straight-ticket votes cast for the Legislative ballot in all of the legislative districts for which it nominated candidates.

(4) Municipal Parties

(a) “Municipal Party” - A registered Political Party that participated in the most recent General Election and met the following requirements:

i. At a minimum, it nominated candidates, under its emblem, in the Municipal Ballot for the following offices in at least one (1) municipality: one (1) candidate for mayor; and its respective group of pledged candidates for Municipal Legislators for that same municipality.

ii. It shall be required to meet the requirements of subparagraph (i) when it nominates municipal candidates for two (2) or more municipalities.

iii. It shall maintain its status as a registered party if, during the most recent election, it polls more than three percent (3%) of all valid straight-ticket votes cast under its emblem in the Municipal Ballot, in all of the municipalities in which it was registered and certified, of the total valid votes cast in such ballot for all the political parties in the same municipality; or if it polls at least five percent (5%) of the total votes cast for mayor in the same municipality.

(b) “Municipal Party by Petition”- A citizen group that, before the next General Election, applied for registration in one or more municipalities and met all of the following registration requirements:

i. It shall include, with its petition, the name of the party to be certified, the party’s emblem, a description of the party’s platform as well as its political and ideological focus; its bylaws and a list of the full names, voter identification numbers, mailing addresses, email addresses, and telephone numbers of a group of “active” voters in Puerto Rico constituting the party’s central governing body and their positions therein.

ii. It shall certify to the Commission that it shall at least nominate candidates, under its emblem, for all the following offices in each municipality for which it registers or becomes certified: one (1) candidate for mayor and its respective group of pledged candidates for Municipal Legislators for that same municipality.

iii. It shall submit the endorsement petitions required under Section 6.4 of this Act to the Commission for validation.

iv. Once the requirements of subparagraphs (i) and (ii) above have been met, the Commission shall authorize the use of the name and the emblem as well as the collection and presentation of the Voters' endorsement petitions.

v. Once the requirements of subparagraphs (i), (ii), and (iii) above have been met, the Secretary shall issue the preliminary registration certification as a "Municipal Party by Petition," upon prior authorization from the Commission.

vi. Once a preliminary certification has been issued, the Party by Petition may submit primary hopefuls or nominate candidates for elective public office pursuant to the procedures provided in this Act.

vii. After all the candidacies required under subparagraph (ii) above have been filed, the Secretary, upon receiving authorization from the Commission, shall issue the final certification to participate in the next General Election. If it does not meet all of the candidacy requirements set forth, its petition to be registered as a party shall be nullified.

viii. It shall be required to meet the requirements of subparagraph (ii) when it nominates municipal candidates for two (2) or more municipalities.

ix. It shall maintain its status as a registered party if, during the most recent election, it polls more than three percent (3%) of all valid straight-ticket votes cast under its emblem in the Municipal Ballot, in all of the municipalities in which it was registered and certified, of the total valid votes cast in such ballot for all the political parties in the same municipality; or if it polls at least five percent (5%) of the total votes cast for mayor in the same municipality.

Section 6.2.- Prerogatives of Political Parties.-

Any party that qualifies as a State Party, State Party by Petition, Legislative Party, Legislative Party by Petition, Municipal Party or Municipal Party by Petition, National Party or as a Party affiliated to a National Party shall enjoy their respective rights pursuant to the stages and requirements provided in this Act.

Section 6.3.- Citizen Group.-

It shall be deemed to be a group of citizens, other than labor unions or groups having any type of corporate or business affiliation, which are organized with the intent to certify a Political Party by Petition or to participate as a committee in any election event without having to be formally certified as a Political Party. In the case of the latter, it shall be known as a committee. It may be constituted and operated as a campaign committee, an authorized committee, or a political action committee. When a citizen group is seeking to request the registration and certification of a political party, it shall file with the Commission a notice of intent to such effect, in accordance with the requirements provided for in Section 6.1 of this Act.

Once the Commission authorizes the citizen group to collect endorsements for the purpose of submitting their request as a political party, the citizen group shall be entitled to request and obtain a copy of the General Voter Registry to locate and identify potential endorsing voters. The Commission shall not provide, whether in whole or in part, the Voter's number, social security number, signature, or picture, the series number of the VIC, the electronic mail address, or the driver's license

number. The Commission may establish additional restrictions on other data included in the Registry but only for safety reasons. The request for a copy of the General Voter Registry shall be submitted to the Secretary of the Commission for the processing thereof.

In any case, citizen groups shall meet the requirements of the Commission and comply with their obligation to file reports, subject to the limitations on income and campaign expenditures, with the Office of the Election Comptroller and under the terms of Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

The Commission shall notify the Office of the Election Comptroller of the filing of any request for registration by a citizen group as well as the determination issued by the Commission regarding said request. Said notification shall be made within not more than fifteen (15) calendar days counted from the filing date. When the Commission issues a certification on this matter, said certification shall be notified to the Office of the Election Comptroller within the same term.

Section 6.4.- Endorsement Petitions to Register a Party by Petition.-

(a) As a requirement for registration and certification by the Commission, every Citizen Group seeking to register a Party by Petition shall submit for validation to the Commission the number of endorsement petitions provided in this Section. These petitions shall be submitted pursuant to the requirements of this Act and the regulations of the Commission, including to be duly filled out, state the name of the party to be certified, and be signed by voters who are registered and active in the Puerto Rico General Voter Registry.

It shall not be required for endorsement petitions of Parties by Petition to be sworn by an *ad hoc* notary. The Commission shall prescribe through regulations the requirements to be met by officials authorized by Citizen Groups to submit the endorsements. The Commission shall also prescribe through regulations

the necessary safeguards to be observed by said officials, which shall include a certification in the endorsement petition of the correctness of the identity of voters or the identification method used for such purposes.

Beginning in the 2024 Four-year Election Cycle, every endorsement petition for these purposes shall be accepted, submitted, and evaluated only through the SIEN system provided in this Act.

(b) The minimum number of endorsement petitions to be submitted for validation by the Commission for each type of Party by Petition are the following:

i. State Party: not less than three percent (3%) of the total number of valid straight-ticket votes cast for all the candidates for Governor in the previous General Election.

ii. Legislative Party: not less than three percent (3%) of the total number of valid straight-ticket votes cast for all the candidates for legislative office in the previous General Election, according to the legislative geoelectoral delimitations where it shall nominate a candidate.

iii. Municipal Party: not less than three percent (3%) of the total number of valid straight-ticket votes cast for all the candidates for mayor in the previous General Election, according to each of the municipalities where it shall nominate a candidate.

To retain its status as a registered Legislative or Municipal Party after the General Canvass of the most recent General Election is certified, at least the total percentage level of valid straight-ticket votes shall be polled by each of the candidates nominated by said party to their respective elective public offices, as provided in Section 6.1 of this Act.

(c) The endorsement petitions or registration of Parties by Petition shall be filed between January 1 of the year following the General Election and August 31 at noon (12:00 p.m.) of the year preceding the next General Election. This period shall

be non-extendable. When this date falls on a holiday or on a day other than a business day for the Government of Puerto Rico, said deadline shall be extended to the next business day.

(d) The Party by Petition shall submit its Hopefuls or candidates to elective public office pursuant to the requirements and procedures provided for in this Act between December 1 and December 30 at noon (12:00 p.m.) of the year preceding the next General Election. This period shall be non-extendable. When this date falls on a holiday or on a day other than a business day for the Government of Puerto Rico, said deadline shall be extended to the next business day.

(e) Beginning in the 2024 Four-year Election Cycle, the collection, filing, evaluation, validation, or rejection of endorsement petitions for Political Parties by Petition shall be made electronically through the SIEN system, and as described in Section 7.16 of this Act.

(f) The Commission shall reject any petition for registration of a political party that is signed by a person who:

- i. is not a voter duly registered as such by the signature date; or
- ii. signed a petition to register another party under the same category during the between two General Elections; or
- iii. does not comply with the formalities provided for in this Act or the regulations adopted by the Commission, including the correctness and authenticity of the information included in the endorsement petition for registration and certification.

It shall be deemed to be an election offense when a person commits fraud, delivers or transmits endorsements stating false information, or forges a signature in an endorsement petition or includes therein or in a related report, any information without the authorization of a voter. Any Citizen Group that intentionally files endorsements bearing false information or fraudulent signatures

shall have its intent to register and certify a political Party by Petition disqualified. The Commission shall have twenty (20) days to make a determination as to the validity of the petitions filed. Any petition that is not rejected within the above term shall be deemed to be validated and accredited for the group that filed it. The group shall only have seven (7) days after the rejected petitions are returned to replace them.

The petitions to register a political party shall be filed with the Commission not later than seven (7) days after being sworn by the Voter. Taking into account the provisions of this Act, the Commission shall prescribe through regulations the form to be used and the procedure to be followed for the filing and validation of these petitions, including measures to prevent fraud. The Commission shall never accept from any Citizen Group over one hundred and twenty percent (120%) of the total number of endorsement petitions required for the registration of a Party by Petition. During the term of thirty (30) days prior to August 31 of the year preceding the General Election, the petitioning group shall only file with the Commission a maximum of one tenth (1/10) of the total endorsement petitions required in this Act.

The Secretary shall issue a final registration certificate as a Party by Petition once the endorsement petition requirement and those provided for in Section 6.1 of this Act are met.

The Commission shall be responsible for maintaining and guarding the register of endorsement petitions of political parties for a period of two (2) years counted from the validation of a Voter's endorsement petition.

Section 6.5.- Campaign Field Offices.-

Every political party, Hopeful, Candidate, Independent Candidate, and Citizen Group registered with the Commission and the Office of the Election Comptroller as a committee within any electoral boundary, campaign committee,

political action committee, or any other type of committee registered in said Office that intends to establish a campaign field office shall request the authorization of the Local Commission of the precinct where the said site shall be located.

The petition shall enclose a registration certificate from the Office of the Election Comptroller and shall specify the full name, voter identification number, mailing address, electronic mail addresses, and the telephone numbers of the person in charge of the campaign field office, as designated by the petitioner. The petitioner shall also be required to notify the Local Commission if the person in charge of the campaign field office designated by the petitioner or the data regarding said person has changed. Changes shall be notified within five (5) days after they occurred.

Once the petition to establish a campaign field office is approved, the Commission shall notify the Office of the Election Comptroller within a term not to exceed fifteen (15) calendar days. The notice shall include at least a copy of the petition filed by the Hopeful, candidate, party, or committee as well as a copy of the determination of the Commission.

The campaign field offices shall be subject to the regulations approved by the Commission.

Section 6.6.- Party Affiliation Registry.-

Political parties and state national parties shall have discretion to prepare a Party Affiliation Registry which shall be property of the pertinent Political Party, and shall always remain under its sole control.

(1) Political Parties shall use said registry, without it constituting a limitation, for any matters, procedures, or activities related to their organization, internal reorganization, primaries, fundraising, delivery of communications, validation of endorsement petitions, or the holding of primaries or special elections to cover any vacant elective office.

(2) The printed poll books prepared by the Commission shall be used in the polling centers for primaries or special elections, and once these are marked according to the voters' participation, they shall become an essential part of the Party Affiliation Registry together with the list of polling place officials who work in an election.

(3) The Electronic Poll Book prepared by the Commission to be used by polling places in primaries or special elections, and once marked according to the voters' participation, they shall also become an essential part of the Party Affiliation Registry, together with the list of polling place officials who work in an election. The Commission shall provide for the technological methods whereby political parties shall transfer the aforementioned Electronic Poll Book data to their respective Party Affiliation Registry electronic systems.

Section 6.7.- Registration in the Party Affiliation Registry.-

(1) **Party Affiliation Forms:** The Commission shall provide Political Parties and State National Parties with a sufficient number of special forms for voters to be able to register in the Party Affiliation Registry of the concerned party. Said forms shall be designed and printed by the Commission and shall include an original and a copy. The original shall be kept by the body or official designated by the central governing body of each party to be in charge of creating the registry. The copy shall be delivered to Voters as proof of their inclusion in the registry of their party of preference. The Commission shall be required to furnish the affiliation forms to the political parties not later than June 30, 2022, when the Commission shall make available to the parties an electronic or online software (electronic affiliated voter registration system) for the registration and maintenance of their respective Affiliate Voter Registry.

(2) Electronic Affiliated Voter Registration System: Not later than June 30, 2022, the Commission shall design, develop, and provide Political Parties and State National Parties with uniform software for the registration and maintenance of their respective Party Affiliation Registry separately and independently from the Commission. This software shall be accessible through a secure telematics network that provides confidentiality to each party and their affiliated voters, as well as through electronic devices, PC, tablets, smart telephones, special devices for persons with severe physical disabilities, the equivalents of all of the previous devices, and any other secure electronic device that may arise in the future. Once the Commission delivers this software to the Political Parties and State National Parties, its duty to print and furnish the forms as provided in subsection (1) of this Section shall cease.

Using their respective Party Affiliation Voter Registry, Political Parties may carry out reorganization processes for their internal structure using the Party Affiliation Registry Voting method where only voters who have completed their affiliation registration on or before fifty (50) days prior to the voting event may participate. The term may never exceed fifty (50) days prior to any voting event. The Commission and the Political Parties shall make their best effort to reduce said term as much as possible as the technological systems provided in Section 3.13 are established. In these cases, the political parties shall publicly notify their deadline for interested voters to complete their affiliation registration. The notice shall be published at least forty-five (45) days before the registration deadline of the party affiliation registry. Political Parties may also choose the open voting method for affiliated Voters or for those who affiliate on the same day that the voting event is held for reorganization purposes, as well as the Party's delegate assembly method.

Section 6.8.- Political Party, Hopeful, and Candidate Emblems, and their Names.-

(1) The Commission shall approve the Regulations for the Registration of Insignias, Emblems, and Names.

(2) Only political parties, as these are defined by category in Chapter VI, shall have emblems. The emblem may be composed of an image or symbol, including a short phrase or slogan and a name, provided that these have been approved and registered by the Commission, in accordance with the criteria provided in this Act and the regulations thereunder. The names of the Political Parties by Petition shall never be the same or similar to those already recorded in the registry of the Commission. Those names that evidently may cause confusion among Voters shall be deemed to be “the same or similar.”

(3) Primary Hopefuls, Party Candidates of a General Election or a Special Election, and Independent Candidates, after complying with the procedure prescribed by regulation, may have emblems that are acceptable to the Commission or their personal photographs in order to be included in a ballot, but never both (2) simultaneously.

(4) The name of each of the Hopefuls or Candidates, even when they are running for equivalent offices, shall be deemed to be acceptable even if they are the same, provided that they furnish evidence attesting to the fact that their Birth Certificates state so.

(5) Once authorized and registered by the Commission, the names and emblems shall be the sole property of the respective Political Party; the same shall apply to the emblems of the respective Hopefuls and Candidates.

(6) Every Party by Petition, Primary Hopeful, Candidate, or Independent Candidate shall be entitled to have the petition for certification and registration of their insignia or emblem processed within thirty (30) days after the filing thereof with the Office of the Secretary.

(7) Except as provided in subsection (4) of this Section, no Political Party, Party by Petition, Primary Hopeful, Candidate, or Independent Candidate may use a name, an insignia, or an emblem in a ballot when:

(a) It is the same or similar to another already certified and registered in the Commission.

(b) It is the same or similar to the one being used by any juridical person, collectivity, sect, religion, church, or group whether for profit or not, duly registered in the Department of State, or in public broadcast mass media.

(c) It contains, whether or not artistically manipulated, the flag or coat of arms of the Government of the United States of America or of Puerto Rico, or the insignia, emblem, or symbol of any agency of the municipal, state, or federal government.

(8) The Commission shall have the ultimate authority and discretion to interpret and enforce the limitations mentioned above relating to the names and emblems of Political Parties, Primary Hopefuls, and Candidates.

Section 6.9.- Priority of the Ownership Right over the Insignias and Emblems.-

The Political Party, Primary Hopeful, Candidate, or Independent Candidate that first meets the certification and registration requirements shall have priority to use a specific name, insignia, or emblem, as the case may be. In case of a tie, the Commission shall decide through a public raffle which Political Party, Hopeful, or Candidate shall be granted the ownership right. The raffle shall be carried out in front of the persons interested or the representatives thereof.

Section 6.10.- Retention of Rights over Name and Emblem.-

Any Political Party that, due to the results of the previous election, fails to remain registered as such shall retain all the rights and prerogatives over the name and emblem it used in said election for as long as it claims and uses said name and emblem.

Section 6.11.- Ban on the Use of Party Names, Insignias, and Emblems for Commercial Purposes. -

The names and emblems of Political Parties which have been duly registered with the Commission as provided in this Act may not be reproduced, forged, copied, or imitated by any natural or juridical person for commercial purposes without the prior written consent of the Political Party concerned.

Any natural or juridical person that uses said reproduction, forgery, copy, or imitation of a name or emblem of a Political Party for commercial purposes without the due authorization shall be subject to a suit for damages, and if the case is resolved in favor of the plaintiff Political Party, the sum of the indemnification shall never be less than the net gain obtained by the business entity or commercial activity in question. The aggrieved Political Party may appear before the Court of First Instance, pursuant to Chapter XIII of this Act, to request an order for the business to cease and desist from the unauthorized use of its name and/or emblem.

Section 6.12.- Change of Name or Emblem. -

Any Political Party that wishes to change its name or emblem may do so through a certification issued by its central governing body to be filed with the Commission, and such Political Party shall not, thereby, lose the rights and privileges granted thereto by this Act, or acquired while using the former name or emblem.

Section 6.13.- Transportation and Other Means for Mobilizing Voters.-

A fund is hereby established to strengthen the assistance efforts for voters who need transportation to and assistance to arrive at the polling centers.

In order to avail themselves of the Transportation Fund, the President or the Secretary of the Political Party or the Independent Candidate for Governor, as the case may be, shall so request it under oath to the Election Comptroller. The sworn petition shall be filed with the Office of the Election Comptroller within fifteen (15) calendar days after the date on which the Commission certifies a Candidate for Governor. This term shall be strictly complied with. The Election Comptroller shall certify to the Chair of the Commission that this requirement has been met not later than on the business day following receipt of the sworn petition in his office.

The Commission shall administer this fund and the disbursements therefrom in accordance with the regulations adopted in conjunction with the Election Comptroller to guarantee the correct use thereof. The regulations may not limit nor impair the following:

(1) The total amount of the Fund shall be one million two hundred thousand dollars (\$1,200,000) per each General Election.

(2) At least seventy percent (70%) of the respective total of each eligible Fund participant shall be used for the transportation of voters, in a motor vehicle, to their polling centers. As a maximum, up to thirty percent (30%) may be used for other voter mobilization mechanisms such as the tasks carried out by the offices of Election Commissioners and the offices of eligible fund participants using the telephone, internet, social media, radio, press, television, banners and any other media outlet for the purpose of encouraging voters to participate in the election process by going to their respective polling centers.

(3) The Fund and its resources shall be allocated through the Major State Political Parties, the State Parties, and State Parties by Petition and the Independent Candidates for Governor.

(4) The fund shall be distributed as follows:

(a) Major State Parties and State Parties that, by definition, participated in the previous General Election and kept their registered status, shall receive the appropriate amount upon prorating eighty percent (80%) of the total amount of the fund based on the total percentage of votes polled by their respective candidates for Governor in the previous General Election. They shall be entitled to request and receive eighty percent (80%) of their corresponding total not later than June 15 of the year of the General Election; and the remaining twenty percent (20%) not later than September 15 of the same year.

(b) State Parties by Petition and independent candidates for Governor that, by definition, did not participate in the previous General Election and, if they did, failed to keep their registered status shall receive the appropriate amount upon prorating twenty percent (20%) in equal parts. They shall be entitled to request and receive eighty percent (80%) of their corresponding total not later than June 15 of the year of the General Election; and the remaining twenty percent (20%) not later than September 15 of the same year.

(5) Any disbursement from the Transportation Fund shall be made upon filing with the Commission the contracts, invoices, or proof of expenses related to the purposes of this fund.

(6) Every Party, its Candidates for Governor, or every Independent Candidate for Governor that incurs expenditures chargeable to the Transportation Fund shall keep a complete and itemized accounting of every expense incurred and chargeable to the Fund and shall file a report of said expenses with the Office of the Election Comptroller.

(7) The Commission shall not authorize any disbursement whatsoever until the provisions of this Section are complied with.

CHAPTER VII

CANDIDACIES AND PRIMARIES

Section 7.1.- Primary Commission and Regulations.-

A Primary Commission is hereby created for each Political Party. This Primary Commission shall be composed of the Chair of the Commission and the Election Commissioner of the Political Party that must hold a primary election. This body shall not operate continuously. The Primary Commission shall be automatically activated and in full effect once a Party is required to hold a primary election for candidate nomination to one or more elective public offices and until the final results of the primaries are certified in the general canvass or recount. The decisions of the Primary Commission shall be made by the unanimous vote of the Chair of the Commission and the Election Commissioner of the Political Party. If there is no unanimity, the decision of the Chair shall prevail.

The Commission shall approve Regulations for Primaries and Alternate Methods for Nomination which shall be uniform for all Political Parties pertaining to the election-related matters provided for in this Act; and they must defer to the regulations approved by each Party and their alternate methods for nominations to elective public office, provided that these do not impair or hinder the guarantees, rules, and standards protected in this Act for both nomination processes.

Each Political Party that must hold a primary election shall submit to the Primary Commission a copy of its own regulations for primary elections, duly certified by the President and the Secretary of the political party. These regulations shall not be in conflict with the provisions of this Act. Once this has been confirmed, the Primary Commission shall direct and inspect the primaries and enforce the

regulations approved by the central governing body of the Party holding the primary election.

The regulations for primary elections of Political Parties shall provide for, among other matters, the creation and the duties of the Local Primary Board in each precinct where primary elections are held. Moreover, every Political Party shall provide in said regulation for the creation of a Primary Polling Place Board to be composed of a director, an assistant director, and a Secretary. The regulation shall guarantee the effective representation of Hopefuls in the voting and canvass processes.

Section 7.2.- Hopefuls Seeking a Candidacy to Elective Public Office.-

Not later than June 30, 2022, every process to file intentions to participate in primary elections, for all candidacies, shall be made electronically with the Commission.

The Commission shall regulate all that pertains to these filing processes for primary aspirations and candidacies for elective public office within the parameters provided for in this Act.

Every form, document, and certification required from a primary election hopeful or a candidate to an elective public office shall be filed through the technological system to be implemented by the Commission for such purposes, not later than on the set date. This system shall also include the operating capacity to electronically export the necessary data of Hopefuls or Candidates to the ballots that shall be used in the election event.

The following provisions shall constitute the essential principles of any aspiration to a candidacy whereby a Voter becomes a Hopeful:

Political Parties may establish internal requirements for their affiliates to qualify as Hopefuls for an office within the organization during a reorganization, or to become a candidate for elective public office in a primary election.

The Commission shall oversee that any Hopefuls nominated by a Political Party or nonaffiliated independent citizens meet the legal requirements in order to be qualified as a Candidate to elective public office. The Commission shall not accept, process, or file the nomination if the Hopeful or Candidate fails to meet any of the requirements provided in this Section.

The legal requirements for a Hopeful nominated by a Political Party or a nonaffiliated independent citizen to be qualified as Candidates for elective public office are:

(1) To file his intention to aspire to be a candidate signed and sworn before a notary public.

(2) Requirements related to the Department of the Treasury:

(a) In the case of candidates for Governor, Resident Commissioner, State Legislator, and Mayor, they shall file certified copies of their income tax returns for the past ten (10) years or a copy stamped by the Department of the Treasury. In addition, there shall be filed a certification issued by the Secretary of the Treasury attesting to the Hopeful's or Candidate's compliance with the duty to file income tax returns for the past ten (10) years and the certification attesting that he has no outstanding debt and, if there were a debt, that he has availed himself of a payment plan and is in compliance therewith.

i. When there is Marital Property, the tax returns of both the spouse and the Hopeful or Candidate shall be submitted unless they file together.

ii. When there is a Prenuptial Agreement, only the tax returns of the Hopeful or Candidate shall be submitted, except in the case of Hopefuls to Governor, in which case both spouses shall submit their tax returns.

iii. When the Hopeful or Candidate has established a trust, or if he is a shareholder, partner, or director of a corporation or partnership, he shall have to report the total assets and who administers them.

iv. The persons required to submit the tax returns shall redact any information that may be susceptible to identity theft. Said information shall consist of the social security number, employer identification number, bank account numbers, street addresses, names of dependents, and any information that the Commission deems to be susceptible to identity theft.

(b) In the case of Hopefuls or Candidates for Municipal Legislator, they shall only comply with the filing of forms SC-6088^a and SC-6096^a, or their equivalent, from the Department of the Treasury which respectively certify that they complied with the filing of their income tax returns for the last five (5) years; and, if there were any tax debts, that they have availed themselves of a payment plan and are in compliance therewith.

(c) If any of the required certification shows that the hopeful or candidate has failed to file tax returns and he is a person who has not earned income or has resided outside of Puerto Rico during any of the years covered in the last five (5) or last ten (10)-year periods, as the case may be depending on the type of candidacy, such person shall also be required to submit a statement sworn before a notary public stating the circumstances therefor.

(3) Requirements related to the Municipal Revenues Collection Center (CRIM).

To file a CRIM certification showing that the Hopeful or Candidate has no outstanding debt on account of real or personal property taxes. If there were a debt, the certification shall state that he availed himself of a payment plan and that the Hopeful or Candidate is in compliance therewith.

(4) Requirements related to the Office of the Election Comptroller

A certification from this Office attesting that the Hopeful or Candidate has received the orientation provided for in Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” and has no

outstanding fines or debts. If he has a payment plan, a certification attesting that he is in compliance therewith.

(5) Other Requirements.

(a) A certificate from a licensed clinical laboratory with the drug test results, in accordance with the instructions prescribed by the Commission upon request from the Political Party to which a Hopeful belongs. In all other cases, the Commission shall prescribe through regulations the procedure to meet this requirement.

(b) A certification issued by the Puerto Rico Police attesting that he has no criminal record and has not been convicted of a felony or misdemeanor involving moral turpitude, as well as a statement sworn before a notary public certifying that he has not been convicted of such offenses in any other country or in any other jurisdiction of the United States of America.

(c) Any Hopeful or Candidate to an elective office who holds office as head, appointing authority, or regional director of a government agency, department, division, or public corporation of the Executive Branch, including serving as a Secretary, advisor, or official in a trust position related to public policy-making, which office is attached to the Office of the Governor, except for the Governor, shall tender his resignation to said office thirty (30) days before filing his candidacy or intention to be a candidate for an elective public office with the Commission. This provision shall be extended to officials of: the Office of the Comptroller of Puerto Rico, any advocate office, the Energy Bureau, as well as the Court Administrative Director when the latter has not been appointed as Judge.

(d) The Department of the Treasury and the Municipal Revenues Collection Center (CRIM) shall issue any copies and certifications required by this Act, free of charge, within fifteen (15) days after they have been requested. In order to strictly comply with the provisions of this Section, the heads of the agencies

concerned shall designate an official to coordinate, with the Chair of the Commission, the processing and issuance of the copies and certifications required under this Act.

(e) If a Hopeful or Candidate who requested the documents and certifications required in this Section does not receive them at the time of filing his intention to be a Hopeful or Candidate, he shall present evidence issued by the appropriate agencies of having requested such copies and certifications before the deadlines prescribed by the Commission for the filing thereof. Nonetheless, the person must submit such copies and certifications on or before the thirty (30) days following the deadline for filing candidacies.

(f) Any person who wishes to appear as a Hopeful or Candidate for elective public office shall be a qualified and active Voter at the time of filing his candidacy.

(g) Any person who wishes aspire to become a Political Party candidate for an elective public office shall also meet the requirements established by said Political Party. These requirements shall be equally applicable to and enforceable on all persons who express their intent to become a candidate for said Political Party, and they may not be altered retroactively after the term to file candidacies has begun, nor shall they be inconsistent with the provisions of this Act.

(h) No person shall aspire to become a candidate for more than one elective public office in the same General Election, primary, or special election.

Section 7.3.- Acceptance of Aspiration for Candidacy in Primaries.-

Every Hopeful seeking a candidacy for an elective public office must appear in the Party Affiliation Registry of the appropriate Party and be sworn by an official duly qualified to administer oaths stating that he accepts the nomination as Hopeful, that he shall abide by the official regulations of his Political Party, and that he meets

the applicable constitutional requirements to hold the elective public office to which he aspires, and complies with the provisions of this Act.

Section 7.4.- Withdrawal from Participating in Primaries.-

Any Hopeful may withdraw from participating in a primary up to the same day of the voting event through written notice sworn before a notary public, which shall be filed with the Secretary of the Commission.

Section 7.5.- Disqualification of Hopefuls and Candidates.-

Any Hopeful or nominated Candidate may be disqualified as such by the Court of First Instance when a claim has been filed for failure to meet the requirements imposed by the Constitution or by law, or when it is shown that he has violated any of the provisions of this Act or the regulations approved thereunder

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

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

Section 7.6.- Rejection of Intention to Aspire.-

(1) A Political Party may reject the intention of a person to become a primary hopeful or his candidacy to public office for the following reasons:

(a) That the person has failed to meet the requirements established in this Act and/or the regulations for primaries approved by the Commission or the pertinent Political Party.

(b) That the person has violated any of the provisions of Act No. 222-2011, as amended, known as the as amended, known as the "Puerto Rico Political Campaign Financing Oversight Act," or any regulation promulgated in

accordance with these laws or the concerned political party, specifying the section that was violated.

(c) That the person failed to comply with a constitutional provision.

The above reasons notwithstanding, no Political Party may include an ex post facto provision in its regulations to be considered as grounds for this type of disqualification.

Section 7.7.- Vacant Candidacy in a Primary.-

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

Section 7.8.- Roster of Hopefuls.-

The Commission shall prepare the official roster of all nominated Hopefuls eighty (80) days before the holding of a primary and, subsequently, no names shall be added or eliminated from said roster.

The Commission shall notify the Office of the Election Comptroller of the official roster of Hopefuls within a term not to exceed fifteen (15) calendar days, counted from the approval thereof. If there is a variation in the information furnished, it shall be notified again within the same term counted from the time the change was made. The notice shall include the full name of the Hopeful, the candidacy, the party of affiliation, and contact information such as the mailing address, telephone number, and electronic email address.

Section 7.9.- Nomination of Candidates.-

Every Political Party shall be entitled to nominate one candidate for each elective public office to be voted on in a General Election, according to the Party category under which it was registered and certified by the Commission, pursuant to the categories defined in Section 6.1 of this Act.

No person may be a candidate for more than one Political Party nor for more than one elective public office in the same primary election or General Election.

If a vacancy arises, a Party may fill any vacancy in a candidacy, as provided in this Act and said party's regulations.

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

The Commission shall notify the Office of the Election Comptroller of the official list of candidates to be in the general election within a period not to exceed fifteen (15) calendar days from the approval thereof. If there is a variation in the information furnished, it shall be notified again within the same period counted from the time the change was made. The notice shall include the full name of the candidate, the candidacy, the party of affiliation, and contact information such as the mailing address, telephone number, and electronic email address.

Section 7.10.- Decision to Hold Primaries and Holding Thereof.-

(1) Every Voter who is an affiliate and a member of a political party shall be entitled to be considered by the governing body for a nomination as Hopeful to any elective public office in a primary election, provided that he is a qualified Hopeful who meets the requirements of this Act, the regulations approved therewith, and the party's regulations.

(2) Every political party shall be required to hold a primary election whenever there is more than one qualified Hopeful.

(3) Automatic certification of Hopefuls as sole candidates.

(a) The Chair of the Primary Commission of the concerned party shall certify, as sole candidates to governor, resident commissioner in Washington D.C., senator- or representative-at-large, or district senator or representative, mayor, or municipal legislator, any hopefuls who meet all the legal and regulatory requirements of their respective political parties so that they participate in primaries, without the need to hold said primaries, in the following cases:

i. If the number of Hopefuls is equal to or less than the maximum number of candidates that the political party may or shall nominate for such offices in the next General Election;

ii. If the number of Hopefuls is equal to or less than eleven (11), for senators- or representatives-at-large. In the case of district senators, this provision shall apply if the number of Hopefuls is equal to or less than two (2). In the case of governor, resident commissioner in Washington D.C., district representatives, and majors, this provision shall apply if the number of Hopefuls per political party is equal to or less than one (1) in the appropriate electoral boundary. In the case of municipal legislators, this provision shall apply when the number of Hopefuls is equal to or less than the maximum number of these candidacies in each municipality.

Section 7.11.- Alternate Nomination Methods -

(1) Political Parties may adopt alternate methods internally for the nomination of their candidates to elective public office, provided that it is thus approved by their central governing bodies, and that at least the following guarantees are met:

(a) That the nomination method adopted guarantees the broadest participation and expression of the direct and secret vote of:

i. The members and affiliates registered in the Party Affiliation Registry of said Party and those who register therein immediately before casting their vote; or

ii. The delegates of a regulatory body of said political party previously selected in proportion to the voter population of the electoral boundary pertaining to the elective public office subject to nomination or to the number of voters; or on the number of votes polled by said political party for said elective public office in the preceding General Election.

(b) That the procedure for the alternate nomination method has been formally adopted by the central governing body of the Political Party not less than sixty (60) days before the holding of the voting event; and that it is available in writing to all members of said Political Party. This procedure shall also be broadly disclosed by the party and delivered to known Hopefuls and potential Hopefuls. The rules which shall govern the process shall include the place, date, and time where it shall be carried out.

(c) That every Hopeful has access, at least sixty (60) days prior to the holding of the election event, to the list of voters, affiliates, or delegates, as the case may be, including the contact information that the party has for each of them, for instance, the addresses, telephone numbers, and electronic mail addresses, among others.

(d) That the Hopefuls are provided with a proper forum to challenge the rules of the procedure approved by the central governing body of the Party and the content of the list described in paragraph (c) of this Section.

(e) That all Hopefuls have the right to effective and proportional representation during the stages of the nomination process, such as delegate election, participant registration, and the voting and canvass processes.

(f) That the position in which the name of each Hopeful shall be shown in the ballot shall be selected through a raffle held in the presence of the Hopefuls or their representatives.

(g) That the right to challenge the participants on the grounds provided in this Act and those prescribed in the regulations of the political party is guaranteed.

(h) That participants have equal access and protection at all stages of the nomination process.

(i) That the votes are cast freely and secretly.

(j) That there are effective internal mechanisms to challenge a violation of these rules and, upon exhausting said forum, the right to request an appeal before the Court of First Instance, designated in accordance with Chapter XIII of this Act, and within the five (5) business days following the final determination of the Political Party.

(2) The results of the alternate nomination process, the information of the person nominated, including the elective public office for which he was nominated as Candidate shall be publicly notified by the Party through the media outlets it deems pertinent.

(3) Every Hopeful who did not win through the alternate nomination method shall be prevented from running as a Hopeful in any primary election for the same office and during the same General Election cycle.

(4) No alternate nomination process or method for elective public office candidates shall prevent other Party members or affiliates who did not participate as

Hopefuls from claiming their right to a primary for that same elective public office within the terms of this Act and the primary regulations of the party.

Section 7.12.- Date for Holding Primaries.-

The primary election that must be held under the provisions of this Act shall be scheduled for the first Sunday of the month of June of the General Election Year.

Section 7.13.- Calling a Primary.-

The Commission shall call and announce the holding of a primary election sixty (60) days in advance, in at least two (2) newspapers of general circulation.

Section 7.14.- Date to File Candidacies and Deadlines.-

(1) The Commission and the Political Parties shall open the process for filing candidacies from December 1st through December 30th of the year preceding that in which the next General Election shall be held. The other deadlines that shall apply to the processes and activities related to said primaries shall be regulated by the Commission. Any deadline or time limit shall be nonextendable. In any case, the deadlines for all the dates shall be at noon, (12:00 o'clock). When a deadline falls on a holiday or on a day other than a business day for the Government of Puerto Rico, the deadline shall be transferred to the next business day. Independent Candidates shall file their candidacies through this process and within the same timeframe.

(2) Not later than thirty (30) days before the start of the process, the Commission shall notify in at least two (2) newspapers of general circulation, the opening and closing dates, and other deadlines of the process for filing candidacies and intentions to participate in a primary election, and shall warn about the nonextendability of said deadlines.

(3) On or before the opening date of the process for filing candidacies the Political Parties whose category allows them or requires them to nominate candidates for some or various elective public offices shall notify the Commission

of the number and whereabouts of the candidates to be nominated or who shall run in the next General Election regardless of whether or not they are subject to a primary election or alternate nomination methods.

(4) Hopefuls to a primary election and Candidates shall file their income and expenditures reports with the Office of the Election Comptroller on the dates set by him. The required reports shall be governed by the provisions of Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

Section 7.15.- Endorsement Petitions for Primary Hopefuls and Independent Candidates.-

(1) Without impairment to the provisions of this Act, the Commission shall regulate all matters pertaining to endorsement petitions. The period for filing endorsement petitions for Primary Hopefuls and Independent Candidates to elective public offices shall begin on December 1st of the year preceding the General Election year and the deadline shall be February 15 at noon (12:00 p.m.) of the General Election Year. The foregoing term is nonextendable. When this date falls on a holiday or on a day other than a business day for the Government of Puerto Rico, the deadline shall be transferred to the next business day.

(2) Beginning in the 2024 Election Cycle, every endorsement petition for these purposes shall only be accepted, filed, and evaluated through the SIEN system provided for in this Act.

(3) Any voter who wishes to run in a primary as a hopeful or an independent candidate shall file with the Commission the number of endorsement petitions required for the elective public office he wishes to run for, in addition to meeting the requirements of this Act, and the regulations of his Party and the Commission.

(a) In the case of primary Hopefuls for Governor and Resident Commissioner in Washington D.C., the number of endorsement petitions shall be three percent (3%) of the total straight-ticket ballots validly cast for their party's candidate for said office in the previous General Election. In these cases of Hopefuls of political parties with proven voter support, this number shall never be higher than eight thousand (8,000) petitions. In the case of independent candidates for any of these elective public offices, the number of endorsement petitions shall be three percent (3%) of the total straight-ticket ballots validly cast for the candidate who polled the most votes for such public office in the previous General Election.

(b) In the case of primary Hopefuls and independent candidates for the elective public office of senator- and representative-at-large or district senator or representative; mayor with a group candidacy for municipal legislators; mayor or municipal legislator, the number of endorsement petitions shall be three percent (3%) of the total straight-ticket ballots validly cast for the candidate who polled the most votes for the same public office in the previous General Election. In these cases, the number of endorsement petitions shall never exceed three thousand. When a hopeful or candidate for mayor files a group candidacy with municipal legislators, the latter shall be exempt from filing endorsement petitions.

(4) It shall be an election-related offense when a person commits fraud by transmitting or filing endorsement petitions for primaries with false information, forging a signature on said endorsement petition, or including unauthorized information about a voter or hopeful on said endorsement petition or on a related report. Any candidate or candidate representative who intentionally files endorsement petitions with false information or forged signatures may be disqualified. The Primary Commission of the concerned political party shall have twenty (20) days to pass judgment on the validity of the petitions filed. Any petition that is not rejected during said term shall be deemed to be accepted and be accredited

to the hopeful who filed it. Hopefuls shall only have seven (7) days from the date on which the rejected petitions were returned to replace said petitions.

(5) In no case may more than one hundred twenty percent (120%) of the required petitions be filed. No hopeful or candidate may file more than fifty percent (50%) of the maximum number of the required petitions during the last fifteen (15) days of the period to file endorsement petitions for primaries. The endorsements required by this Act shall be received and delivered to the Commission from the date the political party certifies the candidacy or from the date an independent candidacy is requested until February 15th of a General Election year. The hopeful or candidate shall have fifteen (15) days from said date to replace any endorsements rendered invalid by the Commission.

(6) Endorsement petitions for primaries and independent candidacies shall include the following information of the endorsing Voter:

- (a) Name and surnames, as registered in the Electronic Poll Book.
- (b) Date of birth.
- (c) Gender.
- (d) Name of the mother and father.
- (e) Voter identification number.
- (f) Number of precinct where the voter is registered.
- (g) Signature.

The form shall also include the following information regarding the hopeful or independent candidate:

- (a) Legal name and any nickname to be used in the ballot.
- (b) Political party of the Primary Hopeful or whether it is an Independent Candidate.
- (c) Hopeful or independent candidate code assigned by the Commission.

(d) Elective public office sought.

The form shall also include a space for the code and the signature of the official authorized to administer the oath of the endorsement petition.

(7) Every voter may subscribe and swear an endorsement petition for the maximum number of hopefuls or independent candidates allowed under this Act to be nominated for the same elective public office in the same primary election and the corresponding General Election. Whenever a political party may nominate more than one candidate for a given elective public office, each voter may sign and swear endorsement petitions for primaries for the same number of hopefuls as the political party has notified the Commission it shall nominate for the General Election. Until 2020 Election Cycle, each form shall have at least one original and two copies, which shall be distributed as follows:

(a) The original shall be delivered in person by the hopeful or candidate or his representative to the Secretary of the Commission, who shall furnish a written receipt for each original or group of originals filed.

(b) The first copy shall be kept by the hopeful or independent candidate to whom said petition refers.

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

(8) It shall not be required to swear the endorsement petition before an ad hoc notary. The Commission shall prescribe through regulations the requirements to be met by officials authorized to collect the signatures or the endorsement petitions. The Commission shall also prescribe through regulations the necessary safeguards by which said officials shall abide, which shall include a certification in the endorsement petition on the veracity of the identity of the voter or the identification method used.

(9) Every voter who wishes to exercise the rights and privileges granted by this Act to Primary Hopefuls and Independent Candidates shall file with the Commission an information form on his aspiration to a candidacy or candidacy for primaries so that the Commission opens a record for him and takes the administrative measures necessary to receive endorsement petitions for primaries on his behalf. In said form, the candidate or hopeful shall include a picture of himself or the emblem, if any, with which he wishes to be identified on the ballot. The Commission shall use the picture or emblem furnished by each hopeful by placing it beside his name on the ballot.

(10) When there are only sixty (60) days remaining before the holding of the primary, if any hopeful has failed to meet the requirement of submitting his picture or emblem, the Commission shall choose a geometric shape as the emblem to identify said hopeful on the ballot.

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

(a) That the signer is not an active registered Voter in the General Voter Registry.

(b) That the signer is not a Voter affiliated to the hopeful's political party.

(c) That the signer is not a Voter from the hopeful's or Candidate's precinct or precincts.

(d) That some of the fields or requirements of the petition are incomplete.

(e) The signer has already exercised and exhausted his endorsing right for that same elective public office.

(f) The endorsement petition was not filed within the period established by this Act.

(12) The Secretary shall issue a certification to the hopefuls and independent candidates who have fulfilled the necessary requirements and shall appear on the ballot of the primary or General Election, as the case may be.

(13) It shall be deemed to be a felony election offense under Sections 12.1, 12.8, 12.9 and/or 12.10 of this Act, when a person swears, transmits, or files with the Commission an endorsement petition or related report stating false information without the authorization of the voter.

Section 7.16.- SIEN System Electronic Endorsement Petition Forms.-

Beginning in the 2024 Four-year Cycle, and upon adopting the SIEN system, the endorsement petition forms for Primary Hopefuls, Independent Candidates, and Political Parties by Petition shall be as follows:

(1) The electronic endorsement petitions of the SIEN system shall include at least the following information about the signer:

- (a) The voter identification number.
- (b) The last four (4) digits of the Social Security number of the individual.
- (c) The first name, middle name, last name, and mother's Maiden name, as stated in the Voter Register.
- (d) The first name of the father and first name of the mother, as stated in the Voter Register.
- (e) Gender.
- (f) Date of birth (day-month-year), as stated in the Voter Register.
- (g) Residential telephone number, including area code.
- (h) Cellphone number, including area code.
- (i) Full mailing address, including zip code.
- (j) Date of the endorsement petition (day-month-year).
- (k) Personal electronic mail addresses used more frequently.

(2) Except as provided in this Act, the Commission shall prescribe through regulation other matters related to the collection, filing, evaluation, validation, or rejection of endorsement petitions through the SIEN system for Primary Hopefuls, Independent Candidates, and Political Parties by Petition.

Section 7.17.- Design of Primary Ballots.-

(1) The Primary Commission of each Political Party:

(a) Shall prescribe through regulations, the content, patterns, design, and form of the ballots to be used in the primary election, whether printed or electronic.

(b) Shall complete the design of the ballot for each precinct within seventy-five (75) days before the primaries, in the case of printed ballots; and within forty-five (45) days, in the case of electronic ballots.

(c) Shall ensure that the size and color of the ballots is uniform for their respective categories; that the names and/or emblems of every Hopeful or Candidate are equally spaced; that the text is in both English and Spanish and in black ink. In the case of the printed ballot, the paper used shall be heavy, so that the printed text does not show through to the back and so that it can be read by the electronic canvass system.

(2) The ballots shall be different for each Political Party, and different colors and/or design patterns shall be used for each elective public office subject to a primary election. At the far right of the ballot, a blank column or section shall be provided for write-in votes. This column shall be equal to that where the names and/or emblems of Hopefuls and Candidates appear and shall have the same number of horizontal rows as the other candidacies on the ballot.

(3) The names of the Hopefuls shall be placed on the ballot in the order determined by the central governing body through a public lottery.

(4) Hopefuls or Candidates shall always include on the ballot at least one of their given names and one legal surname.

(5) In the case of printed ballots, for Voters who have requested an Absentee Ballot, these shall be sent to them at least forty-five (45) days prior to the date of the voting event.

Section 7.18.- Prohibitions on Emblems.-

No Hopeful shall use any emblem on a voting ballot which is expressly prohibited by this Act, nor may he use the emblem of a Political Party or any part thereof as his emblem.

Section 7.19.- Voters and Primary Categories.-

Every political party shall be empowered to decide the type of primary election to be held from among the following two (2):

(1) Open Primaries

(a) Every active Voter in the General Voter Registry shall be entitled to vote without having to meet the Party affiliation requirement.

(b) When for any reason beyond his control, a person is not included as an active Voter in the General Voter Registry, but holds a Voter Identification Card issued by the Commission or other personal identification authorized under this Act for election-related purposes, such person shall be entitled to vote in a “Provisional Voting Polling Center.” Said vote shall be evaluated, adjudicated, or rejected during the General Canvass of the Primary Election.

(2) Closed Primaries

(a) Every active Voter in the General Voter Registry who also meets the party affiliation requirement shall be entitled to vote in a Closed Primary.

(b) In this case, the primary election shall be an internal voting process for the Party and its affiliates. If an active Voter is not registered in the Party Affiliation Registry at the time of the voting event, said voter shall be entitled to

register therein immediately before voting. It shall be the duty of every Political Party to provide the mechanisms for such registration, even at the polling places.

(c) In this type of primary, a Political Party may prevent a person who is not registered in the Party Affiliation Registry from voting if such person refuses to affiliate before voting. The Political Party shall have discretion to decide whether to allow these Voters to vote through the challenge procedure or another procedure. Not being registered in the Party Affiliation Registry and refusing to register therein shall be sufficient grounds to prevent a voter from voting or to challenge said vote, if he was allowed to vote.

(d) A Party affiliate who, for any reason beyond his control, is not registered as an active Voter in the General Voter Registry, but holds a Voter Identification Card issued by the Commission or other personal identification authorized under this Act for election-related purposes, shall be entitled to vote in a "Provisional Voting Polling Center." Said vote shall be evaluated, adjudicated, or rejected during the General Canvass of the Primary Election.

(e) In this closed primary, write-in votes shall not be counted nor adjudicated for any person who, prior to the primary election, is not registered in the party affiliation registry of the Political Party holding the primary election.

(3) In any type of primary election, the Voter shall be entitled to vote for only one Hopeful per elective office subject to a primary election.

Section 7.20.- Precinct Canvass.-

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

Section 7.21.- Hopefuls Elected in Primary Elections.-

In a Political Party Primary, the Hopeful who polled the highest number of direct and valid votes for each candidacy to an elective public office shall be nominated as the official Candidate of the Political Party in the next General Election.

Section 7.22.- Tie in Primary Vote Results.-

Upon completing the general canvass, if there is a tie in the primary election results of Hopefuls running for the same elective public office, the concerned Primary Commission shall determine the date on which the primary runoff election shall be held. This primary runoff election shall be held within thirty (30) days after the final certification of the Recount results has been issued. If there is a second tie, the nomination shall be adjudicated through a public lottery to be conducted by the Primary Commission.

Section 7.23.- General Provisions on Primaries.-

The primary voting and canvass processes shall be governed by the provisions of this Act insofar as it is not inconsistent with this Chapter VII and the following provisions:

(1) The Commission shall carry out the General Canvass and Recount processes as are necessary with representatives from the Political Parties that have held primary elections pursuant to the Act to nominate its candidates for elective public office and the Regulation approved for such purposes, guaranteeing the Voter's secret ballot and direct vote.

(2) The Chair of the Commission shall appoint a Canvass Coordinator and each of the Political Parties holding a primary election shall appoint a Canvass Director in the area reserved for their canvass.

(3) A Primary Sub-Commission shall be constituted by the Alternate Commissioners of the Political Parties holding the primary election or, in default thereof, by an official of the Commission designated by each Election Commissioner.

(4) Hopefuls entitled to recount shall submit to the Primary Commission the list of their respective observers within seventy-two (72) hours from the time the Commission determines that a recount shall be carried out. The Commission shall not begin the recount process until the Hopeful has submitted the list of observers within the period herein established. If the period elapses and the list of observers was not submitted, the Commission shall begin the recount.

(5) The decisions that must be made at the canvass tables shall require the unanimous vote of the officials representing the Hopefuls at the tables. However, if the unanimous vote of the officials is not achieved, said decisions shall be referred to the next level of supervision where said decision shall be made with the unanimous vote of the representatives of the Hopefuls who participated in the primary election. If it is not resolved at these levels, the matter shall be referred to the Primary Commission.

CHAPTER VIII

PRIMARY AND PRESIDENTIAL ELECTIONS OF NATIONAL PARTIES

SUBCHAPTER VIII-A

Section 8.1.a.- Presidential Primary Elections.-

It is hereby directed that, in a General Election year, presidential primary elections shall be held for each National Party of the United States of America having more than one presidential candidate nominated.

This Subchapter VIII-A has the purpose of rendering feasible for and guaranteeing that Voters and U.S. citizens domiciled in Puerto Rico are able to express their preference as to the Hopefuls to be nominated as presidential

candidates of the National Parties. The result of each primary election shall determine the number of delegates pertaining to each presidential hopeful at the national conventions. These delegates shall be selected in accordance with the provisions of the regulations or the delegate selection rules of each National Party or State National Party.

Holding a presidential primary election constitutes a public purpose to ensure a rational, safe, and reliable voting system that allows such processes to be conducted with transparency, purity, accuracy, and security. To achieve such purpose, the use of public funds in accordance with Section 9 of Article VI of the Constitution of Puerto Rico is hereby authorized.

To participate in a presidential primary election, the National Party or its affiliate the State National Party are required to be duly registered in Puerto Rico and in all of the states of Union, as applicable.

Section 8.2.a.- Application of this Subchapter VIII-A.-

The presidential primary elections shall be governed by this Subchapter. The provisions of this Act shall be applied to the extent necessary and to any matter which this Subchapter does not provide for, insofar as it is not contrary to the regulations of the National Party or its State National Party.

Moreover, any rule agreed upon between a State National Party in Puerto Rico and its National Party, including the delegate selection plan, that is inconsistent with this Act shall prevail, except for the dates on which the presidential primaries shall be held as established in this Subchapter, which shall prevail over any norm, rule, or plan of any State National Party.

Section 8.3.a.- Definitions.-

For purposes of this Subchapter, the following terms or phrases shall have the meaning stated hereinbelow:

(1) “Presidential Hopeful” - Any person who, having complied with the norms, rules, and regulations, and met the requirements of the National Party to which he belongs, as well as with the provisions of this Act, aspires to be nominated as a candidate for President of the United States of America for the national party concerned.

(2) “National Nominating Convention” - An assembly or meeting held by a National Party to nominate a person who shall be its candidate for President of the United States of America on the next presidential election.

(3) “Congressional District” - The geographic demarcation that, for election purposes, has been established by law in Puerto Rico or by the Constitutional Board for the Revision of Senatorial and Representative Electoral Districts following the applicable federal guidelines.

(4) “Ballot” - A printed or electronic ballot designed for the Voter to express his preference for a presidential hopeful of the National Party of his preference.

(5) “National Party” - A political party registered in all of the states of the United States of America and Puerto Rico, or that has an affiliate in the 50 states and Puerto Rico and which nominates or participates in the election of candidates for President and Vice President of the United States of America.

(6) “State National Party” - A committee or an entity in Puerto Rico recognized by a National Party as its affiliate and local representative.

(7) “Presidential Primary Election” - The process whereby Voters cast their votes to express their preference for the Presidential Hopefuls of the United States of America for the National Party they are affiliated with, the results of which shall be used as the basis for the selection of the delegates, alternate delegates, or both, to the national nominating convention of the National Parties, in accordance with the delegate selection rules or regulations of each National Party or State National Party.

The process of the Presidential Primary Elections is administered by the Presidential Primary Commission of each State National Party.

Section 8.4.a. -Voters.-

Every active Voter in the Puerto Rico General Voter Registry who also meets the affiliation requirement for the National Party holding the primary election shall be entitled to vote in the Presidential Primary of the National Party of his preference.

(1) The Presidential Primary shall be an internal voting process of the National Party, its State National Party and the affiliate members thereof. If an active Voter does not appear in the Party Affiliation Registry at the time of casting his vote, he shall be entitled to be immediately registered before casting his vote. Every State National Party shall be required to provide the mechanisms for said registration, whether through printed or electronic mechanisms.

(2) A State National Party may prevent a person from exercising his right to vote if said person is not registered in the Party Affiliation Registry or refuses to fill out and sign the party affiliation form to be registered before voting. The State National Party shall have discretion to decide whether to allow these Voters to cast a vote through the challenge procedure or other procedure. Not being registered in the Party Affiliation Registry or refusing to register therein shall be sufficient grounds to prevent such Voter from voting or to challenge said vote, if he was allowed to vote.

(3) A Party affiliate who, for any reason beyond his control, is not registered as an active Voter in the General Voter Registry, but holds a Voter Identification Card issued by the Commission shall be entitled to vote in a "Provisional Voting Polling Center." Said vote shall be evaluated, adjudicated, or rejected during the General Canvass of the Presidential Primary Election.

(4) The Voter shall be entitled to vote for only one Presidential Hopeful.

(5) Every Voter who wishes to exercise his right to vote under this Subchapter, shall do it in the congressional district and precinct under which he is registered in the General Voter Registry.

(6) If a Voter casts his vote at a “Provisional Voting Polling Center” outside of his precinct, but within his congressional district, his vote shall be adjudicated. If a Voter casts his vote outside of his precinct and congressional district, the vote shall not be adjudicated.

Section 8.5.a.- Voting Events.-

All voters who meet the requirements provided in Section 8.4 of this Act shall vote in the presidential primary election.

(1) During the eight (8) days prior to the date on which the presidential primary election must be held, “Early Voting” shall be available for any Voter who so requests or prefers. “Early Voting” shall be conducted at the offices of the Permanent Registration Boards (PRB) through the “Provisional Voting” method. In order to cast his vote using this method, the Voter shall go to the Permanent Registration Board of the municipality or precinct where he is registered.

(2) Every active Voter who is domiciled in Puerto Rico and, for any reason, is outside of Puerto Rico on the date of the presidential primary election, shall be entitled to request “Absentee Voting.”

(3) If the date of the presidential primary election of two (2) or more national parties fall on the same date, the opening of separate polling places shall be provided for, even if these are located in the same Polling Center. In this case, participating or voting in more than one nomination process for Presidential Hopefuls of a National Party is hereby prohibited.

Section 8.6.a.- Date to Hold Presidential Primary Elections.-

Presidential primary elections shall be held on the following dates:

(1) Four-year Election Cycle of the 2020 General Election

The presidential primary election of the Republican Party shall be held on the first Sunday of the month of June of the General Election year, and the presidential primary election of the Democratic Party shall be held on the last Sunday of the month of March of the General Election year. If another National Party or State National Party is formed and meets the requirements to participate in a presidential primary election in Puerto Rico, the president of said party shall notify the Chair of the Commission the date of the holding of said primary election, not later than March 1, 2020. In any case, said primary election shall be held during the 2020 General Election year.

(2) Four-year Election Cycle of the 2024 General Election

From this cycle and thereafter, the presidential primary elections shall be held on the dates that the president of each of the State National Parties notifies in writing to the Chair of the Commission, not later than December 1 of the year prior to the General Election. The date set by the presidents of the State National Parties shall always be within the same year of the next General Election.

Section 8.7.a.- Registration of a State National Party in Puerto Rico.-

(1) Any citizen group seeking to be certified by the Commission as a State National Party by Petition entitled to hold presidential primary elections to nominate candidates for President of the United States of America and to elect delegates and alternate delegates to the national nominating conventions, and that prior to this Act, has not been certified nor has participated in said voting events, shall meet the following requirements:

(a) To include in its petition the name of the Party to be certified, its emblem, a government platform or program describing its political approach or ideology, its regulations, as well as the full names, voter identification numbers, mailing addresses, electronic mail addresses, and telephones of the group of active

voters that constitute the central governing body thereof, including their respective positions therein.

(b) The National Party certification authorizing the citizen group to represent the party in Puerto Rico as a State National Party.

(c) The filing of endorsement petitions with the Commission to be certified between January 15 of the year following the General Election and December 30 of the year prior to the next General Election. The minimum number of endorsement petitions to be validated by the Commission shall be equivalent to five percent (5%) of the total valid votes cast for the office of Governor of Puerto Rico in the most recent General Election and may be filed by affiliated voters of any congressional district.

(d) The endorsement petitions shall be processed in accordance with the provisions of Chapter VII of this Act.

(e) The Secretary of the Commission shall issue the certificate of registration as “State National Party by Petition,” once the Commission determines that all requirements have been met and completed.

(f) Upon certification, the Party by Petition may nominate primary Hopefuls or Candidates, in accordance with the procedures provided in this Act.

(2) A State National Party shall not be required to be subsequently certified upon meeting the certification requirement or while it maintains its status as State National Party of the same National Party.

(3) The State National Party that has been certified or recognized as such by the Commission, and has participated in the Presidential Primary Election in Puerto Rico, prior to the effectiveness of this Act, shall be deemed to be certified and exempt from meeting the certification requirement of this Section.

Section 8.8.a.- Central Executive Body and Regulation.-

Every State National Party shall have an executive governing body that shall adopt and submit regulations to the Commission and to its respective Presidential Primary Commission not later than on the date on which its intention to be certified has been notified, or not later than December 1 of the year before the Presidential Primary Elections are held in the event that it has been amended.

Section 8.9.a.- State National Party Name and Emblem.-

Every State National Party certified in accordance with the provisions of this Subchapter shall register its name and emblem with the Secretary of the Commission not later than December 1 of the year prior to the date of the holding of the presidential primary election. The name and emblem shall constitute the official distinctive thereof and shall be printed or placed on the ballots of the National Party in any voting event where said Party participates, in accordance with this Subchapter. All that pertains to the registration, adoption, change, determination, or alteration of any name or emblem of a State National Party shall be governed by the provisions of this Act.

Section 8.10.a.- Notification on the Number of Delegates.-

Not later than January 15 of the year in which the Presidential Primary Election shall be held, the president of each State National Party shall file with the Secretary of the Commission a certification attesting to the number of delegates and alternate delegates to the national nominating convention which his State National Party is entitled to elect at the Presidential Primary Election in Puerto Rico.

Section 8.11.a.- Presidential Candidate Hopefuls.-

(1) Not later than January 5 of the year in which the Presidential Primary Election shall be held, the Secretary of State of Puerto Rico shall prepare a list with the names of the Hopefuls running for nomination to President of the United States for any of the National Parties and shall notify each of them by regular mail, return

receipt requested, and by electronic mail on the same day of their inclusion in said list. To fulfill this responsibility, the Secretary of State shall previously verify with the president of each State National Party the names of the Hopefuls recognized for presidential nomination, in accordance with the criteria and the bylaws of each National Party represented by him.

(2) The name of each of the Presidential Hopefuls included in this list shall appear on the Presidential Primary ballot as presidential candidate, unless said Presidential Hopeful certifies in writing to the Secretary of State after January 10 of the year in which the presidential primary elections must be held, that he has no intention to be a Hopeful in the Presidential Primary Election in Puerto Rico.

(3) Not later than January 15 of the year in which the Presidential Primary Elections shall be held, the Secretary of State shall notify by certified regular mail, return receipt requested, and by electronic mail on the same day, to the president of the State National Party, the President of the National Party, and the Secretary of the Commission the names of the persons who shall appear as Presidential Hopefuls on the ballot of its primary election.

Section 8.12.a.- Delegates to the National Nominating Conventions.-

The selection of delegates, alternate delegates, or both shall be governed by the rules and bylaws of National Parties. On the National Nominating Convention, the delegates and alternate delegates shall be required to endorse on the first voting event the Presidential Hopeful for which they were elected or selected

Section 8.13.a.- Alternate Method for Delegate Selection.-

(1) In those cases where the Secretary of State certifies only one Presidential Hopeful as candidate for President of the United States in the presidential primary election of a National Party, his State National Party may employ an alternate method in lieu of a primary election, such as an assembly, convention, or caucus to select the delegates to the national nominating convention

of the National Party. Said alternate method shall be carried out on or before the same date and shall begin at the same time that the Presidential Primary Election would have been held, and a record of all voters participating in the assembly, convention, or caucus shall be kept.

(2) When the president of the State National Party certifies that, as of the deadline to file candidacies, there is only one group of delegates, whether pledged or not, then this shall be certified as a sole candidacy and it shall not be necessary to hold a Presidential Primary Election or carry out an alternate method.

Section- 8.14.a.- Powers of the Chair of the State Election Commission.-

The Chair shall be empowered to take any action, make any efforts, and discharge any duties as necessary to implement this Subchapter, in accordance with the powers conferred unto him under this Act. To such effect, he shall adopt rules and regulations as necessary to implement this Subchapter, as well as issue orders and adopt resolutions and determinations. Compliance therewith may be also delegated to his subordinates. However, any orders, rules, norms, or resolutions adopted to such effects shall be consistent with the applicable provisions of this Act, and the regulations of the National Parties and their affiliated State National Parties.

Section 8.15.a.- Presidential Primary Commission.-

(1) Not later than December 15 of the year prior to the date of the Presidential Primary Election, a separate Presidential Primary Commission shall be created for each State National Party participating in a Presidential Primary Election. This Commission shall be composed of the Chair of the State Election Commission and an Election Commissioner of the concerned National Party appointed by the president of the State National Party. Said Commissioner shall be entitled to appoint the local election commissioners and the alternate election commissioners for each precinct to conduct their election-related businesses.

(2) Each Presidential Hopeful registered to participate in a Presidential Primary Election in Puerto Rico shall be entitled to have a representative who shall serve as an observer at the Presidential Primary Commission. Such designation shall be made through a letter and an electronic mail addressed to the President of the State National Party and the Secretary of the Commission not later than January 20 of the year in which the Presidential Primary Election must be held. Registered Presidential Hopefuls shall also be entitled to have observers at each stage of the voting and canvass processes of the Presidential Primary Election.

(3) The Presidential Primary Commission shall direct and oversee the primary elections, and assist in the general canvass and recounts as are necessary. It shall be empowered to prescribe through regulations the rules to comply with its responsibility and implement the regulation or rules for the selection of delegates.

Section 8.16.a.- Ballots.-

The Presidential Primary Commission shall be responsible for designing every ballot and the President shall be responsible for the printing or conversion thereof to an electronic format. The ballot shall be prepared in such a manner so as to ensure full compliance with any criteria required under regulations, rules, or provisions of the National Parties. The text of the ballot shall be in both English and Spanish.

If the Presidential Primary Election of two (2) or more national parties shall hold the Presidential Primary Election on the same date, separate ballots shall be prepared for each national party.

If any Presidential Hopeful announces that he is withdrawing from the race at the national level prior to the deadline for designing and printing the ballot, the president of the concerned State National Party shall notify it within twenty-four (24) hours after becoming aware of said fact and shall certify it in writing to the Chair of his Presidential Primary Commission and his State Election Commissioner

to remove the name and/or emblem of said Presidential Hopeful from the ballot design.

Section 8.17.a.- Canvass.-

(1) Once the voting event concludes in accordance with this Chapter, the Presidential Primary Commission of each National Party shall conduct a General Canvass or Recount, as appropriate under this Act. Said General Canvass or Recount shall be completed not later than fifteen (15) days after the date of the primary election of each National Party.

(2) Once the General Canvass is completed, the Presidential Primary Commission shall notify the results for each candidacy in absolute numbers to the president of the State National Party, the president of the National Party, and all of the Presidential Primary Hopefuls who appeared on the ballot of their respective primary elections.

Section 8.18.a.- Fundraising Limits and Duty to Report.-

When a State National Party raises funds, incurs expenditures, or both to participate in a state election event for the election of candidates for elective offices in Puerto Rico, provided by law and under the administration of the Commission, other than a Presidential Primary Election, it shall be required to comply with the limits and obligations provided in Act No. 222-2011, as amended. In any other case not specifically provided for in this Act, the financial activities of the State National Parties shall be deemed to be for private, not for profit, and not subject in any manner to the provisions of Act No. 222-2011, as amended.

SUBCHAPTER VIII-B

Section 8.1.b.- Presidential Election.-

It is hereby directed that, by virtue of the civil and fundamental right protected under the First Amendment to the Constitution of the United States of America, on the same day of every General Election, beginning in the 2024 General Election,

every U.S. citizen who is an active Voter in Puerto Rico shall exercise and claim his right to vote and express his preference from among the candidates for President and Vice President of the United States of America.

The holding of a Presidential Election and the exercise of the right to vote for the President constitute a public interest in connection with the U.S. citizenship and the current expression of self-determination of the People of Puerto Rico as sovereign of our democratic system to reject the colonial subordination status and claim equal rights and obligations as U.S. citizens.

Therefore, it is hereby authorized that public funds and property be used for such purposes.

Section 8.2.b.- Definitions.-

For purposes of this Subchapter VIII-B, the following terms and phrases shall have the meaning stated below:

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

(b) “Pledged Delegate” - 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, beginning in the 2024 General Election.

(c) “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 designation of pledged delegates, as provided in this Act, beginning in the 2024 General Election.

(d) “National Party” - defined in Subchapter VIII-A, Section 8.3.a.(5) of this Act.

(e) “State National Party” - defined in Subchapter VIII-A, Section 8.3.a.(6) of this Act.

Section 8.3.b.- Functions and Duties of the Commission and the Chair.-

Every four (4) years, on the same day of the General Election, beginning in the 2024 General Election, the Commission shall organize 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 of any kind, including funds, equipment, materials, real and personal property, as well as the employees and officials of the Commission as are necessary to carry out the processes and activities related to the Presidential Election, beginning in the 2024 General Election.

To guarantee the purity of the presidential voting process and the exercise of the right to vote, the Commission shall be empowered to carry out any actions and make any efforts as necessary to enforce the provisions of this Subchapter VIII-B. For such purposes, the Commission, with the advice of the election representatives of the Presidential Candidates and the State National Parties, shall adopt rules, regulations, and procedures as are necessary, using this Act as reference to the extent it is not inconsistent with this Subchapter.

When a unanimous vote is not reached in the Commission regarding any matter related to the Presidential Elections, the Chair of the Commission shall be charged with taking the necessary measures as promptly as possible to guarantee strict compliance with this Act. Absent said unanimous vote, the Chair shall assume all Powers and duties herein delegated to the Commission, make any decisions and take actions which shall be deemed to be those of the Commission, and may avail himself of the necessary resources, issue orders, resolutions, and determinations, as well as delegate the enforcement thereof to his subordinate.

Section 8.4.b.- Presidential Election Official or Representative.-

Every Candidate appearing in the Presidential Ballot shall designate an election official and an alternate thereto in Puerto Rico to whom he shall delegate the responsibility to represent him and take care of all the affairs related to their candidacy for the Presidential Election to be held, in accordance with the provisions of this Subchapter.

Within a term of fifteen (15) calendar days, counted from the date of their nomination by a National Party, or in default thereof, upon filing the number of valid endorsement petitions, as provided in Section 7.15 of this Act, the National Party or candidate shall notify the Chair of the Commission, in writing, of the designation of its election official stating the personal and contact information as well as the express delegation of representation thereof.

If, after such terms have elapsed, the Candidate has not designated his Presidential Election Official as described above, then the election commissioner of the State National Party shall assume said representation.

The Presidential Election Official shall be empowered to appoint the representatives of the Presidential Candidate for the different electoral bodies.

Section 8.5.b.- Electoral Bodies.-

At all the levels of the election process, the persons designated in the electoral bodies to discharge the functions related to the General Election may discharge an additional or dual function in representation of a Presidential Candidate, provided that it has been thus accepted and informed in writing to the Chair of the Commission, the Presidential Election Official of every candidate or, in default thereof, the Election Commissioner of the State National Party. The Chair shall notify the whole Commission of such designations.

This dual representation responsibility may fall on and include 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 discharge said dual function, the Presidential Election Official or, in default thereof, the Election Commissioner of the State National Party shall designate a person to represent the Candidate in the appropriate body.

Section 8.6.b.- Pledged Delegates 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 Pledged Delegates and four (4) alternates. The Pledged Delegates shall be elected simultaneously with their respective Presidential Candidates. The Candidate for President of the United States of America and his respective candidate for Vice President who, together with the respective Pledged Delegates, poll the largest number of valid direct votes cast by voters in the Presidential Ballot shall be the winner of the total number of Pledged Delegates of Puerto Rico under the winner takes it all concept.

Section 8.7.b.- Requirements for Pledged Delegates.-

Any person designated as a Pledged Delegate for the election of the President and Vice President of the United States of America shall be a qualified and valid registered Voter of Puerto Rico in accordance with this Act.

Members of the Congress of the United States of America and officials and employees of the federal Government may not be designated as Pledged Delegates of a Presidential Candidate.

Section 8.8.b.- Designation of Pledged Delegates.-

Every Candidate for President of the United States who meets the requirements provided in this Act shall designate, through his Presidential Election Official or, in default thereof, the Election Commissioner of his State National Party,

seven (7) official Pledged Delegates and four (4) alternate delegates, as provided in Section 8.6.b.

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

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

Section 8.9.b.- Obligations of Pledged Delegates.-

Every Pledged Delegate and his alternates shall be sworn before the Chair or the Secretary of the Commission and attest that they shall vote for the National Party Candidates or person they represent and they shall be bound to vote in such manner when the polling place is constituted.

Section 8.10.b.- Proclamation of the Presidential Election.-

The Chair of the Commission shall sign and publish a Proclamation announcing the date on which the Presidential Election shall be held. This Proclamation shall be published sixty (60) days before the day of the General Election as broadly and widely as possible. The Proclamation shall include the text of the first two (2) paragraphs of Section 8.1.b., the list of candidates for President and Vice President of the United States of America, identifying them by their respective National Parties or as Independent Candidates, and the color of the Presidential Ballot to be delivered to voters at the Polling Places. The instructions on how to vote shall also be included in this ballot.

Section 8.11.b.- Candidate Nomination.-

(a) The Candidates for President and Vice President of the United States nominated by and running for any National Party shall appear as Candidates on the

Presidential Ballot. Once such official nominations are disclosed publicly, the Commission shall be required to take all measures as are necessary for such Candidates to appear on the Presidential Ballot of Puerto Rico.

(b) Other Political Parties or citizen groups that, without having a Candidate nominated by a National Party, file with the Commission endorsement petitions in accordance with Section 7.15 of this Act may also nominate Candidates for the Presidential Elections in Puerto Rico.

Section 8.12.b.- 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, the name of his Candidate for Vice President, and the emblem of his National Party, if he is a member of such a Party, included in the Presidential Ballot in Puerto Rico.

(b) To designate a Presidential Election Official and an alternate who, together with the Chair of the Commission, shall address any matter arising in connection with his candidacy, and with the voting and 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 Commission through his authorized representative and be notified as an interested party to any proceeding before the consideration of the Commission in relation to or that affects the Presidential Election or his candidacy.

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

Section 8.13.b.- Persons Entitled to Vote.-

Every Voter of Puerto Rico who complies with the provisions of this Act shall be entitled to vote in the Presidential Election.

Section 8.14.b.- Absentee and Early Voting.-

Every Voter who is eligible to request absentee or early voting, as provided in this Act, shall also be guaranteed access to these voting methods for the Presidential Ballot.

The Commission is further empowered to adopt regulations and measures as are necessary to guarantee the federal rights of voters under the laws of the United States of America relating to the presidential vote.

Section 8.15.b.- Information Campaign.-

The Chair of the Commission, together with the election representatives of the Candidates for President of the United States of America shall develop and conduct an information and education campaign for Voters 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 the Voter shall mark the ballot to cast his vote.

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

Section 8.16.b.- Presidential Ballot.-

This ballot shall be designed in accordance with the provisions of Section 9.11 (5) of this Act.

Section 8.17.b.- Poll Book.-

The Commission shall deliver to each Presidential Election Official or, in default thereof, the Election Commissioner of every State National Party, and not later than twenty (20) days after the deadline for voter registration in the General

Voter Registry, one (1) copy of the poll book to be used on the day of the General Election, both in print and electronic format, as available.

Section 8.18.b.- Voting at the Polling Place.-

The provisions of this Act and the regulatory provisions adopted thereunder shall be applied to the presidential voting processes at the polling places as well as to the incidents relating thereto; provided, that they are not inconsistent with nor impair the provisions of this Subchapter.

Every polling place official who is charged with handing the ballots to voters shall furnish every voter all of the ballots provided in this Act, including the Presidential Ballot, under penalty of an election offense.

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 8.19.b.- 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 Pledged Delegates designated by such Candidate.

Section 8.20.b.- Canvass.-

The Chair of the Commission and the election representatives of the Presidential Candidates, through regulations to such effects, shall provide the form and manner in which the canvass process shall be carried out, in accordance with the provisions of this Act.

Section 8.21.b.- General Canvass and Result Certification.-

The Commission shall establish rules and measures for the general canvass of the presidential ballots to conclude before the date on which the Electoral College is

constituted for the Pledged Delegates 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.

After the general canvass of the presidential ballots has concluded, the Chair of the 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 of America, and 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 pledged delegates have polled the highest number of votes. The Chair of the Commission shall issue a certificate of election to each of the elected Pledged Delegates and the latter shall furnish the certificate the day on which the Electoral College is constituted.

Section 8.22.b.- Pledged Delegate Voting.-

The Monday after the second Wednesday of December of the year in which the Presidential Election shall be held, the President of the Senate, and the Speaker of the House of Representatives of Puerto Rico shall call the Pledged Delegates to the Capitol of Puerto Rico in accordance with the certificate of the election issued by the Chair of the Commission. Said Pledged Delegates shall cast their secret pledged vote for the Candidates for President and Vice President of the United States that they represent.

The voting processes of the Pledged Delegates and the canvass process in connection therewith shall always be carried out at the Capitol of Puerto Rico. For the first Presidential Election of November 3, 2020, these processes shall be directed by the Speaker of the House of Representatives at the chamber of this legislative body and, thereafter, every four (4) years, the direction of these processes shall be

alternated with the President of the Senate. 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 of America, and the federal laws. The results shall be certified in accordance with the provisions therein.

Section 8.23.b.- Violations of the Provisions on the Presidential Election.-

Any person who acts in violation of any of the provisions of this Subchapter, obstructs, 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 8.24.b.- Prohibitions and Penalties.-

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

CHAPTER IX

PROCEDURES BEFORE AN ELECTION; VOTING

Section 9.1.- Date of Election.-

A General Election shall be held every four (4) years on the first Tuesday after the first Monday in November. Hence, the First General Election after the approval of this Act shall be held on Tuesday, November 3, 2020.

Section 9.2.- General Call.-

The Commission shall announce the date on which a General Election shall be held not less than sixty (60) days in advance through a proclamation which shall be published in at least two (2) newspapers of general circulation, and on the webpage of the Commission. In the case of any other election authorized by a

legislative mandate, the proclamation shall be made pursuant to the terms and conditions established in this Act, in any other Act enabling a voting event, or in the regulations of the Commission.

Section 9.3.- Holiday.-

The day of a General Election shall be a legal holiday in Puerto Rico. Government Agencies shall not authorize the use of parks, coliseums, auditoriums, or public facilities, and shall provide that they remain closed to the public, except when such facilities are being used by the Commission. Likewise, there shall be no horse racing on any racetrack in Puerto Rico on the day a General Election is held.

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

Section 9.4.- Purposes of a General Election.-

The Governor, the members of the Legislative Assembly, and the remaining elective public offices provided by law, including the offices of President and Vice President of the United States of America, are elected in the General Election.

Section 9.5- Vacancies and Special Election.-

The purpose of a special election is to elect one or more officials within a geoelectoral delimitation to fill a vacancy in one or various elective public offices, pursuant to the Constitution and other special statutes. These special elections shall be held as follows:

(1) District Legislator Elected in Representation of a Political Party.

(a) Before the twelve (12) months prior to a General Election.

Whenever a vacancy arises in the office of a district senator or representative elected in representation of a Political Party before the twelve (12) months prior to the General Election, and even when he has not been sworn into office, the following shall be observed:

i. Upon the date of notice of the vacancy, the Political Party shall have a term of sixty (60) days to file with the Commission the candidates to fill the vacancy. Within said term, the Political Party may adopt an alternate substitution method in order to fill the vacant office, provided that it is approved by its central governing body and it complies with the guarantees of due process and equal protection of the law. When a Political Party nominates only one Candidate, the Chair shall certify that said Candidate is entitled to hold office.

ii. If the Political Party fails to adopt an alternate substitution method and has proposed more than one (1) Candidate, the Governor shall call a special election in the district where the vacancy arose within thirty (30) days of the filing of the candidacies. Only the candidates certified by the concerned Political Party may participate in such special election. Voters who meet the requirements shall be able to vote; and the guarantees and procedures provided for in Section 7.21 (2) of this Act shall be observed.

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

iv. When the Political Party fails to nominate a Candidate within sixty (60) days, the Governor shall call a special election, within thirty (30) days of the expiration of said period, in which any voter affiliated to any Political Party or any Independent Candidate may participate as a candidate.

(b) Twelve (12) months prior to a General Election.

Whenever a vacancy arises in the office of a district senator or representative who was elected in representation of a Political Party, within the twelve (12) months prior to a General Election, said vacant office shall be filled by the Presiding Officer of the corresponding Legislative Body upon a proposal of the

central governing body of the Political Party to which such senator or representative belonged.

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

(a) Before the twelve (12) months prior to a General Election

Whenever a vacancy arises in the office of a senator- or representative-at-large who was elected in representation of a Political Party before the twelve (12) months prior to a General Election, even if he was not sworn into office, the following shall be observed:

i. Upon the date of notice of the vacancy, the Political Party shall have sixty (60) days to file with the Commission the candidacies to fill the vacancy. Within said term, the Political Party may adopt an alternate substitution method in order to fill the vacant office, provided that it is approved by its central governing body and it complies with the guarantees of due process and equal protection of the law. When a Political Party nominates only one Candidate, the Chair shall certify that said candidate is entitled to hold office.

ii. If the Political Party fails to adopt an alternate substitution method and has proposed more than one Candidate, the Governor shall call a special election to fill the vacancy within thirty (30) days of the filing of candidacies. Only the Candidates certified by the concerned Political Party may participate in such special election. Voters who meet the requirements shall be able to vote, and the guarantees and procedures provided for in Section 7.21(2) of this Act shall be observed.

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

iv. When the Political Party fails to nominate a Candidate within sixty (60) days, the Governor shall call a special election, within thirty (30)

days of the expiration of said period, in which any voter affiliated to any Political Party or any Independent Candidate may participate as a candidate.

(b) Twelve (12) months prior to a General Election.

Whenever a vacancy arises in the office of a senator- or representative-at-large who was elected in representation of a Political Party, within the twelve (12) months prior to a General Election, said office shall be filled by the Presiding Officer of the corresponding Legislative Body upon a proposal of the central governing body of the Political Party to which such senator or representative belonged.

(3) Independent Legislator.

(a) When a vacancy arises in the office of a senator or representative elected as an Independent Candidate, whether for a district or at-large, the procedure below shall be followed:

i. The Governor, with the advice of the Commission, shall call a special election in the geoelectoral delimitation pertaining to the vacant office within thirty (30) days following the date on which the vacancy arose.

ii. Any Voter, whether or not affiliated to a Political Party, or a duly qualified Voter who fulfills the requirements entailed by such office, may be nominated as a Candidate in said special election.

iii. Active and valid voters registered in the General Voter Registry may vote.

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

v. When a vacancy arises within one hundred and twenty days (120) prior to the following General Election, said vacant office shall not be filled by a substitute.

(4) Mayor or Municipal Legislator.

Whenever a vacancy arises in the office of a Mayor or Municipal Legislator who had been elected in representation of a Political Party, even if he has not been sworn into office, the following shall be observed:

When the mayor-elect is not sworn into office on the date provided in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law, and if there is good cause for the delay, a period of fifteen (15) days shall be granted to do so. The Legislature shall request the local governing body of the political party that elected the mayor to submit a candidate to fill the vacancy. The Legislature shall make a formal request during the first regular session following the expiration date of the period established above, and the Secretary shall serve such request immediately in writing, return receipt requested. The candidate submitted by such local governing body shall be sworn in immediately after his selection and shall hold office for the original appointment term for which the person who was not sworn in was elected.

When the local governing body fails to submit a candidate within fifteen (15) days following the date of receipt of the request from the Legislature, the Secretary shall notify such fact, as soon as possible, to the President of the political party that elected the mayor. Said President shall proceed to fill the vacancy with the candidate proposed by the central governing body of the party that elected the mayor who caused the vacancy.

Any person who is selected to fill the vacancy left by a mayor-elect who was not sworn into office shall meet the eligibility requirements established in, Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law.

The President of the Municipal Legislature or the President of the political party concerned, as the case may be, shall notify the name of the person selected to fill the vacancy in the office of mayor to the State Election Commission in order for the latter to take cognizance thereof and issue the appropriate certification.

In the event of resignation, the mayor shall submit said resignation to the Municipal Legislature in writing, return receipt requested. The Legislature shall take cognizance thereof and immediately notify the local governing body and the state governing body of the political party that elected the resigning mayor. Said notice shall be served by the Secretary of the Legislature who shall keep a record of the date and manner of service and proof of service.

If the vacancy occurs on a non-election year, said governing body shall hold a special election, within thirty (30) days or less, among the members of the party to which the mayor who caused the vacancy belonged, in accordance with this Act.

If the vacancy arises in an election year, said local governing body shall submit to the Legislature a candidate to substitute the resigning mayor, within fifteen (15) days from receiving notice of said vacancy. When the local governing body fails to submit a candidate to the Legislature within the aforementioned period, the Secretary of the Legislature shall notify said fact, as soon as possible, to the President of the concerned political party, who shall proceed to fill the vacancy with the candidate proposed by the central governing body of the political party that elected the mayor who caused the vacancy.

Any person selected to fill the vacancy of a mayor who has resigned from office shall meet the eligibility requirements established in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law. The person selected shall be sworn

into office immediately after his selection and shall hold office for the remaining of the appointment term of the resigning mayor.

The President of the political party that elects the mayor shall notify the State Election Commission the name of the person selected to fill the vacancy left by the resigning Mayor in order for the Commission to issue the appropriate certification.

Any vacancy arising by reason of death, dismissal, total and permanent disability, or any other reason causing the office of mayor to be permanently vacant shall be filled as provided in this Act. In any case, the person selected to fill the vacancy in the office of mayor shall meet the eligibility requirements established in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law. The person selected shall be sworn into office immediately after his selection and shall hold office for the remaining of the appointment term of the mayor who caused the vacancy.

When a candidate elected as municipal legislator is not sworn into office on the date provided in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law, a period of fifteen (15) additional days shall be granted, counted from said date, to be sworn in and hold office, or to otherwise state the grounds that prevented him from appearing to his swearing-in. If the candidate-elect fails to appear within the aforementioned period to be sworn into office, and to state the grounds that prevent him from taking office, the Legislature shall notify such fact in writing, return receipt requested, to the local governing body of the political party that elected him. Together with the notice, the Legislature shall request said party to submit a candidate to substitute the elected municipal legislator in question within thirty (30) days following the receipt thereof. If the local governing body fails to act

on the Legislature's request within the aforementioned period, the Secretary of the Legislature shall notify said fact, within five (5) days following the expiration of said period, to the President of the political party that elected the municipal legislator who failed to be sworn in. The President shall fill the vacancy with the candidate proposed by the central governing body of the concerned political party. Any person selected to fill the vacancy caused by a municipal legislator-elect who failed to be sworn into office shall meet the eligibility requirements for the office established in Act No. 81-1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991," or any successor law. Said person shall take office as municipal legislator immediately after his selection, and shall hold it for the original appointment term of the person he is substituting. The President of the Municipal Legislature or the President of the political party concerned, as the case may be, shall notify the name of the person selected to fill the vacancy in the office of municipal legislator to the State Election Commission for the latter to issue the appropriate certificate of election.

Any member of the Legislature may resign from office through a written communication addressed to the Legislature and filed with the Secretary thereof. The Secretary shall confirm the receipt of the communication and immediately notify the President of the Legislature. The Secretary shall submit the resignation to the Legislature as a whole during the first regular or special session held immediately after receipt thereof. The office of the municipal legislator shall remain vacant as of the date of said session. The Secretary of the Legislature shall notify the vacancy within (5) five days from the end of the session as of which said resignation became effective by certified mail, return receipt requested, to the governing body of the local political party that elected the resigning municipal legislator. The local political body shall have fifteen (15) days to submit a candidate to substitute the resigning municipal legislator. The local President of the party shall

call the members of the Party's Municipal Committee to a Special Legislative Session where nominations shall be opened, a vote shall be taken, and the new municipal legislator shall be certified. The Secretary of the Committee shall prepare and certify the attendance record and vote tallies. The local President of the party shall send a copy of the party's Municipal Committee voting certification enclosed with the appropriate forms to the State Election Commission, another copy to the General Secretary of the Party representing the elected municipal legislator, and a final copy to the Secretary of the Legislature who shall notify it to the Legislature as a whole on the next regular or special session to be held. If the local political body fails to take action within the established period of fifteen (15) days, the Secretary of the Legislature shall notify the General Secretary of the political party that selected the resigning municipal legislator within five (5) days following the expiration of the aforementioned period. Upon being notified, the Secretary shall fill the vacancy with the candidate proposed by the central body of the concerned political party. Any person selected to fill the vacancy shall meet the eligibility requirements of the office established in this Act and in Act No. 81-1991, as amended, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991," or any successor law. The State Election Commission shall issue the appropriate election certificate upon receiving the notice with the name of the person selected to fill the vacancy of municipal legislator. Said notice shall be forwarded by the President of the Municipal Legislature, the local President of the political party, or the Secretary of the political party, as the case may be. Once the State Election Commission issues the certificate to the new municipal legislator, the President of the Legislature shall be sworn in before the Legislature as a whole during the first regular or special session held after the certificate is issued.

The Secretary of the Legislature, as soon as he becomes aware that one of the members of the Legislature has died or is totally and permanently disabled, shall furnish attesting evidence and inform the President of the Legislature as soon as possible. Likewise, he shall notify it in writing, return receipt requested, to the local governing committee of the political party that elected the municipal legislator in question, not[sic] within the five (5) days following the date on which he became aware of the death or total or permanent disability of the member of the Legislature in question.

When all of the elected municipal legislators refuse to be sworn into their respective offices, or when they resign after having been sworn into office, the mayor shall notify such fact immediately and simultaneously to the Governor of Puerto Rico, the State Election Commission, and the Presidents of the local and central governing bodies of the political parties that elected them. This notification shall be made in writing, return receipt requested, not later than five (5) days following the date on which the mayor became aware of the refusal of municipal legislators to be sworn into office. Within thirty (30) days following the date on which the mayor received the notice, as stated in the receipt thereof, the central and local governing bodies of the political parties that elected them shall submit the names of the substitute municipal legislators to the State Election Commission and a copy thereof to the mayor. The State Election Commission shall fill the vacancies with the persons proposed by the local and central governing bodies of the political party that elected the municipal legislators who have resigned or failed to be sworn into office. When there are discrepancies between the persons proposed by the local governing body and the central governing body of the political parties concerned with filling the vacancies, the recommendation of the central governing body shall prevail. The persons selected to fill the vacancies provided for in this Section shall meet the eligibility requirements for the office established in Act No. 81-1991, as

amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law.

The Legislature, with the approval of two-thirds (2/3) of the total membership and through a resolution to such effect, may declare vacant and remove from office any of its members on the following grounds: (a) The municipal legislator changes his domicile to another municipality; (b) the municipal legislator is absent from five (5) meetings, whether or not consecutive, which are equivalent to one (1) regular session, without good cause and having been duly called thereto; (c) is declared mentally disabled by a competent court or suffers from an illness that prevents him from discharging his duties as a municipal legislator. Every decision by a municipal Legislature to remove from and declare vacant the office of one of its members shall be notified in writing to the aggrieved municipal legislator through certified mail, return receipt requested, not later than two (2) days after such decision is made by the Legislature. In said notice, the municipal legislator shall be apprised of his right to be heard at a public hearing before the Legislature. Likewise, he shall be notified that the decision shall become final and binding ten (10) days after the date of receipt of said notice, unless within said time period he can show cause for which the decision of the Legislature should be rendered without effect.

Once they have been sworn in, the members of the Legislature shall only be removed from their offices through an impeachment process initiated by one-third (1/3) of the total membership and on the following grounds: (a) To have been convicted of a felony or misdemeanor entailing moral depravity. (b) To engage in immoral conduct. (c) To engage in unlawful acts entailing dereliction of duty, inexcusable neglect of duty, or injurious conduct against the best public interest in the discharge of their duties. Once the impeachment procedure begins, the president of the Legislature shall call a special session to deliberate and issue a decision on the charges filed against the municipal legislator concerned. The municipal legislators

who signed the statement of charges may participate in the process, but not in the deliberations nor in the decision rendered on the charges. A guilty verdict may only be rendered in an impeachment process with the concurrent vote of a majority of the members of the Legislature who did not sign the statement of charges. The decision thus issued shall be final and binding as of the date it is officially notified to the impeached municipal legislator, as stated in the receipt acknowledgment thereof. A guilty verdict shall entail the permanent removal of said person as a member of the Municipal Legislature. Moreover, said person shall be liable and subject to any civil, criminal, and administrative proceeding.

Individual vacancies that arise among the members of the Legislature by reason of resignation, death, total and permanent disability, removal from office, or impeachment, shall be filled according to the procedure established in this Act. Any person who is selected to fill the vacancy caused by the resignation, death, total or permanent disability, removal from office or impeachment of a municipal legislator, shall meet the eligibility requirements for the office established in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law. Said person shall be sworn into office immediately after being selected, and shall hold it for the term of the elected municipal legislator who was substituted.

(5) Mayor or Independent Municipal Legislator.

When an independent candidate has been elected as mayor or municipal legislator and a vacancy in said office arises even if he has not been sworn into office, the vacancy shall be filled according to the following:

When an independent candidate who has been elected as mayor is not sworn into office, becomes totally and permanently disabled, resigns, dies, or otherwise causes a vacancy in the office of mayor, the Legislature shall notify such

fact to the State Election Commission and the Governor in order to hold a special election to fill such vacancy.

This election shall be held in accordance with this Act and any voter affiliated to a political party or duly qualified voter who meets the requirements of the vacant office may nominate himself as a candidate for said election.

When an independent candidate elected as mayor causes a vacancy in said office within the twelve (12) months prior to the date of the general election, the Municipal Legislature shall fill said vacancy with the affirmative vote of not less than three quarters ($3/4$) of the total membership. When a period not to exceed sixty (60) days has elapsed without reaching such proportion of votes to elect the substitute Mayor, the Governor shall appoint the substitute from among the candidates that the Legislature has taken into consideration.

Any person elected to fill a vacancy shall meet the eligibility requirements established in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law.

When an independent candidate elected as mayor causes a permanent vacancy in said office, he shall be substituted by the temporary official provided for in the ordinance for temporary order of succession required by this Act.

When an independent candidate elected as municipal legislator is not sworn into office on the date provided in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law, or resigns, becomes totally or permanently disabled, or is removed from office, or impeached, the Secretary of the Legislature shall notify such fact in writing, return receipt requested, to the Governor and the State Election Commission in order to call a special election to fill the vacancy left in the office of municipal legislator within the thirty (30) days following the date of receipt of said

notice. When all of the members of a Legislature, who were elected as independent candidates, refuse to be sworn into office or resign at any time after being sworn in, the mayor shall notify such fact immediately to the Governor and the State Election Commission in order to call a special election within the aforementioned thirty (30) day period. Every special election called to fill the vacancies of municipal legislators elected as independent candidates shall be held in accordance with this Act. Any person selected to fill a vacancy in the office of municipal legislator as an independent candidate shall meet the eligibility requirements established in Act No. 81-1991, as amended, known as the “Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991,” or any successor law.

Section 9.6.- Voter Distribution.-

Puerto Rico shall be geoelectorally delimited into election precincts. The Commission shall numerically identify the election precincts in a sequential order taking as basis the municipal divisions provided by law and the division into senate and representative districts, as determined periodically by the Constitutional Board for the Revision of Senatorial and Representative Electoral Districts created by the Constitution of Puerto Rico.

Section 9.7.- Name and Emblem of the Political Parties on the Ballot.-

The name and emblem to be used by every Political Party on the ballot shall be the same they used in the previous General Election. Any changes made to the names and emblems of the Political Parties shall be notified to the Commission through a certification issued by the concerned central governing body not later than ninety (90) days prior to the General Election.

Before said date, every candidate for Governor, Resident Commissioner, legislator, Mayor, and Municipal Legislator may submit to the Commission any changes made to the name that shall be used on the ballot; provided, that it shall always include at least one of his names and one of his legal surnames. Moreover,

he may furnish a photograph or simple and distinctive emblem to be placed next to his name on the ballot except for the candidates for municipal legislators who shall appear on the ballot only with their names.

The name, photograph, or emblem may not include identifications or reference to titles or offices, nor campaign slogans.

Section 9.8.- Preparation and Distribution of Official and Sample Ballots.-

The Commission shall direct the production of ballots pertaining to each precinct after having approved their design and content, on or before seventy-five (75) days before a General Election. Every ballot designed and produced by the Commission, whether in print or electronic format, shall be of uniform size and color with respect to each candidacy category, and all of the text therein, except for the names of the persons, shall be in both English and Spanish, and in black ink. In the case of printed ballots, the paper shall be heavy so that the printed text does not show through to the back and so that it can be counted by the electronic canvass system.

Once the final design of every ballot is approved, the Commission shall produce printed and electronic versions of the sample ballots to familiarize voters with their content, candidacies, and the instructions on how to vote in each of them. In the case of printed ballots, these sample ballots shall be of the same color as the official ballots, but the thickness and size of the paper shall be different from the official ballots. These sample ballots shall be distributed not less than fifty (50) days prior to the date of the General Election. Contrary to the official ballots, sample ballots shall have on its face a watermark reading “MODELO-SAMPLE.” Sample ballots shall be delivered to the Election Commissioners of the Political Parties in the amounts prescribed by regulation. In the case of Parties by Petition and Independent Candidates, sample ballots shall be delivered in proportion to the twenty percent (20%) of the endorsement petitions they had been legally required to

file to be certified. Moreover, sample ballots of the ballots to be used in every polling place on the day of the election shall be printed in both English and Spanish.

Section 9.9.- Types of Ballots in a General Election.-

(1) In every General Election, ballots of different colors and backgrounds shall be designed, one of which shall include under the emblem of the appropriate political party, its candidates for governor and resident commissioner; another one shall include, under the emblem of the appropriate political party, its candidates for legislators; another one shall include, under the appropriate political party emblem, the names of the candidates for mayor and municipal legislators; and another ballot for the Presidential Election, which shall be held together with the General Election, beginning in the 2024 General Election. Each of the above ballots shall be designed to allow voters full control thereof until the time in which voters directly record or cast their votes in an electronic voting machine or vote counting device. Instructions shall be printed both in Spanish and English.

Subject to the provisions of this Section 9.11 of this Act, the Commission shall prescribe through regulations, the design and the text that shall appear on the ballots to be used in each election.

The instructions for voting a ballot shall be printed on each ballot both in Spanish and in English, respectively.

(2) Every paper or electronic ballot shall be designed to allow Voters full control thereof until the time in which voters directly record and cast their votes in an electronic voting machine or vote counting device. Final action on any voted ballot shall be taken by direct interaction of the Voter with the electronic voting machine or electronic canvass system.

(3) Any electronic device or machine used by the Commission for Voters to cast a final vote must be capable of making up to two (2) warnings to the Voter in the event the Voter has made his markings incorrectly and contrary to the

instructions printed thereon. However, if the Voter insists that such incorrect marks constitute his intent, it must be thus accepted by any electronic device used by the Commission.

Section 9.10.- Instructions for Voters on General Election Ballots.-

The instructions for Voters on how to use each one of the ballots in a General Election shall be stated in any available space left after its configuration and design. If there is no enough space available, then the instructions for Voters shall be printed on the back of the ballot, in the case of printed ballots; and on a contiguous page, different than the voting page of each ballot, in the case of an electronic ballot. The instructions for voters to be printed on the General Election ballots, in Spanish and English, shall be the following:

(1) State Ballot.

INSTRUCCIONES PARA VOTAR EN LA PAPELETA ESTATAL

Tenga presente que en esta papeleta usted tiene derecho a votar por un (1) Candidato a Gobernador y un (1) Candidato a Comisionado Residente en Washington D.C.

INSTRUCTIONS TO CAST A VOTE ON THE STATE BALLOT

Keep in mind that on this ballot you have the right to vote for one (1) candidate for Governor and one (1) candidate for Resident Commissioner of Puerto Rico in Washington D.C.

CÓMO VOTAR ÍNTEGRO

Para votar íntegro, usted hace una sola marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia, y no haga más marcas en la papeleta.

HOW TO CAST A STRAIGHT-PARTY VOTE

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

CÓMO VOTAR MIXTO

Para votar mixto, usted hace una marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia y hace una marca válida dentro del rectángulo en blanco al lado de cualquier candidato en la columna de otro partido o candidato independiente o escribe el nombre o nombres completos de otras personas en la columna de nominación directa y hace una marca válida dentro del rectángulo en blanco al lado de cada nombre escrito.

HOW TO CAST A SPLIT-TICKET (SPLIT BALLOT, MIXED OR CROSSOVER)

To cast a split ticket vote, place a valid “mark” next to a candidate or a combination of candidates outside of your party’s column, or write-in the name or another person of your preference for the appropriate office using the last column for Direct-Nomination Votes.

CÓMO VOTAR POR CANDIDATURA

Cuando un elector no interesa votar por un partido en particular, y quiere votar específicamente por candidaturas, hace una marca válida dentro del rectángulo en blanco al lado del candidato de su preferencia; o puede votar por otras personas que no aparecen como candidatos escribiendo el nombre completo en la columna de nominación directa y hace una marca válida dentro del rectángulo en blanco al lado del nombre escrito.

HOW TO VOTE FOR INDIVIDUAL CANDIDATES

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

CÓMO VOTAR POR CANDIDATOS INDEPENDIENTES

En esta columna usted puede votar por un candidato o candidata independiente. Para votar por un candidato independiente, usted hace una marca válida dentro del rectángulo en blanco al lado del nombre del candidato.

HOW TO VOTE FOR INDEPENDENT CANDIDATES

In this column you can cast a vote for an independent candidate. To cast a vote for an independent candidate, you make a valid mark; within the white rectangle to the side of the name of the candidate.

CÓMO VOTAR NOMINACIÓN DIRECTA

En esta columna, usted puede nominar a una persona distinta a las que aparecen como candidatos o candidatas en las columnas anteriores. Para nominar una persona, usted escribe el nombre completo de la persona que desee nominar y al lado del nombre hace una marca válida dentro del rectángulo en blanco.

HOW TO VOTE FOR WRITE IN CANDIDATES

In this column you can nominate a person different from the ones that appear as candidates in previous columns. To cast a vote for a write in candidate, you make a valid mark within the white rectangle to the side of the full name of the person you wrote in and to vote for.

(2) Legislative Ballot:

INSTRUCCIONES SOBRE LA FORMA DE VOTAR EN LA PAPELETA LEGISLATIVA

Tenga presente que en esta papeleta usted tiene derecho a votar por un (1) Representante por Distrito, dos (2) Senadores por Distrito, un (1) Representante por Acumulación y un (1) Senador por Acumulación.

INSTRUCTIONS ON HOW TO VOTE ON THE LEGISLATIVE BALLOT

Keep in mind that on this ballot you have the right to vote for one (1) District Representative, two (2) District Senators, one (1) At Large Representative, and one At Large Senator.

CÓMO VOTAR ÍNTEGRO

Para votar íntegro usted hace una sola marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia. Esa sola marca es válida para el (la) candidato a Representante por Distrito, los dos (2) candidatos a Senadores por Distrito, el candidato a Representante por Acumulación en la posición 4 de la papeleta y el candidato a Senador por Acumulación en la posición 10 de la papeleta.

HOW TO CAST A STRAIGHT PARTY VOTE

To cast a straight party vote you make a single valid mark; within the white rectangle under the insignia of the political party of your choice. This single mark is valid for the candidate for District Representative, the two (2) candidates for District Senators, the candidate for At Large Representative in position 4 of the ballot, and the candidate for At Large Senator in the position 10 of the ballot.

CÓMO VOTAR MIXTO

Para votar mixto, usted hace una marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia y hace una marca válida dentro del rectángulo en blanco al lado de cualquier candidato o combinación de candidatos en la columna de otro partido o candidato independiente; o escribe el nombre o nombres completos de otras personas en la columna de nominación directa y hace una marca válida dentro del rectángulo en blanco al lado de cada nombre escrito. También puede votar mixto haciendo una marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia y hace una marca válida dentro del rectángulo en blanco al lado de un candidato a Representante por Acumulación del mismo Partido, pero distinto al que aparece en la posición 4 de la papeleta; o dentro del rectángulo en blanco al lado de un candidato a Senador por Acumulación del mismo partido, pero distinto al que aparece en la posición 10 de la papeleta.

HOW TO CAST A MIXED OR CROSSOVER VOTE

To cast a mixed or crossover vote, you make one valid mark; within the white rectangle under the insignia of the political party of their choice and make a valid mark; within the white rectangle to the side of any candidate or combination of candidates in the column of another party, or an independent candidate, or by writing the full name of other people in the column for write in and making a valid mark within the white rectangle to the side of each name entered. You can also cast a mixed or crossover vote by making one valid mark within the white rectangle under the insignia of the political party of your choice, and making a valid mark within the white rectangle to the side of a candidate for At-Large Representative of the same party, but different from the candidate which appears in the position 4 of the ballot, or within the rectangle to the side of a candidate for At Large Senator of the from same party, but different from the candidate which appears the position 10 of the ballot.

CÓMO VOTAR POR CANDIDATURA

Para votar por candidatura, usted hace una marca válida dentro del rectángulo en blanco al lado del candidato o los candidatos de su preferencia; o puede votar por otras personas que no aparecen como candidatos escribiendo el nombre o nombres completos en la columna de nominación directa y hace una marca válida dentro del rectángulo en blanco al lado de cada nombre escrito.

HOW TO CAST A VOTE BY CANDIDACY

To cast a vote by candidacy, you make a valid mark within the white rectangle to the side of the candidate or candidates of your preference, or you can vote for other people who do not appear as candidates by writing his/her full name in the column for write in and making a valid mark within the white rectangle to the side of each name entered.

CÓMO VOTAR POR CANDIDATOS INDEPENDIENTES

En esta columna usted puede votar por un candidato o candidata independiente. Para votar por un candidato independiente, usted hace una marca válida dentro del rectángulo en blanco al lado del nombre del candidato o candidata.

HOW TO VOTE FOR INDEPENDENT CANDIDATES

In this column you can cast a vote for an independent candidate. To cast a vote for an independent candidate, you make a valid mark within the white rectangle to the side of the name of the candidate.

CÓMO VOTAR NOMINACIÓN DIRECTA

En esta columna, usted puede nominar personas distintas a las que aparecen como candidatos o candidatas en las columnas anteriores. Para nominar una persona, usted escribe el nombre completo de la persona que desee nominar y al lado hace una marca válida dentro del rectángulo en blanco.

HOW TO VOTE FOR WRITE-IN CANDIDATES

In this column you can nominate people different from the ones that appear as candidates in previous columns. To cast a vote for a write-in candidate, you make a valid mark within the white rectangle to side of the full name of the person you wrote in and to vote for.

(3) Municipal Ballot.

INSTRUCCIONES SOBRE LA FORMA DE VOTAR EN LA PAPELETA MUNICIPAL

En esta papeleta, usted tiene derecho a votar por un Alcalde y por tantos Legisladores Municipales como la cantidad máxima que aparece enumerada en la papeleta para dicho cargo. Tenga presente que solo podrá votar por un (1) candidato a Alcalde, y si vota por más candidatos a Legisladores Municipales de los que tiene derecho a votar, se anulará el voto para esos cargos.

INSTRUCTIONS ON HOW TO VOTE IN THE MUNICIPAL BALLOT

Keep in mind that on this ballot you have the right to vote for a Mayor and for as many Municipal Legislators as the maximum amount listed on the ballot for said positions. Keep in mind that if you vote for more than one Mayoral candidate or more than the number of Municipal Legislators you are entitled to elect, you will nullify your vote for those offices.

CÓMO VOTAR ÍNTEGRO

Para votar íntegro, usted hace una sola marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia. Esa sola marca es válida para el candidato a alcalde y para todos los candidatos a legisladores municipales.

HOW TO CAST A STRAIGHT PARTY VOTE

To cast a straight party vote, you make a single valid mark within the white rectangle under the insignia of the political party of your choice. This single mark is valid for the candidate for Mayor and for all the candidates for the municipal legislators.

CÓMO VOTAR MIXTO

Para votar mixto, usted hace una marca válida dentro del rectángulo en blanco bajo la insignia del partido político de su preferencia y hace una marca válida dentro del rectángulo en blanco al lado de cualquier candidato o combinación de candidatos en la columna de otro partido o para candidato independiente; o escribe el nombre o nombres completos de otras personas en la columna de nominación

directa y hace una marca válida dentro del rectángulo en blanco al lado de cada nombre escrito.

HOW TO CAST A SPLIT TICKET (SPLIT, MIXED OR CROSSOVER) VOTE

To cast a split ticket, mixed, or crossover vote, you make a valid mark within the white rectangle under the insignia of the political party of your choice and make a valid mark within the white rectangle to the side of any candidate or combination of candidate in the column of another party, or independent candidate, or by writing the full name of other people in the column for write in and making a valid mark within the white rectangle to the side of each name entered.

CÓMO VOTAR POR CANDIDATURA

Para votar por candidatura, usted hace una marca válida dentro del rectángulo en blanco al lado del candidato o los candidatos de su preferencia; o puede votar por otras personas que no aparecen como candidatos escribiendo el nombre o nombres completos en la columna de nominación directa y hace una marca válida dentro del rectángulo en blanco al lado de cada nombre escrito.

HOW TO CAST A VOTE BY CANDIDACY

To cast a vote by candidacy, you make a valid mark; within the white rectangle to the side of the of the candidate or candidates of your preference, or you can vote for people who do not appear as candidates by writing his/her full name in the column for write in and making a valid mark; within the white rectangle to the side of each name entered.

CÓMO VOTAR POR CANDIDATOS INDEPENDIENTES

En esta columna, usted puede votar por un candidato o candidata independiente. Para votar por un candidato independiente, usted hace una marca válida dentro del rectángulo en blanco al lado del nombre del candidato.

HOW TO VOTE FOR INDEPENDENT CANDIDATES

In this column you can cast a vote for an independent candidate. To cast a vote for an independent candidate, you make a valid mark within the white rectangle to the side of the name of the candidate. The mark(s) is (are) not within the white rectangles.

CÓMO VOTAR POR NOMINACIÓN DIRECTA

En esta columna, usted puede nominar personas distintas a las que aparecen como candidatos o candidatas en las columnas anteriores. Para nominar una persona, usted escribe el nombre completo de la persona que desee nominar y hace una marca válida dentro del rectángulo en blanco al lado del nombre escrito.

HOW TO VOTE FOR WRITE-IN CANDIDATES

In this column you can nominate people different from the ones that appear as candidates in previous columns. To cast a vote for a write-in candidate, you make a valid mark within the white rectangle to side of the full name of the person you wrote in and to vote for.

CÓMO VOTAR POR CANDIDATOS INDEPENDIENTES

En esta columna, usted puede votar por un candidato o candidata independiente. Para votar por un(a) candidato(a) independiente usted hace una marca válida dentro del rectángulo en blanco al lado del nombre del candidato o candidata.

HOW TO VOTE FOR INDEPENDENT CANDIDATES

In this column you can cast a vote for an independent candidate. To cast a vote for an independent candidate, you make a valid mark within the white rectangle to the side of the name of the candidate.

(4) Presidential Ballot.

The instructions on how to vote this ballot shall be adopted as provided in Section 9.11 (5) of this Act.

Section 9.11.- Ballot Configuration and Design.-

The ballot configuration and design for a General Election shall be the following:

(1) State Ballot.

(a) At the top of the Ballot: In each column of the candidates for Governor and Resident Commissioner of each State Party, their appropriate emblems, if any, shall be placed.

If there are no emblems, the space shall remain empty. In the respective column of each Independent Candidate for Governor and Resident Commissioner, this space at the top of the ballot reserved for emblems shall always remain empty.

Immediately below the emblem of each Political Party, there shall be a blank rectangle with enough space for the Voter to make his mark under the emblem. The official name of the Political Party to which each emblem belongs, as certified by the Commission, shall be placed below each rectangle. In each column pertaining to Independent Candidates for Governor and Resident Commissioner, the spaces reserved for the rectangle to mark the vote and for the name of the party shall remain empty always.

(b) At the bottom of the Ballot: Each column of the candidates for Governor and Resident Commissioner of each State Party or the column of Independent Candidates shall be a continuation of its respective column at the top of the ballot. In each column of the candidates for Governor and Resident Commissioner of each State Party or the column of Independent Candidates, the office title “Gobernador” and its translation “Governor” shall be placed first and, below the office title, there shall appear the name of the candidate for Governor pertaining to each column. Immediately below, there shall be placed the office title “Comisionado Residente” and its translation “Resident Commissioner” and, below the office title, there shall appear the name of the candidate for Resident Commissioner pertaining to each column.

(2) Legislative Ballot.

(a) At the top of the Ballot: In each column of the candidates for elective office in the Legislative Assembly of each State Party, Legislative Party, or Legislative Party by Petition, their appropriate emblems, if any, shall be placed. If there are no emblems, the space shall remain empty. In the respective column of

each Independent Candidate for elective office in the Legislative Assembly, the space at the top of the ballot reserved for the emblem shall always remain empty

Immediately below the emblem of each Political Party, there shall be a blank rectangle with enough space for the Voter to make his mark under the emblem. The official name of the Political Party to which each emblem belongs, as certified by the Commission, shall appear below each rectangle. In each column pertaining to Independent Candidates for elective office in the Legislative Assembly, the spaces reserved for the rectangle to mark the vote and for the name of the party shall remain empty.

(b) At the bottom of the Ballot: Each column of the candidates for elective office in the Legislative Assembly of each of each State Party, Legislative Party, Legislative Party by Petition, or Independent Candidates shall be a continuation of its respective column at the top of the ballot. In each of the respective columns, the following shall be placed in the following order:

i. The office title “Representante de Distrito” and its translation “District Representative.” The name of the candidate for District Representative pertaining to each column shall be placed immediately below the office title.

ii. The office title “Senador de Distrito” and its translation “District Senator” shall be placed immediately below the name of the Candidate for district representative; and the name or names of up to two (2) candidates for district senators shall be placed below the office title, in the respective column or columns.

iii. The office title “Representante por Acumulación” and its translation “Representative At-large” shall be placed immediately below the name of the Candidates for district senator; and the name or names of up to six (6) candidates for representatives at-large shall be placed below the office title, in their respective columns.

iv. The office title “Senador por Acumulación” and its translation “Senator At-large” shall be placed immediately below the name of the Candidates for representatives at-large; and the name or names of up to six (6) candidates for senators at-large shall be placed below the office title, in the respective column or columns

v. Every individual independent candidate running for district senator shall be placed in the same column as all other individual independent candidates for this office until there are two (2) candidates in the same column. If there are more than two (2) individual independent candidates running for district senator, an additional similar column shall be placed on the ballot.

vi. Every individual independent candidate for representative at-large shall be placed in the same column as all other individual independent candidates for this office until there are six (6) candidates in the same column. If there are more than six (6) independent candidates running for representative at-large, an additional similar column shall be placed on the ballot.

vii. Every individual independent candidate for senator at-large shall be placed in the same column as all other individual independent candidates for this office until there are six (6) candidates in the same column. If there are more than six (6) independent candidates running for representative at-large [sic] an additional column shall be placed on the ballot.

(3) Municipal Ballot.

(a) At the top of the Ballot: In each column of the candidates for Mayor and Municipal Legislator of each State Party, Municipal Party, or Municipal Party by Petition, their appropriate emblems, if any, shall be placed. If there are no emblems, the space shall remain empty. In each column pertaining to Independent Candidates for Mayor and Municipal Legislator, the space at the top of the ballot reserved for the emblem shall always remain empty.

Immediately below the emblem of each Political Party, there shall be a blank with rectangle with enough space for the Voter to make his mark under the emblem. The official name of the Political Party to which each emblem belongs, as certified by the Commission, shall be placed below each rectangle. In each column pertaining to Independent Candidates for Mayor and Municipal Legislator, the spaces reserved for the rectangle to mark the vote and for the name of the party shall remain empty.

(b) At the bottom of the Ballot: Each column of the candidates for Mayor and Municipal Legislator of each State Party, Municipal Party, or Municipal Party by Petition, or the column of independent candidates for Mayor or Municipal Legislator shall be a continuation of its respective column at the top of the ballot. In each of the respective columns, the following shall be placed in the following order:

i. The office title “Alcalde” and its translation “Mayor.” The name of the candidate for Mayor pertaining to each column shall be placed immediately below the office title.

ii. The office title “Legisladores Municipales” and its translation “Municipal Legislators” shall be placed immediately below the name of the candidate for mayor; and the name or names of up to thirteen (13) candidates for Municipal Legislators in a group of candidates pledged to a candidate for Mayor of a party or to an Independent Candidate for Mayor shall be placed below the office title.

iii. Every individual independent candidate for Mayor, without a group of pledged candidates for municipal legislators shall have his own column on the ballot.

iv. Every individual independent candidate for Municipal Legislator who does not belong to a group of pledged candidates for municipal legislators shall be placed in the same column as all other individual independent

candidates for this type of office until there are thirteen (13) candidates in the same column. If there are thirteen (13) or more individual independent candidates running for municipal legislators, an additional similar column shall be placed on the ballot.

(4) Presidential Ballot:

(a) The Chair of the Commission and the electoral representatives of the Presidential Candidates shall design a ballot, in both official languages (Spanish and English), for the Presidential Election of 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 of the Commission and the Presidential Election Officials shall prescribe through Resolution the design and the text to be printed on the ballot of the Presidential Election.

(b) 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 of America 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; and below this, the name of the candidates, and the offices for which they were nominated: President and Vice President.

(c) The order or column in where the name 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 Commission, in the presence of the electoral representatives of the Presidential Candidates. The voting instructions shall also be printed on each ballot. The name of the Electors shall not appear on the ballot.

(d) Candidates for President of the United States of America who participate in the Presidential Election in Puerto Rico shall notify the Chair of the 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.

If no consensus is reached among the officials or representatives of the Presidential Candidates with respect to the design of this ballot, the Chair of the Commission shall design the ballot in accordance with the general rules used in the states of the Union.

(6)[sic] The names of all candidates shall be placed in same-sized boxes in their respective columns, below their respective office titles; they shall also be at the same distance from each other, and printed in a font size that allows them to be legible.

(7) A number assigned by the Commission shall be placed to the left of each candidate's name as well as a blank rectangle with sufficient space for Voters to make any valid mark. The names of the candidates on the ballot shall always include, at least, one of the candidate's names and one legal surname.

(8) On any border of the ballot, without crossing over to the area of the columns and voting boxes, the Commission may print any type of marking or code necessary for the electronic processing, transmission, and tabulation of the ballot, but never an element that may identify the voter and how he voted.

(9) Subject to the provisions of this Act, the Commission shall regulate the graphic design of every General Election ballot and any voting event provided by law; as well as the lines, their thickness, colors, and other artistic elements that make them easily readable and understandable by Voters. Ballots shall always be uniform as to their respective types or categories, including the size of the candidate's columns and boxes.

(10) The Commission shall print on the Legislative Ballot the names of the candidates for senators- and representatives-at-large in the same order they were certified for each municipality or precinct by the central governing body of the Political Party entitled to nominate candidates.

(11) All ballots shall include a column entitled “write-in,” without any emblem, which shall include, just as the columns for Political Parties and Independent Candidates, the office titles to be voted on in the election and, below said office titles, in lieu of the names of the candidates, as many blank lines as candidates to be voted on for said office. Any Voter who wishes to vote for candidates that do not appear in the Political Parties or Independent Candidates’ columns, may do so by writing the name or names of such candidates in the space provided therefor in the write-in column, and may also vote for other candidates who appear in other spaces of the ballot by making a mark in the space of each of said candidates, provided, that it is not incompatible with those for which the Voter voted in the write-in column.

(12) Subject to the guidelines established by this Act and those adopted by the Commission through regulations, the Special Election Special Commission or the Primary Commission of a Political Party shall provide in their bylaws, the design and content of the ballots to be used in the case of a special election where the Political Party has more than one candidate to fill a vacancy in an elective public office left by an official who was elected in representation of said Political Party, in a primary or alternate method, as appropriate.

(13) In the case of a Special Election to fill a vacancy in an elective public office left by an official who was elected as an Independent Candidate or in representation of a Political Party, and said Party shall not present a candidate to fill the vacancy within the period prescribed in this Act, the Commission shall prescribe the design and content of each ballot to be used in said special election.

Section 9.12.- Order of Candidates on Ballot.-

In the General Election, the columns where the names of the Candidates for each office shall be placed on the ballots shall be arranged from left to right. Said placement shall begin with the name and emblem of the “Majority State Party,” and shall continue thereafter in the same manner with the “Major State Party” that came in second based on the number of valid votes polled, as defined in this Act, until the columns of the Candidates of all Political Parties that participated in the previous General Election and kept their registered status are placed.

The columns for the Candidates of Parties by Petition shall be then placed in the order in which they completed their registration certification with the Commission, followed by the columns for Independent Candidates according to the date on which they fulfilled the requirements to obtain their registration certificate. A blank space shall be provide on the right side of the ballot for each elective public office where voters may vote by writing in the name of a person they wish to elect for a particular office included on said ballot.

Section 9.13.- Poll Books.-

The Commission shall deliver to every Major State Party, State Party, State Party by Petition, National Party of the United States of America, and Independent Candidate for Governor or Resident Commissioner, or President of the United States of America certified to participate in the next General Election, one (1) printed and electronic copy of the poll book to be used in said voting event at every election precinct of Puerto Rico.

The Commission shall deliver to every Legislative Party, Legislative Party By Petition, Municipal Party, Municipal Party by Petition, and Independent Candidate running for elective office in the Legislative Assembly or for Mayor, or Municipal Legislator which are certified to participate in the next General Election, one (1) printed and digital copy of the poll book to be used in said voting event within the

geoelectoral delimitation corresponding to their respective candidacies as certified by the Commission.

Poll Books to be used in a referendum or plebiscite shall be delivered by the Commission as prescribed in the enabling act that provides for the holding of said voting event. Absent a provision to such effect, the delivery shall be made not later than ten (10) days after the deadline for voter registration in the General Voter Registry.

For a special election, the poll book request and delivery process shall be prescribed by regulations to be adopted by the Commission or Special Commission, as the case may be.

All printed and electronic poll books shall be delivered within twenty (20) days after the deadline for voter registration in the General Voter Registry.

The Commission shall design an acknowledgment of receipt form to be signed by the recipient of each of these poll books whereby the latter and all other members of his party or organization commit to using poll books specifically for election-related purposes; and to not use the poll books and the contents thereof, whether in whole or in part, for any other purpose under penalty of a felony election offense.

Section 9.14.- Polling Places.-

(1) The Local Commission, with the approval of the Commission, shall determine the location of the polling places at the polling centers within the Electoral Unit comprising the voters domiciled therein, not later than one hundred (100) days before a General Election or voting event. Likewise, the Commission shall inform the central governing bodies of all Political Parties, Independent Candidates, and citizen groups entitled to participate in the voting event about the number of polling places to be used.

(2) For any General Election and voting event other than a primary, the Commission shall determine the maximum number of active voters to be assigned to vote at each Polling Place, excluding from said computation voters identified with the code “A-2” in the General Voter Registry.

(3) All the polling places of an Electoral Unit shall be established in the same polling center.

Section 9.15.- Special Polling Place for Provisional Voting.-

A special polling place shall be set up in every polling center of an Electoral Unit for voters who do not appear in the poll books, but demand their right to vote. To cast a provisional ballot, the Voter must show proof of identity by providing the polling place officials with his Voter Identification Card or any other personal identification card authorized by this Act for election-related purposes. The Commission shall prescribe all other requirements and procedures by regulations in order to guarantee the right to vote of voters whose identity has been verified.

Section 9.16.- Accessible Polling Place.-

Pursuant to the accessibility guidelines set forth in the Americans with Disabilities Act, entitled *Accessibility Guidelines for Buildings and Facilities*, (ADAAG), an accessible polling place shall be available in every polling center of an Electoral Unit to facilitate the voting process for voters with physical disabilities, limitations or barriers that may affect their mobility.

The use of an accessible polling place shall not be denied to any voter who so requests it, regardless of the judgment or assessment of any official or Voter.

The accessible polling place Board shall add the Voter to its poll book and, once the voter has completed the voting process, said fact shall be notified to the Board of the polling place where the Voter is registered.

The Commission shall make available at every polling center, residence, or both, an accessible voting system for visually impaired or blind voters, so that the Voter may cast a secret ballot and independently.

The system shall have the same Voter notification features to ensure that the ballot is counted according to the Voter's intent.

Section 9.17.- Location of Polling Centers.-

(1) Polling centers shall be established, preferably, in any available state or municipal public buildings located next to highways, roads, or streets that are easily accessible to automobiles and pedestrians.

(2) The officials responsible for the administration of structures of the state government, or any of its agencies or instrumentalities, or of any municipal government shall be required to make them available for the holding of any voting event authorized by law or sponsored by the Commission. In these cases, no compensation or bond for the use thereof shall be demanded from the Commission or any of the bodies thereof. Any official who without good cause fails to meet this requirement shall be subject to an election offense.

(3) The Commission may also establish polling centers in private premises and housing facilities, pursuant to the regulations adopted by the Commission to such effect. Private entities that receive public funds, and that provide direct services to the citizens, shall make their structures or facilities available to be used by the Commission as polling centers without requiring compensation or a bond for the use thereof.

(4) If there are no adequate premises in an Electoral Unit, or when due to force majeure or public safety it is so required, polling centers may be established in the nearest adjacent Electoral Unit accessible through state or local roads. Upon reaching this decision, the Commission shall immediately notify it to the Chair of the Local Commission for immediate implementation thereof. The State

Commission shall broadly advertise it among the voters who shall attend said polling center, in order to guarantee their right to vote.

Section 9.18.- Change of Polling Center.-

Even on the same day of a General Election or a voting event, the Commission may transfer any polling center, provided that, by reason of force majeure or public safety, the Local Commission so requests it by a unanimous vote.

Section 9.19.- Oath of Polling Place Officials.-

The written oath to be taken by every Inspector, Secretary, Assistant, and Observer, or any other election official before taking on his duties in the Electoral Unit Board or Polling Place, shall be the following:

“I do solemnly swear (or affirm) that I will faithfully and honestly discharge the duties of the office of _____ to which I have been appointed at Polling Place No. _____ of Electoral Unit _____ of Precinct _____ for the _____ Party or for Independent Candidate _____; and that none of the incompatibilities prescribed in the Puerto Rico Election Code of 2020 with regards to my acceptance of this office are present; that I am neither a Hopeful nor a Candidate for any elective public office in this voting event; that I am an active, valid registered voter of the municipality of _____, with Voter Identification Number _____; and that I will discharge the duties of this office in accordance with the provisions of the Puerto Rico Election Code of 2020, the regulations approved thereunder, and the decisions made by the State Election Commission in accordance therewith.

Affiant

Sworn and signed before me on this ____ day of _____, 20__, in _____, Puerto Rico.

Official administering the oath”

This oath may be administered by any official authorized by the Commission or any official authorized by law to administer oaths in Puerto Rico.

Section 9.20.- Substitution of Polling Place Officials.-

On the day of a General Election or a voting event, and at any time before the canvass starts, any Political Party, Independent Candidate, or Citizen Group certified by the Commission to participate, may replace any polling place official appointed as provided in this Act.

The polling place official or substitute who joins the Polling Place Board after the voting event started shall not exercise his right to vote in that polling place unless he is a Voter thereof.

Section 9.21.- Authority of Polling Place Officials.-

The Commission shall prescribe by regulations the duties to be assigned to and discharged by all polling place officials and each of the Official Inspectors of the Majority State Party. The Chair of the Polling Place Board shall be the Inspector of the Majority State Party.

Every Official Polling Place Board Inspector shall have voting rights in the proceedings thereof.

Substitute Inspectors and Secretaries shall perform the duties assigned to them by the Polling Place Board and participate in the works thereof, but Substitute Inspectors may only vote as members thereof when they are substituting for their Official Inspectors.

Section 9.22.- Polling Place Materials and Equipment.-

(1) The quantity of materials and equipment to be available in every Polling Place shall be prescribed through the Commission’s regulations. Likewise, the

Commission shall provide the necessary facilities and equipment so that persons with disabilities may exercise their right to vote.

(2) The Commission shall provide sufficient election materials and equipment to guarantee the vote of every person registered in each Polling Place, and shall provide official inspectors with access to printed or Electronic Poll Books, as appropriate, to record and control voters' attendance. It shall also provide every Electoral Unit Board with the replacement materials and equipment that would be used in the event any polling place may need them, as prescribed by regulations. In both cases, a written receipt shall be issued for the materials and equipment received. The Commission shall adopt through regulations the delivery and disposition method for the equipment and materials needed for the voting event.

(3) Local Commissions shall be charged with the custody and safekeeping of all materials and equipment until they are delivered to the appropriate unit boards, and shall ensure that said materials and equipment are returned for delivery thereof back to the Commission. An itemized receipt shall also be signed upon delivery and receipt of all materials and equipment to the Electoral Unit Board.

(4) Unit Boards shall deliver the materials and equipment to the Polling Place Board and obtain a receipt to such effect, and shall ensure that unused materials and equipment are returned for their subsequent transfer to the Local Commission.

Section 9.23.- Delivery of Election Materials and Equipment.-

(1) On the day of a General Election or a voting event, the inspectors shall be in their respective Polling Places at the time provided for by the Commission and ready to receive the election materials and equipment from the Unit Board, the Local Commission, or the representative thereof.

(2) In a General Election, every Local Commission shall deliver to each Unit Board the election materials and equipment furnished by the Commission to be used in each Polling Place. Local Commissions shall require a receipt signed by each

of the Unit Board members present at the time of the delivery. The Unit Board shall be responsible for the safekeeping and transfer of the election materials and equipment to the appropriate polling center.

(3) Absent a Unit Board, the Local Commission shall be responsible for delivering the election materials and equipment to the appropriate polling center, ensuring at all times the safety and control thereof.

(4) On the day of a General Election, a voting event, or registration in a Temporary Registration Board (TRB), the Puerto Rico Police shall provide sufficient regular personnel to ensure the safety, order, and observance of the law in every Local Commission office and in every Electoral Unit polling center. Likewise, and upon the Commission or Local Commission's request, the Police shall provide protection and escort services during the transport of election materials and equipment.

(5) Those municipalities that have a Municipal Police shall provide support to the Puerto Rico Police in fulfilling their security and order duties.

Section 9.24.- Inspection of Election Materials.-

Every Unit Board shall deliver the election materials to their respective Polling Place Boards. Polling Place Boards shall receive, inspect, and prepare the election materials and equipment as prescribed in the Commission's regulations.

Section 9.25.- Indelible Ink; Selection and Procedure.-

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

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

Voters who due to physical, religious, or personal reasons refuse to use said ink at the time of voting shall arrive at the Polling Place before it closes and shall only cast their vote after it has closed.

Section 9.26.- General Election Voting Process.-

(1) The Voter's identity shall be verified upon an examination of his personal circumstances contained in the printed or Electronic Polling Book, as appropriate, and any of the identification cards authorized in Section 5.13 of this Act, provided that it is valid. If this verification is sufficient to establish the Voter's identity, he shall sign or make a mark on the line or electronic record where his name appears on the poll book and proceed to ink his finger. Voters who fail to show a valid identification authorized by this Act shall vote at the "Polling Place for Provisional Voting."

(2) Upon completion of the identity verification and inking processes, the Voter shall receive the paper ballot or ballots or be granted access to an electronic voting machine, in accordance with the voting methods provided in this Act and its implementation calendar.

(3) After the Voter receives the paper ballot or ballots or is granted access to a voting device containing the electronic versions of the ballots, the Voter shall have full control of the ballots and mark them in an independent, private, and secret manner. Likewise, the Voter shall have absolute control of the ballots until he feeds them to the electronic canvass system to confirm that he has voted according to his intent and his votes are duly recorded, or until the electronic voting machine on which he is voting confirms his selections.

(4) Every Voter shall be guaranteed the secrecy of his ballot. A Voter shall request assistance or information from Polling Place Inspectors out loud so that all members of the Polling Place Board are aware of his question and of who shall assist the Voter and how. If the Voter fails to ask for assistance out loud, the Board Official

who first becomes aware of the request shall state out loud: “voter requests assistance.” No Polling Place official or Inspector shall assist a voter if this requirement is not met or if the other officials are unaware of his intervention.

(5) No other person in a Polling Place is allowed to intervene and instruct any Voter as to the manner of voting.

(6) Voters shall leave the Polling Place immediately after completing the voting process.

(7) The Commission shall regulate the provisions of this Section.

Section 9.27.- Manner of Voting.-

(1) The Commission shall prescribe through regulations, the manner in which voters shall mark their ballots. Whether it is a printed, a paper, or an electronic ballot, the manner of marking the ballot to be regulated shall be the simplest possible and shall allow for the casting of a straight-ticket or a split-ticket, an individual candidate vote, or a write-in vote.

(2) In the case of paper ballots, the valid mark shall be made within the mark recognition area, which consists of a rectangle with black borders and white background, so that the electronic canvass system may notify the Voter that his vote has been recorded according to his intent, even if his intent was to submit a blank, overvoted, or undervoted ballot, according to the electronic canvass systems message.

(a) When the Voter finishes marking his paper ballots, he shall insert them in a privacy sleeve provided by the Commission, approach the optical scanner (OpScan), and wait for his turn. Each ballot shall be fed individually into the scanner with the markings facing down to ensure the secrecy of the ballot.

(b) When a valid ballot is scanned, the scanner shall record every vote and display the following message in the screen “Reading Ballot” and, afterwards, “Adjudicated Ballot.” Voters shall remain in front of the scanner until

each of the ballots is adjudicated and deposited in the ballot box. Once the Scanner reads the ballot, it is automatically deposited in a sealed compartment located underneath it.

(c) When the scanner detects that the Voter has introduced a “Blank Ballot” or an “Overvoted Ballot,” then the Voter must choose:

i. If the Voter’s intent is to cast a blank or an overvoted ballot, the voter shall confirm it by pressing the yellow “CAST” button.

ii. If the Voter’s intent is to correct his ballot, he shall press the grey “CORRECT” button and the scanner shall return the ballot to him. At this time, the Voter shall take his ballot and insert it into the privacy sleeve provided in the Polling Place. If the voter overvoted, he shall request a second ballot to the polling place official. Voters shall be entitled to a total of two (2) ballots per type or category. Once the ballot is corrected, the Voter shall once again feed it into the scanner to be processed. Once the ballots have been adjudicated and confirmed, and before leaving the polling place, the Voter shall return the privacy sleeve and the pen or marker to the polling place official.

(3) The Commission shall prescribe by regulations the manner in which voters shall mark electronic ballots in order to cast their votes.

(4) The Commission shall widely advertise such rules within thirty (30) days before a voting event, through any media outlet it deems convenient.

Section 9.28.- Ballots Spoiled by Voters.-

If a voter spoils any of the ballots by accident or mistake, he shall be entitled correct it, as prescribed through regulations.

Section 9.29.- Physical Inability to Mark a Ballot.-

Any Voter who is unable to mark his ballots due to a disability shall have the right to choose a trusted individual to assist him in casting his ballot. In this case the Voter shall notify the Polling Place Board of his condition and identify the trusted

individual. The individual chosen by the Voter may be a polling place official assigned to the polling place in which the Voter votes. No polling place official or person may inquire a Voter who claims this right.

The Commission shall provide other alternatives so that persons with disabilities may exercise their right to vote in an independent and secret manner. However, the Voter shall be entitled to be assisted by a trusted individual.

Section 9.30.- Challenging a Voter at the Polling Place.-

(1) Any Voter who has evidence at the Polling Place to support a claim that a person who has come to vote is doing so unlawfully based on one or more of the grounds listed in this Section, may challenge said person's ballot, but such challenge shall not prevent the challenged Voter from exercising his right to vote.

(2) The grounds for a challenge and the minimum evidence requirements to support such a challenge at the Polling Place shall be the following:

(a) On the Grounds of Age: When a Voter challenges another alleging that the challenged voter has not attained the minimum age of eighteen (18) years to exercise his right to vote, the challenger shall provide the Polling Place Board with at least one of the following pieces of evidence:

i. The Birth Certificate of the challenged voter confirming that he is not of legal voting age.

ii. An official document issued by a public agency, whether territorial, municipal, state, or federal of the United States of America, or a national agency of any other country, confirming his date of birth.

(b) On the Grounds of a Duplicate Registration: When a voter challenges another alleging that the challenged voter's registration is duplicated in Puerto Rico or, simultaneously, in another jurisdiction of the United States of America, the challenger shall provide the Polling Place Board with at least one of the following pieces of evidence:

i. If the alleged duplication is in Puerto Rico, a certification of the Commission confirming said duplication.

ii. If the alleged duplication is in the Puerto Rico General Voter Registry and simultaneously in another jurisdiction of the United States of America, a certification issued by the federal, state, territorial, or municipal election authority of said jurisdiction confirming such duplication shall be provided.

(c) On the Grounds of Citizenship Status: When a Voter challenges another alleging that the challenged voter appears as an active voter in the Puerto Rico General Voter Registry, but is not a citizen of the United States of America, the challenger shall provide the Polling Place with the following evidence:

i. An official document issued by a federal or state agency confirming that the challenged voter is not a citizen of the United States of America.

(d) On the Grounds of Identity: When a Voter challenges another alleging that the challenged voter is not the same person who is registered with the Puerto Rico General Voter Registry, or who registered under a false identity, the challenger shall provide the Polling Place with at least one of the following pieces of evidence:

iii.[sic] In the case of a Voter challenged because he is taking the place of the voter who registered with the Puerto Rico General Voter Registry, the challenger shall furnish a certification issued by the Commission containing the picture of the Voter who is actually registered to confirm that the challenged voter is not the same person that registered with the Puerto Rico General Voter Registry.

iv.[sic] In the case of a Voter challenged because he registered by falsifying or taking on the identity of another person, the challenger shall furnish a picture of and an affidavit sworn before a notary public by the person whose identity has been taken in order to confirm that the challenged voter has falsified or taken that person's identity.

v. [sic] If the identity taken in any of the circumstances described in paragraphs (i) and (ii) above is that of a deceased person, the challenger must furnish a certification issued by the Commission, the Puerto Rico Vital Statistics Registry, or an agency, whether territorial, municipal, state, or federal of the United States of America, or a national agency of any other country in order to confirm that the challenged voter has falsified or taken a deceased person's identity.

(e) On the Grounds of Mental Incompetency: When a Voter challenges another alleging that the challenged Voter has been adjudicated mentally incompetent by a Court of Law, the challenger shall provide the Polling Place with the following evidence:

vi. [sic] The ruling of a Court of Law declaring the challenged voter mentally incompetent.

(3) No other grounds for challenge shall be accepted in a Polling Place.

(4) If the challenger does not have or is unable to provide the Polling Place with the documentary evidence required in subsection (2) of this Section at the time of filing a challenge, the Board shall deem the challenge not filed and shall guarantee the challenged Voter's right to vote under the same conditions that an unchallenged Voter would vote.

(5) Ballots voted by a Voter challenged properly and in accordance with the provisions of this Section, as well as the documentary evidence presented by the challenger and the written answer provided by the challenged Voter denying the alleged challenge, if he does so voluntarily, shall be sealed in an envelope or other medium provided by the Commission to ensure the secrecy of the ballot and identified as follows:

(a) The name of the challenged Voter, his voter identification number, as well as his telephone or cellular phone number, and email address.

(b) The name of the challenger, his voter identification number, as well as his telephone or cellular phone number, and email address.

(c) The grounds for the challenge.

(6) The challenged Voter shall be informed of the grounds for the challenge, the documentary evidence presented, and his right to respond to and contest the challenge. The following shall be read to the challenged Voter:

You are entitled to respond to and contest the allegations and the documents supporting the challenge. You must do so at this time, in this Polling Place, using the form provided by the State Election Commission for your answer, signature, and oath. We may offer assistance to write your answer, should you need it, but we shall only write your statement verbatim. If you fail to respond to or deny such challenge in writing, the way I have explained it to you, it is very important for you to understand that the ballots cast by you shall not be counted and shall be declared void. If you respond to and deny this challenge, the State Election Commission shall review the record and your votes may potentially be adjudicated if the Commission so determines upon evaluation.

(7) If the challenged Voter responds in writing denying the allegations of the challenge, he shall do so in the form provided by the Commission under his signature and oath. In this case, the challenged ballots shall not be adjudicated at the Polling Place. The ballots and the documents related to the challenge shall be sealed in the medium provided by the Commission, and sent to the Commission together with the unused Election Materials to make a determination regarding the adjudication thereof. The Commission determination shall be based solely on verified and corroborated evidence.

(8) If the challenged Voter fails to deny the allegations of the challenge, his vote shall not be counted nor adjudicated. In this case, the challenged ballots shall not be adjudicated at the Polling Place. The ballots and the documents related to the challenge shall be sealed in the medium provided by the Commission, and sent to the Commission together with the unused Election Materials.

Section 9.31.- Arresting a Voter for Unlawful Voting.-

Any Electoral Unit Board Coordinator, upon previous information provided by at least one Polling Place Board official as eyewitness, may direct the police to immediately arrest any person who insists on voting without meeting the requirements and procedures provided in this Act and the regulations approved thereunder.

Electoral Unit coordinators are hereby empowered to administer oaths to witnesses with regards to these types of complaints.

The arrested person shall be taken before a judge immediately, or a sworn complaint shall be filed as prescribed by the Commission through regulations.

Section 9.32.- Voting Hours and Closed-line System.-

(1) On General Election day, Polling Place doors shall open at nine o'clock in the morning (9:00 a.m.) and close at five o'clock in the afternoon (5:00 p.m.).

(2) Voters who arrive at their Polling Places on or before the end of voting hours shall be entitled to vote.

(3) Voting shall continue uninterrupted until all the voters who are inside the Polling Place at the end of voting hours have voted.

(4) If it were not possible for all voters to be inside the polling place at the end of voting hours, voters shall be placed in a closed line at the polling place entrance and shall be given a queue ticket to vote. Closed line means that only voters holding a queue ticket may vote thusly.

Section 9.33.- Voting by Polling Place Officials.-

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

The members of the Polling Place Board who are not registered voters of said polling place and report for work after nine o'clock in the morning (9:00 a.m.), may only vote in the unit and polling place where they are registered; otherwise, they cannot vote.

These notes shall be entered on a special sheet included by the Commission at the end of the poll book.

The polling place official shall mark his finger with indelible ink, in accordance with the Commission's regulations, as part of each Voter's voting process.

Section 9.34.- Voters Entitled to Absentee Voting.-

In the 2020 General Election, and in any voting event thereafter, Absentee Voting shall be available to any Voter who is domiciled in Puerto Rico, appears as an active voter in the General Voter Registry, and voluntarily requests it because he affirms and declares under oath, in his application to the Commission, that he shall be physically absent from Puerto Rico on the day of the voting event.

(1) The term “any voter” shall not be subject to interpretation, provided that the absentee Voter meets three (3) requirements; to wit: be a resident of Puerto Rico; be a registered active voter; and be physically absent, regardless of the reason for his absence. This includes, inmates at penal institutions in states or territories of the United States of America who were sentenced by a Puerto Rico court or by the U.S. District Court for the District of Puerto Rico, and who were domiciled in Puerto Rico at the time of sentencing.

(2) Any Voter who requests an Absentee Ballot shall be afforded the opportunity to voluntarily request the traditional vote-by-mail printed ballot method used in the 2016 General Election or the electronic transmission thereof through the Internet. In any case, the Voter shall return the marked ballots to the Commission by mail according to its instructions. The Voter’s preference shall always prevail and must be absolutely voluntary.

(3) The Commission shall develop a general education plan for the implementation of Absentee Voting.

(4) The Commission is hereby authorized to adopt, by regulation or resolution, any measures it deems necessary to guarantee the federal rights of voters protected by the provisions of the laws of the United States of America on Absentee Voting and the procedures therefor.

Section 9.35- Absentee Ballot Application. -

(1) The Absentee Ballot application shall be accepted upon the Voter’s affirmation of his absence under oath, and under penalty of an election offense if it is proven that his affirmation was false.

(2) At the time of filing an Absentee Ballot application, no Voter shall be subject to questions or inquiries or required to furnish documents or certifications of any kind. These Voters shall only be inquired or required to furnish documents when

the Commission or any interested party has and presents documentary evidence supporting that the Voter's affirmation in the application is false or incorrect.

(3) An Absentee Ballot application filed by a Voter against whom the Local Commission has issued an order, pending at the Office of the Secretary for inactivation or withdrawal from the General Voter Registry under the challenge procedures provided in Sections 5.16, 5.17, and 5.18 or any other valid grounds in accordance with this Act, shall not be processed or granted.

(4) Absentee Voting may be requested for each voting event through an application filed by the Voter, on or before forty-five (45) days prior to the day of the voting event at the polling place. The applications shall be available on the Commission's website, the Permanent Registration Board (PRB), at other public offices as determined by the Commission through regulation or resolution, and through electronic means. This period shall never exceed forty-five (45) days prior to any voting event and the Commission shall make its best efforts to reduce it as much as possible as the electoral technology systems provided in Section 3.13 are established.

(5) The Commission shall design the print and electronic Absentee Ballot applications, in the Spanish and English languages. Applications filed in forms other than these shall not be accepted.

(6) Every Absentee Ballot application shall be filed individually, that is, one per Voter. Group applications shall not be accepted.

(7) Any medium used to process Absentee Ballot applications shall include the following affirmation and oath by the applicant Voter:

I swear (or affirm) that I have filed this Absentee Ballot application because I am an active Voter, registered in the Puerto Rico General Voter Registry; that I am domiciled in Puerto Rico; and that I shall be physically absent from Puerto Rico on the day in which the next voting

event shall be held. I affirm that the information furnished in my Absentee Ballot application is true and correct. That I am aware that I could lose my opportunity to vote, could not have my vote adjudicated, or be subject to the imposition of penalties under the Puerto Rico Election Code of 2019[sic] if I knowingly make a material misstatement in this application.

(8) In order to be eligible for Absentee Voting, a Voter must complete the form provided by the Commission for such purposes and furnish all the information requested to verify his identity including through electronic means. In addition to the applicant's personal and electoral information required by the Commission, the Voter shall provide:

- (a) The last four digits of his Social Security number;
- (b) Full address of his domicile in Puerto Rico;
- (c) Full mailing address to which the ballots shall be sent, if this is the Absentee Voting method selected;
- (d) Telephone number with the area code, if available;
- (e) Cellular phone number with the area code;
- (f) Most frequently used email address;
- (g) Username; and
- (h) A four-digit numeric password, which shall never be the same as the last four digits of the applicant's Social Security number.

The Commission shall determine whether the Voter shall answer security questions or other elements it deems necessary to verify the Voter's identity.

Section 9.36.- Vote by Absentee Voters.-

(1) Any Voter whose Absentee Ballot application has been approved by the Commission shall cast his vote in accordance with the procedures prescribed by the Commission through regulations for voting on paper ballots.

(2) Absentee votes to be cast on paper ballots and by mail: This type of ballot shall be sent to the absentee Voter through the US Postal Service or postal provider authorized to operate in the United States of America, or transmitted to his email address. In this case, the Voter shall return his voted ballots to the Commission through the US Postal Service or postal provider authorized to operate in the United States of America, postmarked not later than the date of the voting event or General Election. Only valid votes received by mail at the Commission, on or before the last day of the voting event general canvass shall be counted. Requiring notarization or witnesses for voting an Absentee Ballot is hereby prohibited.

(3) Absentee Voting: The absentee Voter shall have access to his ballots in the manner and through the electronic means prescribed by the Commission through regulations. The Voter shall cast his vote in said ballot or ballots and mail them to the Commission in the manner established by the Commission. Voted ballots shall only be deemed to be validly cast if they are received at the Commission on or before the closing of the polls. Requiring notarization or witnesses for voting an Absentee Ballot is hereby prohibited.

(4) Any Voter who completes and files with the Commission an Absentee Ballot application, and such application is approved, shall appear in the printed or Electronic Poll Book of the polling place in which he is registered, with a code indicating that he voted by an Absentee Ballot, and shall not be allowed to vote at the Polling Place under any circumstances or allegations.

Section 9.37.- Voters Entitled to Early Voting.-

(1) In the 2020 General Election, and in any voting event thereafter, Early Voting shall be available to any Voter who is domiciled in Puerto Rico, appears as an active voter in the General Voter Registry, and voluntarily requests it, affirming and declaring under oath in his application to the Commission that he shall be unable

to attend the Polling Place where he is registered on the voting event day due to any of the following reasons:

(a) “Voter at Work” - Any Voter who is a public or private employee or self-employed and affirms that he must be at his workplace in Puerto Rico, provided, that he is located outside of his domicile.

(b) “Sole Caretaker Voter” - Any Voter who is the only person available in his family unit to care for children younger than fourteen (14) years of age, persons with disabilities, or bedridden patients at home.

(c) “Hospitalized Voter” - Any Voter who is confined in a hospital, treatment, or long-term care facility.

(d) “Candidate Voter” - Any Voter who is a Primary Hopeful or Candidate for elective public office in said voting event.

(e) “Traveling Voter” - Any Voter who, after the deadline for filing Absentee Ballot or Early Voting applications, but before the day of the voting event became aware that he shall be physically absent from Puerto Rico for any reason on the day of the voting event.

(f) “Voters with Physical Disabilities” - Any Voter with a physical disability or who is blind and who, within fifty (50) days prior to a voting event, and on the voting event day, has been and shall continue to be bound to a wheelchair, crutches, or mobility devices and aids; or that evidently has limited mobility in his legs, even though he does not use a mobility device. After the 2020 Election Cycle, these voters shall be entitled to request Early Voting as a voting system that guarantees them access to exercise their right to vote in a private and independent matter.

(g) “Voters with Easy Access Voting at Home” - Any Voter with disabilities or evident mobility limitations or who is bedridden due to a medical condition that prevents him from attending his polling place or any Voter who is

eighty (80) years of age or older. After the 2020 Election Cycle, these voters shall be entitled to request Early Voting as a voting system that guarantees them access to exercise their right to vote in a private and independent matter.

(h) “Voter in Residential Housing” - Any Voter with special conditions who resides in such a place, even though it is not the domicile reported in his voter registration.

(i) “Inmate Voter” - Any Voter who is confined in a penal or juvenile institution in Puerto Rico.

(2) The term “Any Voter” shall not be subject to interpretation, provided that the voter meets the following three (3) requirements, to wit: be domiciled in Puerto Rico, be a registered active voter; and be within the categories listed in subsection (1) of this Section.

(3) The Commission may increase the list of reasons and categories of voters eligible for Early Voting, but shall never reduce or eliminate those set forth herein.

(4) While the Commission deems it appropriate, categories (g), (h), and (i) shall be carried out in the Early Voting centers set up by the Commission or before the Electoral Balance Board at home. However, all of these categories are eligible for Early Voting or Vote by Mail.

(5) The Commission is hereby authorized to adopt, by regulation or resolution, any measures it deems necessary to guarantee the federal rights of voters protected by the provisions of the laws of the United States of America on Absentee Early Voting and the procedures for exercising said right.

Section 9.38.- Early Voting Application.-

(1) The Early Voting application shall be accepted upon the Voter’s affirmation of his reason or category under oath and under penalty of an election offense, if it is proven that his affirmation was false.

(2) At the time of filing an Early Voting application, no Voter shall be subject to questions or inquiries or required to furnish documents or certifications of any kind. These Voters shall be inquired or required to furnish documents only when the Commission or any interested party has and presents documentary evidence confirming that the Voter's affirmation in the application is false or incorrect. The same criteria applied to a challenge at the polling place shall be applied to the documentary evidence that supports beyond reasonable doubt the Voter's ineligibility for early voting.

(3) An Early Voting application filed by a Voter against whom the Local Commission has issued an order, pending at the Office of the Secretary, for inactivation or withdrawal from the General Voter Registry under the challenge procedures provided in Sections 5.16, 5.17, and 5.18, or any other valid grounds in accordance with this Act, shall not be processed or granted.

(4) Early Voting shall be requested for each voting event through an application filed by the Voter, on or before fifty (50) days prior to the day of the voting event at the polling places. The applications shall be available on the Commission's website, the Permanent Registration Boards (PRBs), or other public offices as prescribed by the Commission through regulation or resolution, and through electronic means.

(5) The Commission shall design the print and electronic Early Voting application forms, in the Spanish and English languages. Applications filed in forms other than these shall not be accepted.

(6) Every Early Voting application shall be filed individually, that is, one per Voter. Group applications shall not be accepted.

(7) Any medium used to process Early Voting applications shall include the following affirmation and oath by the applicant Voter:

I swear (or affirm) that I have filed this Early Voting application because I am an active voter, registered with the Puerto Rico General Voter Registry; that I am domiciled in Puerto Rico, and I meet the requirements of the categories of voters eligible for Early Voting in the next voting event. I affirm that the information furnished in my Early Voting application is true and correct. That I am aware that I could lose my opportunity to vote, could not have my vote adjudicated, or be subject to the imposition of penalties under the Puerto Rico Election Code of 2020, if I knowingly make a material misstatement in this application.

(8) In order to be eligible for Early Voting, a Voter must complete the form provided by the Commission for such purposes and furnish the Commission with all the information requested to verify his identity, including through electronic means. In addition to the applicant's personal and electoral information required by the Commission, the Voter shall provide:

- (a) The last four digits of his Social Security number;
- (b) Full address of his domicile in Puerto Rico;
- (c) Full mailing address to which the ballots shall be sent, if this is the Absentee Voting method selected;
- (d) Telephone number with the area code, if available;
- (e) Cellular phone number with the area code;
- (f) Most frequently used email address;
- (g) Username; and
- (h) The four-digit numeric password, which shall never be the same as the last four digits of the applicant's Social Security number.

The Commission shall determine whether the Voter shall answer security questions or other elements it deems necessary to verify the Voter's identity.

(9) Every Early Voting shall be eligible for Vote by Mail.

(10) The Commission shall develop a general education plan for the implementation of Early Voting.

Section 9.39.- Vote by Early Voters.-

(1) Any Voter whose Early Voting application has been approved by the Commission shall cast his vote in accordance with the procedures prescribed by the Commission through regulations for voting on paper ballots.

(2) Early Votes to be cast at the Center or before the Board: These votes shall be cast at the early voting centers set up by the Commission or before an Electoral Balance Board. At a minimum, the Commission shall use the 2016 General Election traditional printed paper ballot method.

(3) Early Votes to be cast on printed ballots and by mail: This type of ballot shall be sent to the Voter through the US Postal Service or transmitted to his email address. In this case, the Voter shall return his voted ballots to the Commission through the U.S. Postal Service, postmarked no later than the date of the voting event or General Election. Only valid early votes received by mail at the Commission, on or before the last day of the voting event general canvass shall be counted. The validation of this type of Early Voting shall also be contingent on the Voter having included a copy of his voter identification card or any other valid photo identification authorized by this Act. Requiring notarization or witnesses to exercise the right to Early Voting is hereby prohibited.

(4) Any Voter who completes and files with the Commission an Early Voting application, and such application is approved, shall appear in the printed or Electronic Poll Book of the polling place in which he is registered, with a code indicating that he voted by Early Voting and shall not be allowed to vote at the Polling Place under any circumstances or allegations.

Section 9.40.- Absentee and Early Voting Administrative Board.-

(1) An Absentee and Early Voting Administrative Board (JAVAA, Spanish acronym) is hereby created for the purpose of administering the application, voting, and adjudication process of Absentee and Early Voting ballots. JAVAA shall be directed by a person designated by the Chair who shall coordinate the management and provide any administrative resource needed by JAVAA to fulfil its tasks.

(2) Strictly election-related matters shall be under the control and authority of an Institutional Balance Board, as defined in this Act.

(3) Under JAVAA's supervision, three sub-boards shall be created, also with Institutional Balance.

(a) Absentee Voting JAVAA

(b) Early Voting by mail before the Electoral Balance Board

JAVAA (4) JAVAA shall prepare a draft of the regulations that shall govern all Absentee and Early Voting methods. This draft shall be submitted for the Commission's evaluation and approval.

Section 9.41.- Voters with Voting Priority.-

During the hours established for voting at the Polling Places and in every Early Voting process, the members of the Puerto Rico Police Bureau, the Municipal Police, and Commission employees who are on duty may vote with priority at the polling places where they are registered, once they identify as such before the Polling Place Board.

Section 9.42.- Protection to Candidates for Governor and Resident Commissioner.-

The Puerto Rico Police Bureau is hereby directed to provide protection to candidates for Governor and Resident Commissioner, from the time they officially become candidates in a General Election; and until the final results are certified.

CHAPTER X

CANVASS

Section 10.1.- Canvass.-

Vote counting at a Polling Place shall be made through the electronic voting or canvass system implemented by the Commission.

The Commission shall regulate the contingency protocol for the electronic voting and canvass system to be implemented in the event of a malfunction; and the manner in which the Polling Place Board shall count the votes by hand, in the event of an electronic system malfunction.

None of the Polling Place Board members may leave the polling place, under any circumstances, once the canvass, reporting, and unused election materials and equipment organization works begin. Election officials shall remain inside the polling place until all of the works are completed.

Section 10.2.- Hand Counting by the Polling Place Board.-

(1) Adjudication-required Ballot - When hand counting ballots, if a ballot requires adjudication, the unanimous vote of the Polling Place Board inspectors shall be required. If inspectors cannot agree on the classification or adjudication of a ballot, they shall write on the back of the ballot the phrase “Adjudication-required Ballot,” and below the phrase each inspector shall state their respective opinions in writing and sign said statements, including the Political Party or Independent Candidate they represent.

(2) Challenged Ballot - Any challenged ballot, that may be adjudicated in accordance with the procedure established in this Act and the Commission’s regulations, shall be mixed by the Commission with the other ballots and adjudicated in favor of the candidates for whom the mark was made, unless, for any reason, such ballot has been objected to or requires adjudication. If after a voting event it is shown that a challenged ballot was cast by a person or Voter who was not entitled to vote,

the Commission shall refer the matter and the appropriate documentation to the Secretary of Justice in order to determine whether there has been any violation of law and proceed accordingly.

(3) Objected to Ballot - Votes on objected to ballots shall not be adjudicated. Objected to ballots shall be placed in a duly identified envelope stating the Precinct, Electoral Unit, Polling Place, and number of ballots of this type contained in the envelope. Polling Place inspectors shall sign the envelope and write the number of ballots on the hand counting tally sheet. This envelope shall then be delivered to the Commission for an evaluation of its contents and a final determination thereon.

(4) Split Ticket - To classify as a “split ticket,” a ballot must have a valid mark under the emblem of a Political Party and, also, valid marks outside said column for one or more candidates, for which the Voter is entitled to vote, of another party, independent candidate, or by writing the name or names of others under the write-in column. If the number of candidates marked on a ballot for the same elective public office exceeds the number for which the Voter is authorized to vote, the vote for said office shall not be counted; however, votes duly marked in favor of candidates for the other offices on the ballot shall be counted.

Section 10.3.- Polling Place Tally Sheets.-

Each Polling Place shall have Tally Sheets generated by the electronic voting or counting equipment. Sufficient copies of these sheets shall be made, one for each Political Party and Independent Candidates participating in the election. Inspectors and representatives of Political Parties and Independent Candidates present at the Polling Place shall be responsible for completing all parts of each tally sheet and each one of them shall keep a copy thereof.

Section 10.4.- Return of Election Materials.-

Upon completion of all works, including the hand counting, if necessary, the Polling Place Board shall return all of the Polling Place unused election materials and equipment to the Electoral Unit Board. The return shall be made as prescribed by the Commission through regulations. The Electoral Unit Board shall process the voting results of all of the polling places in said Electoral Unit and return the election material of all of its polling places to the Local Commission of its precinct, as prescribed by the Commission through regulations. The original poll books and the copies thereof of each Polling Place, as well as all original tally sheets, shall be returned to the Local Commission in the election material bags of each Polling Place.

The Local Commission shall certify the summary of the voting of said precinct as it receives the election materials and tally sheets from all of the polling places of each electoral unit of the precinct. Once it concludes its review works, the Local Commission shall immediately deliver the election materials of all of the polling places of the precinct to the Commission, as prescribed by the Commission through regulations. The Local Commission shall be responsible for making arrangements as appropriate with the Puerto Rico Police Bureau 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 keep custody of and be responsible for such materials until they are delivered to the Commission.

Any member of the Polling Place Board, Electoral Unit Board, or Local Commission who abandons his work without having concluded, uninterruptedly, all of the works and procedures established in this Act and the regulations thereunder shall be guilty of an election offense.

Section 10.5.- Cost Planning and Result Announcement.-

(1) As of the 2020 General Election, and for any voting event thereafter, the Commission shall adjust and plan the number of polling places and operating costs of each voting event, using as reference the “Voter Turnout” method provided in paragraph (f) of subsection (2) below and the rate of use of Early Voting and Vote by Mail methods. Any investment of public funds in the planning and execution of a voting event shall be based on the actual rate of active voter turnout.

(2) The Commission shall be required to establish a system to publicly announce the voting results as they become available. Said system shall be readily accessible to the general public as of the close of the polling places. These systems’ interfaces shall show:

(a) The names of the Candidates, as they appear on the ballots; the insignia or emblem of their Political Parties; the number of votes polled; the percentage of the votes polled out of the total valid votes cast and counted for the corresponding office. The same procedure shall be followed when a ballot measure election rather than a candidate election is held.

(b) The total of valid votes cast and counted by the sum of all Candidates running for the same office.

(c) The category entitled “Other Data” shall include the number, by category, of: “Blank Ballots,” “Write-in Ballots,” “Void Ballots,” and the Total number of ballots.

(d) The category entitled “Other Data” shall include the number, by category of: “Overvoted Ballots,” “Undervoted Ballots,” “Total Straight Tickets,” “Total Split Tickets,” and “Total Individual Candidate Votes.”

(e) The category entitled “Result Count” shall include the number of “Polling Place Count” out of the “Total Polling Places” for each office and the ratio between the first and the second numbers. The same procedure shall be followed for “Unit Count.”

(f) The category entitled “Voter Turnout” shall include only active voters who voted in the current voting event, without taking into account active voters who did not vote in the preceding general election. The Commission shall assign code number “A-2” in the General Voter Registry to active voters who did not vote in the preceding general election.

(3) After the internal primaries of Political Parties, the presidential primaries, and the General Election to be held in 2020, the format of every result publishing and election statistic system, report, or document prepared by the Commission shall be standard and identical to the voting events formats within their respective categories, in order to ensure the evaluation and comparison of the data thereof with other similar voting events.

Section 10.6.- Announcement of Partial Results.-

(1) Announcement of First Partial Results - The Commission shall combine the results of the polling places of each electoral unit of a precinct as they are received, in order to announce the first partial results of an election not later than ten o’clock at night (10:00 pm) on the voting event day. This first announcement shall be made taking into consideration the polling place results accounted and received at the time of the release. When making the announcement, the Chair of the Commission or his representative, shall stress that:

The announcement of first partial results at this time and date is made pursuant to a mandate of the “Puerto Rico Election Code of 2020” for notifying the People of Puerto Rico the canvass status as of now. These partial results shall neither constitute nor be interpreted as the final results or a projection of the final results,

because votes are still being counted. The final and official results of this voting event shall be announced only when the General Canvass is completed and every ballot cast by each Voter is considered. No Candidate, Hopeful, ballot measure, or proposition submitted to voters shall be certified by the Commission until the General Canvass is conducted and completed.

(2) **Announcement of Second Partial Results** - The Commission shall combine the results of the polling places of each electoral unit of the precincts as they are received, in order to announce the second partial results of an election not later than six o'clock in the morning (6:00 am) the day after the voting event. This second announcement shall be made taking into consideration the polling place results accounted and received at the time of the announcement. When making the announcement, the Chair of the Commission or his representative shall stress the same message provided for the announcement of the first partial results.

(3) The announcement of the partial results shall constitute a public interest formality and shall not prevent the Chair and the Commission officers from publicly discussing the election results as these are shown in the Commission's systems.

Section 10.7.- General Canvass.-

(1) Immediately after the Commission receives all of the ballots and election materials of a voting event, it shall proceed with the General Canvass. The person to be in charge of the General Canvass shall be selected by the Chair, but shall require the unanimous ratification of the Election Commissioners of the Political Parties, Parties by Petition, and Independent Candidates that were certified by the Commission to participate in the voting event.

(2) The General Canvass shall be conducted using only the Tally Sheets of each Polling Place. The Commission shall correct any mathematical error it may find in a Tally Sheet and count it according to the correction.

(3) If the Commission is unable to correct an error found in a Tally Sheet generated by an electronic voting or counting system or machine, or if there were any discrepancies regarding the number of voters shown in the poll book, whether printed or electronic, and the number of ballots counted at the polling place or JAVAA by any of the electronic systems, as an exception, all of the ballots of such polling place whose tally sheets show discrepancies shall be recounted.

(4) During the General Canvass, only the objected to, challenged, adjudication-required, provisional, and absentee ballots as well as ballots received by mail shall be evaluated by the Commission in order to be either adjudicated or voided. Once the General Canvass begins, it shall continue uninterrupted until it is completed, except for rest days authorized by the Commission.

(5) Final and official results shall arise only from the General Canvass or Recount, if applicable, and shall be certified by the Commission, the Chair, and announced and published by the latter. These results shall be final, unless a final and binding Court judgment to the contrary is entered.

Section 10.8.- Recount.-

When the partial or preliminary results 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 shall conduct a Recount of the votes cast at the polling places constituting the geoelectoral delimitation of the office affected by the close results.

(1) In the case of the offices for senators and representatives-at-large, a Recount of the polling places involved shall be conducted when 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.

(2) In the case of municipal legislators, a Recount of the polling places involved shall be conducted when the difference between the last candidate and the next to last candidate is five (5) votes or less.

(3) The Recount authorized herein shall have the effect of a contested action, and the winner shall not be certified until a Recount of said polling places is conducted.

(4) Every Recount shall be conducted by the Commission using the Tally Sheets and the ballots of the polling place as described below:

(a) The Commission shall revise the Tally Sheets according to the results of the recount to be conducted by using the electronic voting or counting systems used in the polling places.

(b) The Commission shall attach to the Tally Sheet a statement signed by all the officials present working at the tables, indicating the changes made by them and the reasons therefor.

(c) The Commission shall keep the contents of all election material bags opened by the officials working at the tables and they shall sign a written statement certifying that all contents of the election material bags were returned to the Commission.

(d) Candidates entitled to a Recount shall submit to the Commission a list of observers for the Recount within seventy-two (72) hours after the Commission's notice of Recount. If the candidate fails to comply with this period, the Commission shall begin the Recount process.

Section 10.9.- Tie Vote.-

In the event of a tie vote for an elective public office between two or more candidates, the Commission shall hold a new election between the tied candidates. This election shall be held not later than thirty (30) days after the General Canvass of the election is completed.

The Governor and the Legislative Assembly shall appropriate additional funds as are necessary to defray the costs of such election; thus authorizing the Chair to advance funds, incur debt, or authorize an emergency line of credit to hold the election within the established period and while the additional appropriation is processed.

In the event of a tie for the office of municipal legislator between two or more candidates, a new election shall not be held. The Commission shall certify as the candidate-elect the candidate who appears first according to the order in which they appear on the ballot. If the tie were between candidates of different political parties, the candidate to be certified as elected shall be that of the political party that polled the higher number of votes under their emblem on the municipal ballot.

Section 10.10.- Voter Intent.-

In adjudicating a ballot, the guiding principle is the intent of the Voter when casting his vote with valid marks that shall be evaluated in accordance with objective and standard adjudication rules used by the electronic voting or counting systems used by the Commission.

This intent is directly expressed by the Voter when the electronic system evaluates the marked ballot on the screen of a device or inserted into the OpScan and notifies the Voter of any mismarked, overvoted, undervoted, or blank ballot and the Voter himself confirms that his intent is to cast his ballot as is or, if on the contrary, he wishes to mark his ballot once again to make any corrections he deems appropriate, at his sole discretion. The intent of the Voter expressed at the time of transmitting or processing his ballot shall govern any determination on the interpretation of his intent when casting his vote.

A mark made by a Voter for a Political Party, Candidate, or nominee shall not be adjudicated if it was made on the back of the ballot or outside of the mark recognition area; therefore, such a mark shall be considered inconsequential.

Section 10.11.- Final and Official Results of the Election.-

The Commission shall declare and certify as elected for each office the Candidate who polls the highest number of valid and direct votes. As proof thereof, it shall issue an election certificate which shall be furnished to the Candidate-elect once it is confirmed that he has completed the Public Funds and Property Use Course and submitted his Revised Balance Sheet. Municipal legislators are exempt from this last requirement.

Section 10.12.- Public Funds and Property Use Course.-

Every Candidate elected in a General Election, special election, or alternate selection method shall take a course on the use of public funds and property offered by the Office of the Comptroller of Puerto Rico.

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

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

(3) The different agencies comprising the three branches of Government shall provide the Office of the Comptroller with technical assistance and support in the design and administration of such course when so requested.

(4) The course shall include government accounting principles, state and municipal auditing systems and procedures, Federal funds, and any other subject the Office of the Comptroller may deem to be essential public management information and relevant to elected candidates.

(5) The Governor-elect and the Resident Commissioner-elect shall be the only candidates who may take said course at their discretion.

(6) The Commission is hereby empowered to approve regulations as are necessary to enforce these provisions, in conjunction with the Office of the Comptroller of Puerto Rico.

(7) This course shall be taken once every four years by the Candidates-elect subject to this provision.

Section 10.13.- Resident Commissioner-Elect.-

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

Section 10.14.- Minority Party Representation.-

After the Commission has conducted the general canvass, it shall determine the eleven (11) candidates elected as senators-at-large, the eleven (11) candidates elected as representatives-at-large, the two (2) senators for each senate district, and one (1) representative for each representative district.

In addition, the Commission shall determine the number and the names of the additional candidates of the minority parties who shall be declared as elected, if any, in accordance with Section 7 of Article III of the Constitution of Puerto Rico. The Commission shall declare as elected and issue the appropriate certificate of election to each of said candidates of the minority parties.

(1) In order to implement the provisions of Section 7 of Article III of the Constitution of Puerto Rico, when a party that failed to poll two-thirds ($\frac{2}{3}$) of the total number of votes cast for the office of Governor did poll more than two-thirds ($\frac{2}{3}$) of the total number of votes cast for the candidates for one or both legislative

houses, the additional senators or representatives corresponding to each of said minority parties shall be determined as follows:

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

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

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

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

(2) For the purposes of the provisions of subsection (b) of Section 7 of Article III of the Constitution of Puerto Rico, when a party that has indeed polled more than two-thirds ($\frac{2}{3}$) of the total number of votes cast for the office of Governor polls more than two-thirds ($\frac{2}{3}$) of the total number of votes cast for the candidates for one or both legislative houses, if there should be two (2) or more minority parties, the number of senators or representatives for each of said minority parties shall be determined by dividing the number of votes cast for the office of Governor of each minority political party by the total number of votes cast for the office of Governor of all political parties, and multiplying the quotient by twenty-seven (27) in the case of the Senate of Puerto Rico, and by fifty-one (51) in the case of the House of Representatives of Puerto Rico. In this case, any fraction of less than one-half of one

resulting from the operation expressed herein shall be discarded and not considered. The result of the operation indicated herein shall be the number of senators or representatives corresponding to each minority party, and, to the extent feasible, this shall be the total number of senators or representatives of said minority party. The senators of all minority parties shall never be more than nine (9) and representatives shall never be more than seventeen (17). In case any fractions result from the aforementioned operation, the largest fraction shall be considered as one in order to complete said number of nine (9) senators and seventeen (17) representatives from all the minority parties, and, if in the process, said number of nine (9) or seventeen (17) were not completed, then the next largest remaining fraction shall be considered, and so on, until the maximum number of nine (9) in the case of the Senate of Puerto Rico and seventeen (17) in the case of the House of Representatives of Puerto Rico has been completed for all the minority parties.

(3) In applying the third from last paragraph of Section 7 of Article III of the Constitution of Puerto Rico, every fraction of less than one-half of one shall be discarded and not considered. In the event there are two (2) equal fractions, a special election shall be held pursuant to the provisions of this Act. None of the minority parties shall be entitled to additional candidates or to the benefits provided under Section 7 of Article III of the Constitution of Puerto Rico, unless in the General Election, the candidate for Governor thereof polled a number of votes equal to three percent (3%) or more of the total number of votes cast in said General Election for all the candidates for Governor.

Section 10.15.- Contesting the Election.-

Any Candidate who contests the election of another shall file with a Judge of the Court of the Judicial Region of San Juan designated pursuant to Chapter XIII of this Act, and within ten (10) days from the date of notice of the certificate of election for each elective public office in the general canvass, a complaint explaining, under

oath, the grounds for said contest, which must be of such a nature that, if proven, would suffice to change the results of the election.

The contested Candidate shall be personally served with a true and correct copy of the complaint within five (5) days from the filing thereof.

The Candidate whose election is contested shall file a sworn answer with the Court within ten (10) days from the date of receipt of the notice of the complaint, and shall certify that a copy of his answer has been personally served on the contester or his legal representative. It shall be understood that the person whose election is contested accepts the contest as true if he fails to file his answer within the period stated above.

The notice, complaint, and answer prescribed in this Act may be served by any person competent to be a witness, and shall be personally served on the respective parties, their electoral representatives, as provided in the Rules of Civil Procedure, or at the residence or office of the person to whom they are addressed. For the purposes of this Section, the electoral representative of a political party's candidate shall be the member of the Local Commission of the precinct where the candidate resides, who represents his political party.

Section 10.16.- Effect of Contesting the Election.-

The filing of a complaint with the Court of First Instance contesting the results of an election shall not prevent the person from being certified as elected, taking office, and discharging the duties thereof.

In the case of senators and representatives, the contested candidate shall not be certified until the Court resolves said contest, which shall be done not later than the first day of January following a General Election, or sixty (60) days following the holding of a special election.

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

Section 10.17.- The Senate and the House of Representatives as Sole Judges of the Legal Standing of their Members.-

Pursuant to the Constitution of Puerto Rico, the Senate of Puerto Rico and the House of Representatives of Puerto Rico shall be the sole judges of the legal standing of their respective members, the validity of the tally sheets, and the canvass of the election of their members. In the event that the election of a member of the Senate or the House of Representatives is contested, the Commission shall make available all documents and papers related to the election in dispute to the legislative house concerned.

Section 10.18.- Preservation and Destruction of Ballots and Tally Sheets.-

The Commission shall preserve all voted ballots and tally sheets pertaining to a primary, General Election, or special election for a period of thirty (30) days from the date of the certification of the election. The ballots and tally sheets of an election in which a hopeful or candidate for Resident Commissioner was elected shall be preserved for a period of two (2) years, or the minimum period provided by federal law. Once the aforementioned period expires, as the case may be, the Commission shall destroy the ballots and tally sheets unless there is a contested election pending in Court, in which case said ballots and tally sheets shall be preserved until a final and binding decision is entered.

The thirty (30)-day preservation period shall also apply to referendums and plebiscites, except as otherwise provided in the enabling act authorizing said voting event.

CHAPTER XI

REFEREDUM - BALLOT MEASURE - PLEBISCITE

Section 11.1.- Applicability of this Act.-

(1) Every referendum, ballot measure, or plebiscite held in Puerto Rico shall be governed by an enabling act, as well as the provisions of this Act in all that is necessary or pertinent, and not specifically provided for by said enabling act.

(2) When any act or enabling act does not specifically provide for the design and execution of an objective, nonpartisan education campaign on the options in a referendum, ballot measure, or plebiscite, and information on the electoral aspects thereof, the regular members of the Commission shall be responsible for said design and execution. If there is disagreement among the regular members of the Commission or absent vote in the Commission on or before ninety (90) days prior to the voting event, the Chair of the Commission shall design, approve, and execute said education and information campaign, including that provided in Public Law 113-76 of 2014 or any other federal or state law in effect that requires the execution of this education campaign.

Section 11.2.- Duties of Electoral Bodies.-

The Commission shall be responsible for planning, directing, implementing, and supervising any referendum, ballot measure, or plebiscite process, and for fulfilling any other function conferred thereto by virtue of the enabling act. Established local electoral bodies shall perform their functions conforming them to the special characteristics of the referendum, ballot measure, or plebiscite, except as otherwise provided by the enabling act.

Section 11.3.- Legal Holiday.-

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

Section 11.4.- Voters Entitled to Vote.-

Every duly qualified Voter may vote in any referendum, ballot measure, or plebiscite. The Commission shall include in the poll book of the referendum, ballot measure, or plebiscite all Voters with an active status in the General Voter Registry and who are eighteen (18) years of age or older on the date of the referendum, ballot measure, or plebiscite.

Section 11.5.- Emblems.-

The emblems or symbols that appear on the ballot in a referendum, ballot measure, or plebiscite shall not be used by any Candidate or Political Party within a period of four (4) years from the date on which such referendum, ballot measure, or plebiscite is held.

Section 11.6.- Participation of Political Parties, Citizen Groups, or Political Action Committees.-

No natural or judicial person, in its individual capacity or any group thereof, may engage in fundraising activities with cash or in kind-donations, or incur services, publicity, or other expenditures to promote its position in favor or against any alternative or proposition submitted in the referendum, ballot measure, or plebiscite without complying with the Commission's certification requirements and

Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

Section 11.7.- Notice of Involvement in Ballot Measures.-

Political parties may be involved in referendums, ballot measures, or plebiscites; provided, that their central governing bodies notify the Commission in writing of their intention within thirty (30) days from the effective date of the enabling act authorizing the plebiscite, ballot measure, or referendum; and include their position in relation to the proposition or alternative on the ballot that they will support or oppose. Once evaluated, the Commission shall issue a certification of acknowledgment.

Likewise, any natural or juridical person, in its individual capacity, and the groups thereof, shall notify the Commission in writing of its intention, within thirty (30) days from the effective date of the enabling act authorizing the plebiscite, ballot measure, or referendum; and include its position in relation to the proposition or alternative on the ballot that they will support or oppose. Once evaluated, the Commission shall issue a certification of acknowledgment.

Section 11.8.- Financing.-

Any enabling act directing the holding of a referendum, ballot measure, or plebiscite shall provide for any funds necessary for the holding thereof, as well as the amounts of money, if any, to be authorized and granted to the political parties and citizen groups for their campaigns. The Election Comptroller shall be empowered to oversee the income and expenditures thereof.

Section 11.9.- Ballot.-

The Commission shall design and prepare the ballot to be used in every referendum, ballot measure, or plebiscite, as provided in the enabling act directing the same. Such ballot shall contain the Spanish and English text of each option or proposition to be submitted to voters as it appears in the enabling act. If the ballot

design is not provided for in the enabling act, the Commission shall design it following the guidelines used for designing General Election ballots.

Section 11.10.- Notice of the Results and Prevailing Proposition.-

The Commission shall certify to the Governor the results of the referendum, ballot measure, or plebiscite, as well as the proposition or option that, pursuant to the terms of the enabling act, has prevailed after the General Canvass. In every case in which the result of a referendum, ballot measure, or plebiscite shall have the mandatory effect of law, there must be an express provision establishing the terms, conditions, and procedural mechanisms for the implementation of the results.

Section 11.11.- Right of U.S. Citizens of Puerto Rico to Determine their Future Political Status.-

The democratic expression of the U.S. citizens of Puerto Rico through their votes, constitutes one of the top public policy priorities of our Constitution and our Government.

In approving Public Law 114-187, 2016, “Puerto Rico Oversight, Management, and Economic Stability Act” (PROMESA) the Congress and the President of the United States of America have recognized the right to said democratic expression and, specifically, to determine its future political status.

Section 402.- Right of Puerto Rico to determine its future political status.-

Nothing in this Act shall be interpreted to restrict Puerto Rico’s right to determine its future political status, including conducting the plebiscite as authorized by Public Law 113-76, 2014.

Therefore, any resources allocated to the Commission, or those it has available and that are used to allow the people of Puerto Rico to exercise its right to determine its future political status, shall be exempt from the jurisdiction, consideration, evaluation or determination of the Financial Oversight Board created under said federal law.

CHAPTER XII

PROHIBITIONS AND ELECTION OFFENSES

Section 12.1.- Violations of Election Laws.-

Any person who acts in violation of any of the provisions of this Act or who, having an obligation imposed thereunder willfully fails or refuses to comply with it shall be guilty of a felony election offense and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

This provision shall not apply to matters and disputes under the jurisdiction of the Chair that entail the imposition of administrative fines, pursuant to subsection (24) of Section 3.8.

Section 12.2.- Violations of Rules and Regulations.-

Any person who violates any rule or regulation of the Commission, adopted and promulgated pursuant to the authority conferred in this Act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed six (6) months, or by a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

This provision shall not apply to matters and disputes under the jurisdiction of the Chair that entail the imposition of administrative fines, pursuant to subsection (24) of Section 3.8.

Section 12.3.- Penalty for Obstruction.-

Any person who obstructs, intimidates, interrupts, or illegally interferes with the election-related activities of the Commission, a Political Party or Political Action Committee, Campaign Committee or citizen group, Hopeful, Candidate, Independent Candidate, or Voter, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year, nor more

than three (3) years, or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.4.- Preventing the Exercise of the Right to Register and Vote.-

Any employer or representative thereof who refuses to allow a worker or employee to register or vote being the latter qualified therefor, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year, nor more than three (3) years, or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.5.- Offenses Involving Registration or Transfer.-

Any person who willfully:

(1) registers or transfers or allows himself to be registered in or transferred from the General Voter Registry knowing that he is not entitled to such registration or transfer, because it is based on false facts; or

(2) induces, aids, or abets another person to register or transfer fraudulently; or

(3) attempts to prevent a duly qualified Voter from registering in the General Voter Registry; or

(4) knowingly alters the registration or transfer data furnished by an applicant for the purpose of delaying the registration or preventing the applicant from exercising his right to vote; or

(5) obstructs or hinders the officials of the Commission in the fulfillment of their duties; or

(6) obtains more than one (1) voter identification card fraudulently; shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years.

Section 12.6.- Alteration of Election Documents.-

Any person who, without being duly authorized by law, or who, being authorized to intervene with election material or documents, acts on forms, documents, and ballots, either printed or electronic, and used or to be used in any election transaction, procedure, or canvass for the purpose of removing, altering, replacing, defacing, destroying, eliminating, or mislaying such forms, documents, and ballots, or who fraudulently makes any scratch or alteration on any ballot, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a fixed term of eight (8) years.

Section 12.7.- Misrepresentation of Data or Images in Electronic Systems.-

Any person who, on two or more occasions, includes, maintains, or transmits through any medium false information, data, documents, forms, and/or images, or that are not consistent with the reality and truth in any electronic system provided and operated by the Commission shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year or by a fine of five hundred dollars (\$500) for every false data, information, or image, or both penalties, at the discretion of the Court.

Section 12.8.- Interference, Tampering, Alteration, Unauthorized Disclosure, or Access or Attack to Electronic Systems.-

Any person who, personally or through other means, interferes, tampers, alters, damages, retrieves data, or discloses or accesses data without authorization, attacks, or attempts to perform any of the foregoing, with or in any electronic, information, computer, or telecommunications system operated by the Commission, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a fixed term of ten (10) years and a fine of one hundred thousand dollars (\$100,000).

Section 12.9.- Unlawful Use of the Voter Registry.-

Any person who, by reason of his duties or by accident, gains access to the information contained in the General Voter Registry and the Electronic Voter Registry System (eRe System), either printed or electronic, and uses said information, fully or partially, for purposes other than those provided in this Act, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years and by a fine of not more than twenty thousand dollars (\$20,000) nor less than ten thousand dollars (\$10,000).

Section 12.10.- Unlawful Voting and Double Voting.-

Any person who, without being entitled to vote, succeeds in doing so or who, although being entitled to vote, does so more than once in the same voting event, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.11.- Installation of Mechanical Devices.-

Any person who installs, connects, or uses, or causes anyone to install, connect, or use any mechanical, electronic, or any other type of device for the purpose of obtaining information or allowing any other person to obtain information about any hopeful, candidate, independent candidate, political party, political action committee, campaign committee, or citizen group without the prior consent of said hopeful, candidate, independent candidate, political party, political action committee, campaign committee, or citizen group, or the legal representative thereof, or to disclose the manner in which any of foregoing voted, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not

less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.12.- Improper Use of the Voter Identification Card.-

Any person who falsely makes, alters, forges, counterfeits, transfers, or obtains a voter identification card knowing that he is not entitled to it, or based on false facts, or any person who circulates, publishes, passes, or tries to pass said card for genuine and true knowing that it is false, altered, forged, counterfeited, or that it contains false information, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.13.- Misuse of Public Funds.-

Any public employee or official who unlawfully uses public funds or makes public property available for use by a political party, hopeful, person considering to run, candidate, independent candidate, campaign committee, or political action committee shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000), or both penalties, at the discretion of the Court.

Section 12.14.- Distance Between Campaign Field Offices and PRB.-

No political party, hopeful, candidate, independent candidate, citizen group, or political action committee campaign field office shall be established at a distance of less than fifty (50) meters from another such facility, measured along the access road between the two closest points from the perimeter of the facilities.

The Local Commission may close, upon determining the date of establishment of the facilities in each case, any campaign field office established at a distance of less than fifty (50) meters from another previously established facility. It may also

close the operations of any campaign field office established at a distance of less than one hundred (100) meters from an office of the Permanent Registration Board, or a Polling Center. The distance between said facilities shall be measured along the access road between the two closest points from the perimeter of the facilities. The Chair of the Local Commission shall notify such decision to the local Commander of the Puerto Rico Police Bureau for immediate action.

The Commission shall prescribe by regulations the necessary rules for the operation of campaign field offices within the established limits. The implementation of this Section shall be the sole responsibility of the Local Commission.

Section 12.15.- Opening a Campaign Field Office.-

Any person in charge of a campaign field office located at a distance of one hundred (100) meters, as measured along the access roads between the two closest points from the perimeter of the facilities where the campaign field office is set up, and the facilities where a Polling Center or Permanent Registration Board is located, and who establishes or operates such facility open to the public on election day shall be guilty of a misdemeanor and be punished by imprisonment for a term not to exceed six (6) months or by a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Under special circumstances, and upon previous authorization from the Local Commission, only by unanimous consent of the Commissioners may a campaign field office be established at a distance of less than one hundred (100) meters as measured along the access roads from a Permanent Registration Board or Polling Center, or a campaign field office of a political party, hopeful, candidate, independent candidate, citizen group, or political action committee may be established at a distance of less than fifty (50) meters therefrom. If there is a disagreement, the Chair of the Commission shall decide on said application.

Such determination may be appealed before the Commission within the period prescribed by the regulations adopted by the Commission. The political party, candidate, or political action committee concerned shall file a duly sworn application to set up a campaign field office within the banned limits. The application shall include the following information:

- (1) Name of the political party, candidate, or political action committee.
- (2) Address of the proposed facility.
- (3) Distance in meters between said campaign field office and the Polling Center or Permanent Registration Board.
- (4) A detailed description and evidence of the unsuccessful actions taken to acquire a facility that complies with the established limits.

Once the application is received, the Local Commission shall consider the same not later than the next meeting held from the filing of said application.

The Local Commission shall consider, among other factors, the size of the town or city and the availability of other facilities when reviewing the application to establish a campaign field office within the established limits.

The Local Commission shall issue its determination, either authorizing or rejecting the application, not later than seventy-two (72) hours from the filing of the matter, after the hearing. The party affected by the determination of the Local Commission may file a request for review with the Commission within seventy-two (72) hours.

Section 12.16.- Breaking into Facilities.-

Any person who unlawfully breaks into a site, building, or structure in which material or information belonging or related to political parties, hopefuls, candidates, independent candidates, campaign committees, or political action committees is kept with the intention to find out about the contents of said material or information, shall be guilty of a felony and, upon conviction thereof, shall be punished by

imprisonment for not less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.17.- Use of Material and Communications Equipment.-

The use or display of political advertising within the polling centers and the polling places is hereby prohibited.

Section 12.18.- Job Offers.-

Any hopeful, candidate, independent candidate, lobbyist, elected official, or person who, on their behalf, offers or agrees to appoint, or to obtain the appointment of a specific person for any public office as an incentive or reward for voting in favor of said hopeful, candidate, or independent candidate, or for contributing to his campaign, or for obtaining help or assisting in his election, and any person accepting or seeking such an offer, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3) years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.19.- Conviction of a Hopeful or Candidate.-

Any hopeful, candidate, or independent candidate convicted of any election offense shall be, in addition to the penalties provided in this Act, subject to disqualification as hopeful, candidate, or independent candidate by the Court of First Instance, as provided by this Act.

Section 12.20.- Tearing Off or Defacing Documents or Political Advertising of Candidates or Political Parties.-

Any person who willfully and knowingly tears off or defaces any election-related documents or political advertising of candidates or political parties displayed in public places shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one (1) year nor more than three (3)

years or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.21.- Duty to Remove Political Advertising.-

After each voting event, every Political Party or Candidate for an elective public office shall be required to remove any political advertising that has been placed in public places such as streets, bridges, posts, trees, or any public space. Political advertising shall be removed within thirty (30) days after an election. If the Political Party or Candidate for an elective public office fails to remove the political advertising thereof within the thirty (30)-day period, any state or municipal agency that removes the same shall require a reasonable payment for the removal works.

Section 12.22.- Operation of Establishments Dispensing Alcoholic Beverages.-

Any person who opens or operates a commercial establishment, bar, shop, club, house, apartment, depot, barracks, or pavilion for the dispensing, sale, traffic, or free consumption of distilled spirits, wine, or fermented or alcoholic beverages, from six o'clock in the morning (6:00 am) to six o'clock in the afternoon (6:00 pm) on General Election day shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for a maximum term of ninety (90) days or a maximum fine of five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Restaurants and bars in cruise ships and commercial establishments in hotels, *paradores*, and condo hotels certified by the Puerto Rico Tourism Company are hereby exempt from the above provision when such establishments are part of the services or amenities offered to their guests or visitors and participants of conventions, and when the sale, dispensing, or distribution of alcoholic beverages is conducted for consumption within the confines of the hotel, *paradores*, condo hotel, or cruise ship. Commercial establishments that operate within the duty-free zones of

ports and airports of the Puerto Rico Ports Authority are also exempt; provided, that the sale of alcoholic beverages is for delivery to the buyer after he has boarded the airplane or ship.

Likewise, the provisions of this Act shall not apply to tourist interest zones, as defined by the Planning Board.

Section 12.23.- Election Day.-

Any person who, through violence, intimidation, abuse of authority, deceit, or any act, obstructs, hinders, attempts, or influences to change or prevent the vote of a qualified Voter, or who offers or receives a bribe or financial offer to abstain from, obstruct, prevent, influence, or change that vote; or

(1) without being entitled to vote, attempts to do so, or although being entitled to vote, attempts to do so more than once; or

(2) on election day, disturbs such process inside or outside of a polling place within a radius of up to one hundred (100) meters therefrom, by violence or noise, disrespectful language or behavior, or

(3) without being a law enforcement officer, carries a weapon or any object for the purpose of inflicting bodily injury; or

(4) unlawfully enters, attempts to enter, or allows another person to unlawfully enter any polling place, except as provided in this Act or in the regulations adopted by the Commission; or

(5) hinders or attempts to hinder election officials' duties under this Act; or unlawfully removes, or consents to the removal of, any election material from the place where such material should lawfully be kept, displayed, or stored; or attempts to or allows the use of false or unofficial election forms or ballots during the election or process; or

(6) knowingly attempts to or violates the secrecy of a vote; or defaces or marks a ballot in an unlawful manner for the purpose of identifying, invalidating, or substituting it; or discloses the contents of a ballot already marked by him or by another Voter, to any person before depositing it in the ballot box; or destroys any equipment used in an election; or

(7) coerces or requires anyone by means of threat, intimidation, force, violence, subterfuge, or deceit to use any image recording device with the intention of infringing a Voter's right to a secret ballot;

shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a term of not less than three (3) years nor more than five (5) or by a fine not to exceed five thousand dollars (\$5,000), or both penalties, at the discretion of the Court.

Section 12.24.- Competence of the Court of First Instance, Designation of Special Prosecutor, and Applicable Rules of Procedure.-

The procedures for violations of this Act shall be heard initially before the Court of First Instance with jurisdiction over the precinct where the violation is committed, and before the Judge appointed pursuant to Chapter XIII.

The Secretary of Justice of Puerto Rico, at the request of an Election Commissioner, shall appoint one (1) attorney or prosecutor to act as Special Prosecutor before the Courts in election-related criminal proceedings that arise under this Act, once the Judge has found probable cause in said proceedings. The political party of the Election Commissioner who requests the designation of a Special Prosecutor shall pay the expenses and fees incurred by said Special Prosecutor. No political party may have more than one (1) Special Prosecutor simultaneously. The foregoing does not preclude a political party from substituting the Special Prosecutor, if it deems it necessary.

The Secretary of Justice shall submit a quarterly report to the Commission on the election-related complaints or criminal cases under his consideration or filed with the courts.

Every criminal proceeding instituted under the provisions of this Act shall be processed pursuant to the Puerto Rico Rules of Criminal Procedure in effect at the time it is heard in Court.

Section 12.25.- Dismissal or Suspension from Employment for Serving as a Member of the Local Commission.-

It shall be unlawful for an employer to authorize or consent to or dismiss an employee or official, or for a person to threaten to dismiss or dismiss, suspend, reduce the salary, demote, or impose or try to impose onerous working conditions on an employee or official because said employee or official has been summoned to attend or attends, in his capacity as a regular or alternate Local Commissioner, a meeting duly called by the Local Commission if the affected Local Commissioner has provided a copy of the summons to his employer or supervisor before the holding of the meeting.

Any person who violates the provisions of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for a term not to exceed six (6) months or by a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the Court.

Section 12.26.- Period of Limitations.-

The period of limitations for election offenses classified as felonies shall be five (5) years. The period of limitations for election offenses classified as misdemeanors shall be three (3) years.

The period of limitations for violations of the provisions of this Act and the rules and regulations promulgated thereunder that are not specifically classified and punishable as election offenses, and that are subject to administrative fines, shall be three (3) years.

CHAPTER XIII

JUDICIAL REVIEW

Section 13.1.- Judicial Review of Commission's Decisions.-

(1) Election Commissioners' Legal Standing

(a) Election Commissioners shall have legal standing in court to intervene in any "strictly election-related" matter that is or has been under the jurisdiction of the Commission; except when the dispute involves strictly internal administrative matters of the Commission, primaries, and internal issues of parties other than that to which the Commissioner is affiliated. In these cases, legal standing shall only be recognized to the Election Commissioners of the political or national parties whose primary processes or internal affairs are the object of a judicial controversy.

(b) Election Commissioners shall have no legal standing in court when the party represented by the Commissioner has not been certified or registered to participate in the voting event that is the object of a judicial controversy.

(2) Duty of the Judicial Branch

(a) In any legal action, matter, case, or controversy filed with a Court of Law, the Court must give priority to the deference it should give to the decisions made by the Commission at the administrative level, the latter being the public institution with expertise in election-related matters and with legal authority to implement the processes that guarantee the fundamental right of voters to vote on matters of public interest.

(b) This fundamental right to vote of a sovereign people in our democratic system has supremacy over any other right or particular interest seeking to hinder their right to vote. No legal action, matter, case, or controversy under the internal jurisdiction of the Commission nor any judicial proceeding, order, judgment, or decision shall have the effect, either directly or indirectly, of preventing, staying, interrupting, or postponing the holding of a voting event as legislated, and according to the specific hours and day provided by law; unless the Supreme Court of Puerto Rico determines that there is a violation of a civil right which postpones the voting event or holds it unconstitutional, except for a General Election.

Section 13.2.- Review by the Court of First Instance.-

Except as otherwise provided in this Act:

(1) Any Election Commissioner or party adversely affected by a decision, resolution, determination, or order of the Commission or Local Commission may, within ten (10) days from the notice thereof, file a petition for review with the Court of First Instance.

(a) The petitioner shall be responsible for serving notice, within said period, with a copy of the petition for review through the Office of the Secretary of the Commission, as well as on any other adversely affected party, within the period to resort to the Court. Said period shall be tolled by the filing of a motion to reconsider within the same period. The motion to reconsider shall be filed with the Secretary, who shall notify the Commission and any adversely affected party within said period. Only one motion to reconsider may be filed, which shall be resolved by the Chair within a period of five (5) days from the notice of the Secretary. From the entry of the decision resolving the motion to reconsider, which shall be notified to the Election Commissioners and the adversely affected parties through the Secretary,

these shall have ten (10) days to file a petition for review with the Court of First Instance.

(b) The Court of First Instance shall hold a hearing on the merits, receive evidence, and make findings of fact and conclusions of law, as appropriate. The Court shall decide on the petition for review within a period not to exceed twenty (20) days from the filing date thereof.

(c) The period for seeking judicial review with the Court of First Instance may be tolled upon the filing of a petition for reconsideration within the same period for seeking judicial review; provided, that any adversely affected party is notified within said period. The Court of First Instance shall consider and decide on the petition within five (5) days. If the petition is not resolved within said period, it shall be deemed to be rejected outright, and the parties may seek judicial review in the Court of Appeals. Parties shall be entitled to only one petition for reconsideration.

(2) Within thirty (30) days before a voting event, the period for seeking review shall be forty-eight (48) hours. The petitioner shall be responsible for serving notice within said period with a copy of the petition for review on the Commission, as well as on any other affected party. The Court of First Instance shall decide on said petition for review within a period of not more than five (5) days, from the filing thereof. In these cases, the parties shall not be entitled to request reconsideration.

(3) In any matter or controversy that arises within five (5) days before the holding of a voting event, the period for seeking review with the Court of First Instance shall be twenty-four (24) hours. Notice of the filing of the petition for review shall be served on the filing date thereof and the Court of First Instance shall decide on it not later than the date following the filing thereof. In these cases, the parties shall not be entitled to request reconsideration.

(4) Cases involving a contested election, as well as all petitions for review filed against the Commission shall be considered by the Court of First Instance, San Juan Part.

Section 13.3.- Review by the Court of Appeals and the Supreme Court.-

Except as otherwise provided in this Act:

(1) Any party adversely affected by a decision of the Court of First Instance may file a duly-grounded petition for review with the Court of Appeals, within ten (10) days from the notice thereof. Any affected party shall have the same period to file a petition for a writ of certiorari with the Supreme Court. The Supreme Court and the Court of Appeals shall decide on the case under their consideration within ten (10) days.

(a) The petitioner may file a motion for reconsideration with the Court of Appeals within the same period for seeking review with the Supreme Court; provided, that any adversely affected party is notified within said period. The motion for reconsideration shall toll the period for resorting to the Supreme Court.

(b) The Court of Appeals shall consider and decide on the same within five (5) days. If it is not decided within said period, it shall be deemed to be rejected outright, and the parties may seek judicial review in a higher court. Parties shall be entitled to only one motion for reconsideration.

(2) Within thirty (30) days before a voting event, the period for seeking review with the Court of Appeals shall be forty-eight (48) hours. Any party shall have the same period for filing a petition for a writ of certiorari with the Supreme Court. The petitioner shall be responsible for serving notice within said period with a copy of the petition for review on the Court being reviewed, as well as on any other affected party. The Court of First Instance shall decide on said review within a period of not more than five (5) days from the filing thereof. In these cases, the parties shall not be entitled to request reconsideration.

(3) In any matter or controversy that arises within five (5) days before the holding of a voting event, the period for seeking review shall be twenty-four (24) hours; notice of the filing shall be served on the filing date thereof, and it shall be decided not later than the date following the filing thereof. The petitioner shall be responsible for serving notice within said period with a copy of the petition for review on the Court being reviewed, as well as on any other affected party; and be decided on not later than the day after the filing thereof. In these cases, the parties shall not be entitled to request reconsideration.

(4) Through a writ for certiorari to be issued discretionally, *motu proprio*, or at the request of a party, the Supreme Court may bring forth immediately to consider and to decide any election-related matter pending before the Court of First Instance or the Court of Appeals when the existence of a conflict between previous decisions of the Court of Appeals is raised, or when new questions of law or of high public interest that include any substantial constitutional matter under the Constitution of Puerto Rico and/or the Constitution of the United States are raised.

Section 13.4.- Effect of Judicial Review or Decision.-

No decision of the Court of First Instance or review by the Court of Appeals of an order, decision, or resolution of the Commission shall suspend, stay, prevent, or hinder the holding of a voting event, canvass, or general canvass of any voting event, nor any act or matter that should begin or be held at a certain time and day, in accordance with this Act or any act authorizing a voting event.

Section 13.5.- Court Costs and Fees.-

The processing of election-related matters in the courts of law shall be exempt from the payment of fees under the Puerto Rico Court Fees Act. No legal aid fees shall be cancelled for sworn statements taken for election-related cases and the Clerks of Court shall issue, free of charge, certifications of any record under their

custody, as well as resolutions and judgments entered by said courts in any election-related matter.

Section 13.6.- Designation of Judges to Election-related Matters.-

Every judicial action and proceeding, whether civil or criminal, provided for and regulated under this Act shall be heard by the judges of the Court of First Instance designated by the Supreme Court of Puerto Rico, in accordance with the administration rules adopted for such purposes. The Supreme Court shall make such designations within three (3) months before the date of the election in question, and notify the Commission in writing of said designation specifying the judicial district to which they belong.

The Courts of First Instance designated in accordance with Chapter IV of this Act in each judicial region shall remain open during voting hours on an election day to receive and address any filed complaints in accordance with this Section.

CHAPTER XIV

ADDITIONAL PROVISIONS

Section 14.1.- 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 entered shall not affect, impair, or invalidate the remainder of this Act. The effect of said the ruling, holding, or judgment 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.

Section 14.2- Jurisdiction of the Bodies Created by this Act.-

The bodies and institutions created or recognized under this Act shall have exclusive jurisdiction over all matters related to the authorities, responsibilities, and duties imposed under this Act and the regulations promulgated thereunder. In addition, no matter or controversy of this nature shall fall under the investigative or decision-making authority of the Ombudsman.

Section 14.3.- Rulemaking Authority. -

The Commission shall revise or adopt by order of priority all election-related rules and regulations as appropriate for the implementation of this Act. The Chair, by order of priority, shall revise or adopt regulations on administration, human resources, and other matters within his competence.

Section 14.4.- Transitory Provisions.-

Officials who held, prior to the effective date of this Act, the offices of Chair, Secretary, as well as members of the Advisory Boards, shall remain in their respective offices until the appointments to such offices are made as provided in this Act. Any official, position, or office not provided for in Section 3.16.- Institutional Balance.- shall cease his duties immediately as of the effective date of this Act, including vice chairs and deputy secretaries. As to the reorganization, consolidation, or reduction of the Commission's administrative offices, the Chair shall determine

the continuity, elimination, or transition measures related to each administrative office or position, whether by appointment, contract, or any other type of classification.

Any advertisement authorization application submitted for the State Election Commission's approval while Section 12.001 of Act No. 78-2011, as amended, known as the "Puerto Rico Election Code for the 21st Century," was in effect, as well as applications submitted within thirty (30) days after the date of approval of this Act, shall be evaluated, reviewed, and adjudicated by the State Election Commission, which shall also address any complaint or any other administrative or judicial proceeding arising from an advertisement authorization application. For all legal purposes, the "Puerto Rico Election Code of 2020," shall be successor law of Act No. 78-2011, as amended, known as the "Puerto Rico Election Code of the 21st Century," and any reference thereto in other laws shall be deemed to be a reference to the "Puerto Rico Election Code of 2020."

Section 14.5.- Subsection (b) of Section 3.003 of Act No. 222-2011, as amended, known as the "Puerto Rico Political Campaign Financing Oversight Act," is hereby amended to read as follows:

" ...

(b) Review and issue a recommendation within the period prescribed by Regulations on such reports in which any of the Divisions of the Office of the Election Comptroller recommends taking one or more of the following actions: imposing an administrative fine; referring the matter to an agency with jurisdiction; approving an Audit Report; issuing determinations on complaints or investigations; evaluating applications for broadcast media expenses of the Government of Puerto Rico during each general election year; and other oversight processes conducted by the Office of the Election Comptroller;

..."

Section 14.6.- A new Section 10.006 is hereby added to Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” to read as follows:

“Section 10.006.- Broadcast Media Expenses of the Government of Puerto Rico During a General Election Year.-

(1) The Office of the Election Comptroller shall adopt a “Broadcast Media Expense Oversight” regulation which shall apply as of January 1st of each general election year and until its general canvass has been completed and the official and final results thereof have been certified. This regulation shall provide the rules and procedures for reviewing and adjudicating the broadcast media expenses defrayed by the Government of Puerto Rico with clear, objective, and standard parameters. In addition, these parameters shall result in swift and cost-efficient procedures; and, recognizing the state’s duty to inform citizens as well as their right to be informed. Every application or complaint related to broadcast media expenses shall be filed electronically with the Office of the Election Comptroller, and the answer, order, notice, summons, modifications, or comments shall be transmitted in the same manner to each petitioner as appropriate, pursuant to the regulation.

(2) During the year of a general election every department, agency, bureau, board, office, instrumentality, and public corporation within the Executive Branch; municipal governments; the Legislative Assembly, and all components of the Judicial Branch, are hereby prohibited from disbursing public funds of the Government of Puerto Rico for the purpose of presenting their achievements, accomplishments, projections, plans or messages, and content with political partisan or election-related purposes, seeking to emphasize, highlight or disfavor a hopeful, candidate, elected official, political party or committee without previously requesting an authorization from the Office of the Election Comptroller within the regular periods, procedures, and requirements prescribed in the “Broadcast Media

Expense Oversight” regulation for such purposes. This prohibition is directed at the purchase of time and space in communication and broadcast media, as well as the purchase and distribution of campaign or promotion material.

(3) Insofar as they do not present achievements, accomplishments, projections, plans or messages, and content with political partisan or election-related purposes, seeking to favor or disfavor a hopeful, candidate, elected official, political party or committee are not presented nor use symbols related to political campaigns or political party colors, there shall be excluded from the regular terms, procedures, and requirements set forth in the regulation, broadcasting media expenses such as press releases and notices:

(a) expressly required by law, including edicts, notices, or calls for public hearings, executive meetings or hearings, on-site inspections, or any other official event of the Legislative Assembly or municipal legislatures, or hearings to be held by administrative agencies published or disseminated without using paid broadcast media;

(b) produced as part of a state of emergency officially declared by the federal or state government;

(c) advertising campaigns of the Puerto Rico Tourism Company and Puerto Rico Destination Marketing Organization (DMO) promoting internal tourism and promoting Puerto Rico as a tourist destination in other jurisdictions;

(d) campaigns of the Department of the Treasury Lottery Bureau promoting the various Traditional Lottery and Additional Lottery games, lottery games education campaigns, as well as information campaigns on tax liability, including publications from the Internal Revenue and Tax Policy Division, distribution of funds pursuant to federal laws, and revenue collection through amnesty programs and refund programs under special laws, among others.

(e) advertising campaigns of the Industrial Development Company promoting investment in Puerto Rico;

(f) campaigns of the State Election Commission and the Office of the Election Comptroller.

The “Broadcast Media Expense Oversight” regulation shall establish a special or streamlined process to process the above categories,

(4) The websites and webpages of the three Government branches and municipal governments, including their respective official content in social media, may continue their operation and dissemination course; insofar as they do not include achievements, messages, slogans, or symbols related to political campaigns, nor favor or disfavor the image of any elected official or hopefuls or candidates for elective office;

If a noncompliance is found or a complaint arises out of the prohibitions set forth in this subsection, the public entity concerned may be required to make the necessary modifications or adjustments and even to cease any internet publication immediately.

(5) The violations by any public entity of the provisions of this Section and the “Broadcast Media Expense Oversight” regulation shall entail an administrative fine of up to ten thousand dollars (\$10,000) for the first violation and up to twenty-five thousand dollars (\$25,000) for subsequent violations. If it is concluded that the violation resulted in the dissemination of a communication with clear and direct political partisan or election-related purposes, in addition to the administrative fine imposed on the public entity, a fine shall be imposed on the officer of public employee who acting in his personal capacity authorized such non authorized dissemination or disbursement. The funds collected on account of said fines shall be deposited in the Special Fund of the Office of the Election Comptroller.

(6) Any petition for review or appeal related to broadcast media expenses shall be filed with the Court of First Instance, Superior Court of San Juan, not later than ten (10) days from the notice issued by the Office of the Election Comptroller.

(7) The provisions and prohibitions of this Section shall not apply to the office of Resident Commissioner for Puerto Rico in Washington D.C. The broadcast media expenses of this official shall be governed by the provisions of the Federal Election Campaign Act, 2 U.S.C. § 441(1) *et seq.*

(8) The equipment, property, and materials, if any, as well as the balance of funds allocated to the units, divisions, or other components of the State Election Commission that are directly related to the former Advertising Review Board within said agency are hereby transferred to the Office of the Election Comptroller.

(9) In order to implement the purposes of this Section in the 2020 General Election, the Office of Management and Budget of the Government of Puerto Rico shall appropriate and deposit immediately in the account of the Office of the Election Comptroller, the sum of two hundred fifty thousand dollars (\$250,000) to defray expenses related to the implementation of an electronic system for receiving, processing, and addressing petitions or complaints related to broadcast media expenses and the operating costs related to the Board attached to said agency. After the 2024 General Election, the Office of the Election Comptroller shall consign these expenses in its budget request.

No fund, appropriation, or budget account attached to the Office of the Election Comptroller may be frozen by an executive order, administrative order, circular letter, or any other order within eighteen (18) months before the general election day. During said period, the transfer, release, and availability of funds shall be executed within seventy-two (72) hours from the notice of the Office of the Election Comptroller's request.

(10) Since the Advertising Review Board shall be transitioned from the Commission to the Office of the Election Comptroller, the effectiveness of the provisions of this Section for the Office of the Comptroller shall take effect not later than thirty (30) days from the approval of this Act, to allow it to adjust its operations and the systems related to the receipt and review of advertisements. Until the Office of the Comptroller notifies the Commission that it has completed all the necessary operational adjustments, the applications for advertisement authorization shall continue to be filed with the Commission for evaluation, review, and adjudication. Once the transition between agencies is completed, the Commission shall finish evaluating the applications received by said date and any complaint or administrative or judicial proceeding arising therefrom. The Office of the Election Comptroller shall make its best efforts to reduce as much as possible the period provided herein for its operational adjustments.

Section 14.7.- Subparagraph (i) is hereby added to paragraph (h) of subsection (23) of Section 2.004 of Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” to read as follows:

“ ...

(h) ...

(i) The mere presence of a Hopeful or Candidate in an activity of another Hopeful, Candidate Political Party shall not be sufficient to conclude that an expenditure is coordinated between Campaign Committees. It shall be presumed that the expenditures between Hopefuls or Candidates in an activity of another Hopeful, Candidate, Political Party are not coordinated expenditures; therefore, it is a rebuttable presumption. As provided in our code of laws in effect, the coordination of expenditures must be construed in a restrictive manner, thus, a written agreement entered into by the authorized parties of the respective Campaign Committees setting

forth how expenditures are to be divided among the Committees shall be necessary.
To such effect, this construction shall be retroactive to the effective date of this Act.

...”

Section 14.8.- Effectiveness.-

This Act shall take effect immediately after its approval.