



LEGISLATURE OF PUERTO RICO

Office of Legislative Services

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 163 (S.B. 2174) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to amend Sections 4 and 30 and repeal by substitution Sections 25 and 26 of Act No. 4 of September 24, 1979, as amended, known as the "Compulsory Presidential Primaries Act," to establish dates for such electoral events; to address political contributions and the corresponding income and expenses reports; to set forth the conditions for the use of public funds; and to set forth the date of effectiveness,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 15th of April of 2004.

Elba Rosa Rodríguez-Frutes
Director

(S. B. 2174)

(No. 163)

(Approved July 17, 2003)

AN ACT

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STATEMENT OF MOTIVES

The Compulsory Presidential Primaries Act, Act No. 6 of September 24, 1979, has been amended on several occasions, and its constitutionality and operation by the courts have been addressed on several others. These multiple interventions, as well as the interpretations by the Presidents of the State Elections Commission who are responsible for their enforcement, have clarified all the concepts that had been conflictive or obscure up to that times.

By means of the Act herein, the necessary adjustments are made to formalize the procedure for primaries set forth thereof to temper said Act to the aforementioned realities. In the case of the attention given herein to the dates for the holding of said events, the purpose is to protect the right of the citizens of Puerto Rico, according to their best criteria of convenience, who are interested in the democratic exercise of participating in the internal deliberations of each National Party organization, such as Presidential

Primaries, to select the delegates that shall participate in the respective National Party Nominating Conventions.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 4 of Act No. 6 of September 24, 1979, as amended, is hereby amended to read as follows:

“Section 4.- Date for the Holding of the Primaries.

The presidential primary of the Republican Party shall be held the last Sunday in February of the year in which the presidential elections are to be held in the United States, as long as they are not held before nor coinciding with the celebration of the presidential primary in the State of New Hampshire. If such a conflict exists at any time, then the presidential primaries shall be held the first Sunday in March. The presidential primaries of the Democratic Party shall be held the first Sunday in June of that same year. If an affiliated political party opts for the alternative of holding an Assembly as is set forth in Section 30 of said Act, such an Assembly shall be held on the aforementioned dates.”

Section 2.- Section 29 of Act No. 6 of September 24, 1979, finally renumbered as Section 25 by Act No. 89 of July 2, 1987, is hereby repealed and substituted by a new Section 25, to read as follows:

“Section 25.- Balloting at the National Nominating Convention

When the national nominating convention selection process for the delegates, presidential candidates, or both, is to be defrayed with public funds, all contributions to the candidates for delegates, delegates, block of delegates or groups that intervene in behalf of or against a candidacy for delegate shall be addressed pursuant to the limits and obligations on the rendering of reports set forth by Act No. 4 of December 20, 1977, as amended.

Understanding that Affiliated Political Parties ordinarily do not intervene in behalf of nor against any candidate for delegate during the Presidential Primaries; even if the event is subsidized with public funds, said Affiliated Political Parties shall not be subject to the limits or obligations of the Puerto Rico Electoral Act. However, if said Affiliated Political Parties do intervene in behalf of or against any candidate for delegate during the Presidential Primaries, then same would indeed be subject to the limits and obligations of the Puerto Rico Electoral Act.

In any intervention of the Affiliated Political Parties that is not authorized by this Act in electoral processes set forth by law and entrusted to the Commonwealth Elections Commission, same shall be bound to observe the limits and render reports as set forth in Act No. 4 of November 20, 1977, as amended. In any other case which is not set forth by said Act, the financial activities of the Affiliated Political Parties shall be governed by the provisions set forth by the federal laws applicable to political campaigns for candidacies.”

Section 3.- Section 30 of Act No. 6 of September 24, 1979, renumbered as Section 26 of Act No. 89 of July 2, 1987, is hereby repealed and substituted by a new Section 26, to read as follows:

“Section 26.- Income and Expenses Report

Those who are bound to abide by the financial limits and render reports as set forth in Section 25 of this Act shall render the first report fifteen (15) days after the public funds for the defrayment of the electoral event are authorized. The President of the Commonwealth Elections Commission shall set forth the date of the subsequent report, the last being not longer than fifteen (15) days after the event is held.”

Section 4.- Section 30 of Act No. 137 of June 30, 1999, added to Act No. 6 of September 24, 1979, is hereby amended to read as follows:

“Section 30.- Use of Public Funds

All Affiliated Political Parties, as defined in Section 2 (n) of this title, may avail themselves of the benefits of public funds administered by the Commonwealth Elections Commission for the holding of a Presidential Primary, or an Assembly that substitutes for same with the authorization of the National Party, and which has as an essential requirement the maximum participation of the electors affiliated to the Affiliated Political Party. If there has been an economic subsidy for the holding of the Presidential Primaries or Assemblies, the Affiliated Political Party so benefited shall be bound to render through its Electoral Representative and the President of the Central Committee of said Party, the lists of electors who participated in said electoral event duly certified by sworn statement. The use of public funds for any internal reorganization process is hereby prohibited.

In all internal reorganization processes, all matters pertaining to the qualification of candidates, the terms for the filing of candidacies, and the process that culminates with the holding of same, shall be carried out according to the provisions set forth by the internal rules of the Affiliated Political Party.”

Section 5.- Effectiveness

This Act shall take effect immediately after its approval.