

(S. B. 1674)

**(No. 165-2020)**

(Approved December 30, 2020)

## **AN ACT**

To establish the “Act to Implement the 2020 Plebiscite Petition for Statehood”; amend Articles 2 and 4, repeal current Article 3 and add a new Article 3, add a new Article 6 and renumber current Article 6 as Article 7 of Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico”; in order to set forth the public policy of the Government of Puerto Rico on the implementation of the petition for Statehood and make technical amendments to Act No. 30-2017, as amended; and for other related purposes.

### **STATEMENT OF MOTIVES**

For the third consecutive time in the last eight years (8), an absolute majority of voters of Puerto Rico have claimed equal rights and duties as U.S. citizens through statehood.

In addition to providing for the holding of the Plebiscite on Statehood Yes or No, last November 3, 2020, simultaneously with the General Election in Puerto Rico, Act No. 51-2020, known as an “Act to Define Puerto Rico’s Ultimate Political Status,” provided in Section 4.2.- Statehood: “Yes,” and in Section 4.4[sic] Implementation of Statehood: “Yes,” the initial actions to be taken by the Governor of Puerto Rico and the Resident Commissioner in Washington D.C., among other officials, to initiate, in conjunction with the Federal Government, a transition process whereby the electoral will in favor of the option “Statehood: Yes,” is honored.

The question presented to voters and printed on this Plebiscite's ballot was the same used in the referendums held by most former territories that were admitted as states of the Union, including Alaska and Hawaii, which are the most recent states to have been admitted:

“Should Puerto Rico be admitted immediately into the Union as a State?”

Therefore, in this Plebiscite none was excluded from expressing his opinion in favor or against statehood.

Of the 1,190,399 votes, the option “Yes” polled an absolute majority of 623,053 (52%) votes and the option “No” polled 567,346 (48%). Evidently, voter turnout was massive and clear.

To uphold the election results which stem from an absolute majority of a sovereign people constitutes a public purpose of the highest interest. The people's claim supported by these election results also constitutes a fundamental right protected under the First Amendment to the U.S. Constitution to petition the Congress and the President for a redress of grievances arising out of the current territorial status established 122 years ago.

Since the November 6, 2012 Plebiscite, an absolute majority of U.S. citizens of Puerto Rico have voted against the territorial status. The ballot question was: “Do you agree that Puerto Rico should continue to have its present form of territorial status? (Commonwealth). In said 2012 Plebiscite, an absolute majority of voters also supported statehood.

Since then, U.S. citizens of Puerto Rico have been suffering the disadvantages and discrimination stemming from of the unincorporated territory status which they continue to endure despite having democratically expressed their will in favor of equality through statehood.

After five (5) plebiscites on status have been held in 1967, 1993, 1998, 2012, 2017, and the unequivocal results of the most recent plebiscite held in November 2020, the Federal Government must bring to an end the unfair and failed territorial status. The U.S. citizens of Puerto Rico continue to be the oldest and most populous colonial territory in the world, which is inconsistent with the democratic values of our Nation.

The socioeconomic and financial problems that Puerto Rico has accumulated over the last 122 years stem mostly from the inequality and disadvantages entailed by the territorial status. It has been demonstrated that Puerto Rico shall never overcome its financial crisis unless it resolves its territory status. Former territories were also poor and subject to the inequality and disadvantages entailed by the colonial status, until they achieved equal rights and duties as U.S. citizens through statehood in plebiscites such as that conducted in Puerto Rico last November. For example, Congress granted statehood to an impoverished Hawaii in 1959 with an eligible voter turnout of only 34%. Hawaii is currently a productive and developed state.

Over the last 50 years, all U.S. presidents have recognized that our political status should be decided through the exercise of the right to self-determination of the citizens of Puerto Rico. In fact, the reports of presidential task forces on Puerto Rico's status have reasserted: "The policy of the Federal Executive Branch has long been that Puerto Rico's future status should be decided by the people of Puerto Rico."

A large majority of Congress members have reiterated so when addressing the subject. Determining the options on the ballot of any plebiscite is inherent in Puerto Rico's right to self-determination, and the Congress and the President have recognized so for decades.

Recently, two (2) federal laws have recognized that the issue on Puerto Rico's political status is yet to be resolved, and have provided that it must be resolved and that the U.S. citizens of the Island must take the initiative to express the will of the majority in a locally legislated plebiscite. [P.L. 113-76 (2014) and P.L. 114-187 (2016), known as PROMESA.]

For instance, when PROMESA was approved, the Congress and the President recognized in its Section 402 that the U.S. citizens of Puerto Rico are entitled to this democratic expression, and specifically, to self-determine the future political status of Puerto Rico without PROMESA or its Financial Oversight Board intervening or hindering that purposes.

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 by conducting the plebiscite as authorized by Public Law 113-76, 2014.

In accordance with said federal public policy, Puerto Rico already voted and exercised its right to self-determination. Now, it is the U.S. Government's turn to uphold the claim for equality through statehood, as demanded by an absolute majority of voters.

The U.S. citizens of Puerto Rico have made significant contributions to the economic, commercial, industrial, military, scientific, technological, and cultural development of the Nation. In fact, reliable public opinion surveys conducted at the national level in recent years confirm that an overwhelming majority of our fellow citizens in the states favor statehood for Puerto Rico.

The number of federal, state, and municipal officials that support equality for Puerto Rico is ever growing. However, not having the right to vote in the federal elections nor the right to vote and to equal representation in Congress as well as the

unequal political and economic treatment of Puerto Rico by the Federal Government, contrasts with Puerto Rico's contributions to the development of our Nation.

Since Puerto Rico became a territory in 1898, over 235,000 Puerto Ricans have served in the United States Armed Forces. Thousands of those service members have received awards, decorations, and commendations of all sorts, including for courageous military service in the 20<sup>th</sup> and 21<sup>th</sup> centuries. Nine Puerto Rican service members have been awarded the Congressional Medal of Honor and many have been awarded the Distinguished Service Cross or the Navy Cross. The Puerto Rico 65<sup>th</sup> Infantry Regiment (known as the "Borinqueneers") was awarded the Congressional Gold Medal for its contributions to and sacrifices in the armed conflicts of the United States to wit, World War I, World War II, and the Korean War. The memorial walls erected to commemorate the heroes who gave their lives for our Nation bear the names of hundreds of our Island's soldiers.

Puerto Rico is prepared to be admitted as a state of the Union on an equal footing with the other states. To place hurdles on the path to this inevitable destiny shall needlessly prolong a colonial crisis that affects lives and impairs the rights of the People of Puerto Rico as well as inconvenience the Federal Government as it hopelessly attempts to fix an unfixable territory status.

The main objectives of this Act are:

1. To provide that the actions taken and efforts made to honor the petition for statehood made by an absolute majority of voters in the November 3, 2020 Plebiscite constitutes a public purpose of the highest priority as well as a mandate of the people to its government.

2. To guarantee the protection of the U.S. citizens of Puerto Rico's fundamental right protected under the First Amendment to the U.S. Constitution to petition the Government for a redress of grievances arising out of the current territorial status established 122 years ago.

3. To authorize the Governor to take the necessary measures within the “public purpose” framework to uphold the will of a majority of voters as expressed in the 2020 Plebiscite.

4. To implement and support the purposes of Act No. 51-2020, known as an “Act to Define Puerto Rico’s Ultimate Political Status,” including to coordinate and carry out the transition to statehood directed thereunder.

5. To strengthen the Puerto Rico Equality Commission created by Act No. 30-2017, as amended, in order to facilitate compliance with its legal functions and duties.

6. To establish the rules to ensure and make it feasible for the people of Puerto Rico to vote again, if necessary, in order to have their will as expressed in the 2020 Plebiscite honored, including any voting as necessary to answer any electoral petition, proposal, response, or ratification related to Puerto Rico’s political status presented or requested by one or the two legislative houses of Congress, the United States President or both.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

CHAPTER I

GENERAL PROVISIONS

Section 1.1 - Title

This Act shall be known and cited as an “Act to Implement the 2020 Plebiscite Petition for Statehood.”

Section 1.2 - Table of Contents

TABLE OF CONTENTS

CHAPTER I	GENERAL PROVISIONS
Section 1.1	Title
Section 1.2	Table of Contents
Section 1.3	Declaration of Public Policy

Section 1.4	Definitions
Section 1.5	State Election Commission
Section 1.6	Supplemental Laws
Section 1.7	Appropriations
Section 1.8	Lack of Jurisdiction of PROMESA
<b>CHAPTER II</b>	<b>CALLS</b>
Section 2.1	Calls
Section 2.2	Proclamation
<b>CHAPTER III</b>	<b>PRE-VOTING PROCEDURES</b>
Section 3.1	Initial Coordination with CEE Chair
Section 3.2	Disclosure and Education
<b>CHAPTER IV</b>	<b>VOTING TO IMPLEMENT THE 2020 PLEBISCITE PETITION FOR STATEHOOD</b>
Section 4.1	Option on the Voting Ballot
Section 4.2	Voting Ballot Design
Section 4.3	Instructions for Voters on the Ballot
Section 4.4	Lot Draw for Ballot Order
Section 4.5	Education Campaign
<b>CHAPTER V</b>	<b>VOTING AND GENERAL CANVASS</b>
Section 5.1	Voting Date
Section 5.2	Voting Hours
Section 5.3	Purity and Secrecy
Section 5.4	Requirements to be acknowledged as a Qualified Voter
Section 5.5	Voter Identification
Section 5.6	Vote Counting System
Section 5.7	Absentee Voting
Section 5.8	Early Voting

Section 5.9	Right to Vote Guaranteed
Section 5.10	Certification and Disclosure of the Voting Results
Section 5.11	Duties of the Commission in Connection with the Voting.
Section 5.12	General Canvass
<b>CHAPTER VI</b>	<b>REPRESENTATION OF OPTIONS ON THE BALLOT</b>
Section 6.1	Certification to Represent an Option.
Section 6.2	Certification Requirements for Representing an Option
Section 6.3	Electoral Balance Representation in Polling Place Boards, Electoral Unit Boards, Precinct Local Commission, and the Absentee and Early Voting Administrative Board (JAVAA)
<b>CHAPTER VII</b>	<b>FUNDRAISERS AND CAMPAIGN EXPENDITURES</b>
Section 7.1	Lack of Public Funding and Obligations
Section 7.2	Rulemaking Authority
<b>CHAPTER VIII</b>	<b>OTHER PROVISIONS</b>
Section 8.1	Legal Actions
Section 8.2	Non-Applicability
Section 8.3	Powers of the Governor
Section 8.4	Amendment to Article 2 of Act No. 30-2017, as amended
Section 8.5	Amendment to Article 3 of Act No. 30-2017, as amended
Section 8.6	Amendment to Article 4 of Act No. 30-2017, as amended
Section 8.7	Amendment to Article 6 of Act No. 30-2017, as amended
Section 8.8	Severability Clause
Section 8.9	Offenses
Section 8.10	Effectiveness



### Section 1.3.- Declaration of Public Policy

In accordance with Act No. 51-2020, known as an “Act to Define Puerto Rico’s Ultimate Political Status,” and the results of the Plebiscite on “Statehood: Yes or No” conducted by virtue of said Act on November 3, 2020, an absolute majority of voters claimed equal rights and duties as U.S. citizens through statehood. This electoral claim of the people of Puerto Rico constitutes a mandate to its government and a public purpose of the highest priority.

In addition to their claim for statehood, this expression of the U.S. citizens of Puerto Rico also constitutes the exercise of their fundamental right protected under the First Amendment to the U.S. Constitution to petition the U.S. Government for a redress of grievances arising out of the current territorial status established 122 years ago.

This Act provides the procedures and parameters that shall govern the holding of any voting event the purpose of which is to honor the will of an absolute majority of voters expressed in the November 3, 2020 plebiscite including any electoral petition, proposal, response, or ratification related to Puerto Rico’s political status presented or requested by one or the two legislative houses of Congress, the United States President or both.

In *Orlando José Aponte Rosario v. Presidente Comisión Estatal de Elecciones* (2020 TSPR 119), the Supreme Court of Puerto Rico held that the Legislative Assembly is empowered to choose lawful mechanisms to further its objective and record the expression of the people. The wisdom or convenience of that legislative determination is a non-justiciable political question. Therefore, according to the people’s mandate in the plebiscites of 2012 and 2017, Subchapter VII-B of Act No. 58 of June 20, 2020, known as the “Puerto Rico Election Code of 2020,” and Act No. 51 of May 16, 2020, known as an “Act to Define Puerto Rico’s Ultimate Political

Status,” have a public purpose in accordance with Article VI, Section 9 of the Constitution of Puerto Rico.

Therefore, the scope and purposes of this Act fully comply with the “public purpose” principle enshrined in our Constitution and with the interpretations of the Supreme Court.

Section 1.4.- Definitions.

A blank space (\_\_\_\_\_) in the text of this Act means that updated information shall be added therein by the official entrusted with said task.

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

For the purposes of this Act, the following words or phrases shall have the meaning stated below:

(a) “Legislative Assembly” - means the House of Representatives and the Senate of Puerto Rico as a whole.

(b) “Electoral Balance” - A political oversight and counterbalance mechanism to be implemented at the Local Commissions and the Local Electoral Bodies thereof for the planning, coordination, organization, and operation of the voting within each voting cycle as defined in this Act.

(c) “Cycle” or “Voting Cycle” - In every voting called under this Act, it begins eight (8) months prior to the voting day and ends thirty (30) days after the Commission issues the final certification of the General Canvass or Recount.

(d) “Registration Deadline” - the last date, before the holding of a voting under this Act, to include, exclude, activate or deactivate a voter; update or change voter information; or carry out voter transactions and submit applications for registration, transfer, or relocation in the Puerto Rico General Voter Registry. The

“deadline” shall never be earlier than fifty (50) days before the holding of the plebiscite.

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

(f) “Election Code” - The law in effect in Puerto Rico that governs election processes authorized by law.

(g) “Equality Commission” - means the “Puerto Rico Equality Commission,” created by Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico,” a legal entity of the Government of Puerto Rico to constitute a “congressional delegation” and to enforce electoral mandate given by the U.S. citizens of Puerto Rico in favor of Statehood since the November 6, 2012 plebiscite.

(h) “Commission” or “State Election Commission” or “CEE” - an agency of the Government of Puerto Rico created by law that coordinates the election processes provided in this Act. It is the only competent authority to certify election results. For the purposes of this Act, the regular members of the Commission shall participate and have voting rights, otherwise the Chair thereof shall decide, when its members fail to reach a unanimous decision.

(i) “Resident Commissioner” - means the Resident Commissioner of Puerto Rico in Washington D.C. who serves as a member of the United States House of Representatives.

(j) “Congress” or “U.S. Congress” - the House of Representatives and the Senate of the United States of America as a whole.

(k) “Election Comptroller” - The chief executive officer of the Office of the Election Comptroller of Puerto Rico, in accordance with Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act.”

(l) “General Election” - The voter’s direct voting process held every four (4) years as provided by the Constitution and the law to elect the officials that shall hold elective public offices at the state, federal, municipal, and legislative levels.

(m) “Voter,” “Qualified Voter,” “Active Voter,” or “Registered Voter” - any citizen who meets the requirements of this Act and the Election Code to vote and whose personal information appears in the Puerto Rico General Voter Registry. At a minimum, said person must be a United States citizen, be 18 years old on or before the voting day of each electoral process authorized under this Act; and meet the Puerto Rico electoral domicile requirements provided in the Election Code.

(n) “Public Purpose” - Pursuant to Article VI, Section 9 of the Constitution of Puerto Rico, it means the use of public property and funds for the support and operation of state institutions, and pursuant to law. The concept of public purpose is not static, since it is linked to the general welfare and must adhere to the changing social conditions of the governed, their issues, and the new obligations that governed citizens impose by a majority vote on their governors.

(o) “Governor” - means the Governor of Puerto Rico authorized by this Act to take the necessary measures within the “public purpose” framework such as contracting, appropriating, re-appropriating, obligating, or devoting public funds to uphold in or outside of Puerto Rico the will of a majority of voters expressed in the November 3, 2020 Plebiscite; including to call as voting events as are necessary to uphold said will.

(p) “State Government” or “Government of Puerto Rico” - All of the agencies that comprise the Executive, Legislative, and Judicial Branches of Puerto Rico, including public corporations and municipal governments.

(q) “Federal Government or U.S. Government” - Any public authority of the Government of the United States of America, as well as the President, Congress,

and Supreme Court, as a whole or individually, according to the context in which the term is used.

(r) “Ballot” or “Voting Ballot” - a paper document or electronic medium designed and made available by the Commission, on which the voter shall cast his vote according to law.

(s) “Ballots with no Adjudication Value” - Such ballots shall not be considered when computing the percentages of the results of the voting held by virtue of this Act. Said ballots may only be counted as a group on the Tally Sheets for tallying purposes at all Polling Places and not as part of the certification of the results of the voting. 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” Supreme Court of Puerto Rico in *Suárez-Cáceres v. CEE*, 176 D.P.R. 31, 73-74 (2009).

(t) “President” - the President of the United States of America.

(u) “Chair of the Commission” - The chief executive officer, nonpartisan figure and chief representative of the public interest in the Puerto Rico State Election Commission.

(v) “Electronic Canvass System (ECS)” or “Optical Scanning Vote Counting System (OpScan)” - Any machine, program, mechanical, 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 a 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.

(w) "Voting" - means the election processes or ballot measures called by the Governor to attain the purposes of this Act.

(x) "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 Voting day. This Act establishes the minimum categories under which Voters may qualify for this type of Voting and the Commission may include additional categories, but shall never limit those provided herein.

#### Section 1.5.- State Election Commission.

It is the agency the primary duty of which is to plan, coordinate, and conduct every voting or electoral process authorized by virtue of this Act, including the general canvass and the certification of the results thereof.

The regular members of the Election Commission, as defined in the Election Code, may vote at sessions and works related to these voting.

#### Section 1.6.- Supplemental Laws.

For the purposes of implementing the provisions of this Act, the provisions of Act No. 51-2020, known as the "Act to Define Puerto Rico's Ultimate Political Status"; Act No. 30-2017, known as an "Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico"; Act No. 58-2020, known as the "Puerto Rico Election Code"; and Act No. 222-2011, as amended, known as the "Puerto Rico Political Campaign Financing Oversight Act," shall be supplemental to this Act, in those matters that are not preempted by, or inconsistent with, this Act.

Section 1.7.- Appropriations.

No general or special provision of law, regulation, executive or administrative order, or plan may be invoked to alter or postpone the budget transfers and appropriations needed for the Governor, the State Election Commission, and other officials to comply with the voting authorized herein and with all the purposes of this Act No. 51-2020, Act No. 30-2017, as amended, and Act No. 222-2011, as amended, in all that pertains to the right of the US citizens of Puerto Rico to determine their political status.

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 shall have the ministerial duty to prioritize, identify, and make the necessary financial resources available to achieve the purposes of the aforementioned laws. Disbursements of budget transfers and appropriations shall not exceed thirty (30) calendar days from the filing of the request therefor.

Section 1.8.- Lack of Jurisdiction of PROMESA.

All matters and public fund appropriations related to this Act, Act No. 51-2020, and Act No. 30-2017, as amended, are unquestionably related to the U.S. Citizens of Puerto Rico's right to self-determination. Therefore, no matter or fund appropriation related to the aforementioned laws shall be consulted with or considered by the Financial Oversight Board for it lacks jurisdiction and authority therefor, as provided in Section 402 of Public Law 114-187, 2016, "Puerto Rico Oversight, Management, and Economic Stability Act" (PROMESA):

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.

## CHAPTER II

### CALL

#### Section 2.1.- Call.

The Legislative Assembly hereby empowers the Governor of Puerto Rico to call, through Executive Order, when deemed appropriate:

a. A voting or electoral process to enforce the will of an absolute majority of U.S. citizens of Puerto Rico in favor of statehood, according to the results of the November 3, 2020 plebiscite.

b. The Governor may also exercise this authority to call and coordinate a voting when any electoral petition, proposal, response, or ratification related to the political status of Puerto Rico is presented or requested by one or the two legislative houses of Congress, the United States President, or both.

c. The Governor may hold a ballot measure election with a ballot authorized by the U.S. Department of Justice as provided in P.L. 113-76.

d. A ballot measure election to ratify the will of the People of Puerto Rico.

e. A voting to resolve the future political status of Puerto Rico.

The voting called by the Governor pursuant to this Act may coincide with voting events called pursuant to other laws and even with the General Election.

The Governor shall issue the proclamation for these voting not later than ninety (90) days before the date selected for the holding thereof. The proclamation shall be published in at least two (2) newspapers of general circulation in Puerto Rico in Spanish and English. It shall include, in addition to the seal of the Governor in the header of the proclamation, the date and the title: “Act to Implement the 2020 Plebiscite Petition for Statehood.”



Section 2.2.- Proclamation.

The text of the Proclamation of each voting called by virtue of this Act shall read as follows:

The Legislative Assembly and the Governor of Puerto Rico approved Act No. \_\_\_\_-\_\_\_\_ known as an “Act to Implement the 2020 Plebiscite Petition for Statehood,” which provides for the holding of a voting in order to enforce the will of an absolute majority of voters as expressed in the November 3, 2020 Plebiscite, including such voting as are necessary arising from any electoral petition, proposal, response or ratification related to the political status of Puerto Rico presented or requested by one or the two houses of Congress, the United States President or both.

Act No. \_\_\_\_-\_\_\_\_ provides that all citizens who meet the requirements of this Act and the Puerto Rico Election Code shall be considered qualified voters, to wit: be a citizen of the United States of America and a legal resident of the jurisdiction of Puerto Rico; be eighteen (18) years of age by the date of this voting; be duly qualified as such before the holding of the voting, and not have been declared mentally incompetent by a Court. Interested citizens, including new voters, who need to carry out any transaction in the General Voter Registry before the registration deadline, shall have up to fifty (50) days before the holding of the voting to update their status, restore their registration, or register to vote. In addition, if necessary, the aforementioned date shall serve as the deadline for voters to request transfers or relocations, as well as request Early Voting and Voting at an Accessible Polling Place. Voters eligible for Absentee Voting shall have up to forty-five (45) days before the holding of the voting to request Absentee Voting. The Permanent Registration Boards (JIP) of the State Election Commission shall be open to the public to conduct all of these transactions during regular business hours.

In the exercise of the powers and duties conferred to the Governor by this Act, it is hereby proclaimed that:

**FIRST: Voting Date.**

On \_\_\_\_\_, \_\_\_\_\_ a voting authorized under Act No. \_\_\_\_\_ known as the “Act to Implement the 2020 Plebiscite Petition for Statehood” shall be held in every election precinct of Puerto Rico, and all qualified voters are hereby called to participate therein.

**SECOND: Voting Hours.**

The voting process for this plebiscite [sic] shall be similar to that of the General Election in “open polling places” from nine o’clock in the morning (9:00 am) to five o’clock in the afternoon (5:00 p.m.). The Voting Day shall be a holiday. The “Dry Law” shall only apply only during the aforementioned hours and with the exceptions provided in the Puerto Rico Election Code.

**THIRD: Options to be presented in the Voting**

(The Governor shall include in this section of the Proclamation the options to be presented to voters and the question, if any, to be presented to voters in the same ballot.)

**FOURTH: Meaning of the Options**

(The Governor shall include in this section of the Proclamation the meaning of each option printed on the ballot to be presented to voters.)

**FIFTH: Certification of Results.**

The counting of ballots and the certification of the results by the State Election Commission shall only be carried out pursuant to the holding of the Supreme Court of Puerto Rico in *Suarez-Cáceres v. Com. Estatal Elecciones*, 176 DPR 31, 73-74 (2009). A vote not cast and any blank ballot cast and lacking a clear 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.”

Therefore, any interpretation of the results of this voting shall be subject to a valid vote for one of the options printed on the ballot. The absence of voters in the election or void or blank ballots cast shall never be used to suppress the intent of voters who democratically, voluntarily and validly exercised their right.

**SIXTH: Vote Counting System.**

The same electronic vote counting system used in the General Election shall be used in this voting. Said system shall be capable of tallying votes easily, securely, and reliably with security and auditing mechanisms that ensure the transparency of the voting and vote counting processes.

**SEVENTH: Voter Identification.**

In order to vote at the polling places, voters shall be required to provide their Voter Identification Card issued by the State Election Commission, regardless of the expiration date thereof, or any other valid identification card authorized by the Puerto Rico Election Code.

**EIGHTH: Absentee and Early Voting.**

In accordance with the Puerto Rico Election Code, the Commission shall guarantee the right to apply for an Absentee and Early Voting of all voters domiciled in Puerto Rico who qualify therefor within the period provided in the “Act to Implement the 2020 Plebiscite Petition for Statehood.”

**NINTH: Right to Vote Guaranteed.**

The State Election Commission shall prescribe measures and remedies in order to guarantee the right to vote of any voter who, by reasons beyond his control, was unduly omitted from the General Voter Registry of Puerto Rico.

Pursuant to the Election Code, the Commission shall also implement mechanisms to allow bedridden voters whether at hospitals or at home, as well as voters with physical disabilities, residing in nursing homes, or confined in correctional institutions to vote.

Moreover, pursuant to the Election Code, no public or private employer shall prevent employees from exercising their right to vote.

#### TENTH: Education and Disclosure

As part of the continuous efforts to educate and inform citizens and voters of the scope of the Act enabling this voting and the electoral processes related to this Proclamation, not later than fifteen (15) days from the call for this voting, the Chair of the State Election Commission shall publish and continually update in the Agency's website, a prominent space entitled "Act to Implement the 2020 Plebiscite Petition for Statehood" with the contents of this Act, this Proclamation, and any official material and information pertaining to this and other related voting.

#### ELEVENTH: Supplemental Laws

In order to implement the provisions of the "Act to Implement the 2020 Plebiscite Petition for Statehood," the provisions of Act No. 51-2020, "Act to Define Puerto Rico's Ultimate Political Status," Act No. 30-2017, known as an "Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico," Act No. 58-2020, known as the "Puerto Rico Election Code," and Act No. 222-2011, known as the "Puerto Rico Political Campaign Financing Oversight Act," including the regulations adopted thereunder, shall be supplemental to this Act, in those matters that are not preempted by, or inconsistent with this Act.

### CHAPTER III

#### PRE-VOTING PROCEDURES

Section 3.1.- Initial Coordination with the Chair of the State Election Commission.-

Not later than fifteen (15) days after the publication of the proclamation by the Governor for a voting related to the purposes of this Act, the Chair of the State Election Commission shall submit to the Governor:

- a. A draft of the voting ballot.
- b. A draft of the voting and general canvass regulations.
- c. A draft of or proposal for the general design of a strictly objective and nonpartisan mass voter education campaign on the ballot options.
- d. A draft of the budget plan for the voting expenditures, including the voter education campaign.

#### Section 3.2.- Disclosure and Education.

Not later than fifteen (15) days after the approval of this Act, the Chair of the Commission shall post on and continually update in the Agency's website, a prominent space entitled "Act to Implement the 2020 Plebiscite Petition for Statehood," containing all official communications sent or received regarding this Act and any other document or information deemed relevant for an objective and nonpartisan voter education and orientation.

### CHAPTER IV

#### VOTING TO IMPLEMENT THE 2020 PLEBISCITE PETITION FOR STATEHOOD

##### Section 4.1.- Ballot Options

Unless the Federal Government has established a question to be presented to voters, if any, and/or the options to be printed on the ballot, both matters shall be established by the Governor through Executive Order and upon the publication of the proclamation of the voting, as provided in this Act.

##### Section 4.2.- Ballot Design

The State Election Commission, in strict compliance with the provisions of this Act, and without being subject to any other law or regulation, shall design and print the ballot to be used, which shall be of a solid color other than those used by political parties in Puerto Rico; of a standard size; printed in black ink with the text in both English and Spanish; and in thick paper, in such a manner that the text printed

thereon does not show through the back of the sheet so it can be tallied by the electronic vote counting system.

#### Section 4.3.- Instructions for Voters on the Ballot

The following instructions shall be printed on the voting ballot:

##### “INSTRUCTIONS FOR THE VOTER

The voter can only choose and mark one (1) option from among those printed on this ballot. You must make a valid mark inside the blank box that appears below the geometric shape which represents the option of your preference. Ballots that fail to reflect the clear or specific intent of the voter on one of the options printed on the ballot: with more than one (1) option marked, not voted, blank, or with some other symbol or writing outside of any of the blank boxes, shall not be accounted for in the official results to be certified by the State Elections Commission, according to the case law of the Supreme Court of Puerto Rico.”

#### Section 4.4.- Lot Draw for Ballot Order

Not later than twenty (20) days after the publication of a voting proclamation by the Governor, the Chair of the State Election Commission shall conduct public lot draws to determine the emblems and the ballot order of the options that shall appear on the ballot. The emblems to be drawn shall be geometric shapes. The Chair of the Commission shall invite to this lot draw the press and the general public and at least two (2) judges of the Court of First Instance, as witnesses. The lot draw process and the results thereof shall be certified by a notary public authorized to practice in Puerto Rico.

#### Section 4.5.- Education Campaign

Every voter education campaign on each voting authorized by this Act shall be strictly objective and nonpartisan.

The education campaign activities shall include:

- (a) The presentation of the sample ballot to the mass media and information about its contents and how to cast a valid vote.
- (b) The electoral and legal consequences of not casting a valid vote.
- (c) The deadlines for voters to register with the General Voter Registry, update their information therein, and request Absentee or Early Voting.

For this education campaign, the State Election Commission shall employ all available communications media and public broadcasting techniques, including electronic media

## CHAPTER V

### VOTING AND GENERAL CANVASS

#### Section 5.1.- Voting Date

The voting date shall be established by the Governor in his proclamation. The voting date shall be considered a holiday in which all business shall close.

#### Section 5.2.-Voting Hours

The voting process shall be conducted in “open polling places” from 9:00 am to 5:00 p.m. The “Dry Law” shall only apply during the aforementioned hours and the exceptions provided in the Puerto Rico Election Code shall apply.

#### Section 5.3.- Purity and Secrecy

(a) The local commissions of each Precinct, Electoral Unit Boards, and polling places shall ascertain the identity of each voter; that electoral processes are conducted in a timely manner and in strict compliance with the provisions of this Act; that each voter receives a blank ballot initialized on the back by the appropriate polling place officials; that the voter is duly informed in an unbiased manner; and that the voter cast his vote secretly and freely, and that his intent upon casting a ballot for either option is honored.

(b) Before 8:30 am on the day of each voting, posters of sample ballots of the largest possible size shall be posted in all polling centers readily visible and accessible, but outside of the polling places.

#### Section 5.4.- Requirements to be Acknowledged as a Qualified Voter.

A qualified voter shall be any citizen of the United States of America domiciled in Puerto Rico, who, on the date of the plebiscite has attained eighteen (18) years of age; has an active status in the Puerto Rico General Voter Registry pursuant to this Act and the regulations thereunder; and has not been declared mentally incompetent by a court of law.

Said person must meet all the registration requirements and have his information in the General Voter Registry up-to-date.

Moreover, said person shall vote at the polling center designated by the State Election Commission according to the last domicile reported by the voter in the Voter Registry. If for any reason, an active qualified voter needs to cast a “provisional vote” outside of his electoral domicile, the vote cast for the option of his preference shall be adjudicated during the General Canvass.

#### Section 5.5.- Voter Identification

In order to vote at the polling places, voters shall be required to provide the Voter Identification Card issued by the State Election Commission, regardless of the expiration date thereof, or any other valid identification card authorized by the Puerto Rico Election Code. In addition, one of the voter’s fingers shall be inked after voting.

#### Section 5.6.-Vote Counting System

The same electronic vote counting system used in the General Election shall be used in these voting events. Said system shall be capable of tallying votes easily, securely, and reliably with security and auditing mechanisms that ensure the transparency of the voting and vote counting process.



### Section 5.7.-Absentee Voting

In accordance with the Puerto Rico Election Code, the Commission shall guarantee the right to Absentee Voting of all voters domiciled in Puerto Rico who qualify therefor in accordance with the Election Code and the applicable federal laws and who have applied therefor on or before forty-five (45) days before the voting.

### Section 5.8.-Early Voting

In accordance with the Puerto Rico Election Code, the Commission shall guarantee the right to Early Voting of all voters domiciled in Puerto Rico who qualify therefor in accordance with the Election Code and the applicable federal laws and who have applied therefor on or before fifty (50) days before the voting.

In addition to the Early Voting categories and modalities provided in the Election Code, Early Voting shall also be available in this voting to any qualified voter who, on the date of the voting, has attained the age of sixty (60) or more.

Every voter eligible for Early Voting shall do so through the US Postal Service or in advance and in person at an early voting center at the precinct where he is registered.

The Commission shall not treat or process Early Voting applications or the mailing of ballots as any type of certified mail. These ballots shall be mailed to the voter by regular mail at the address stated in his Early Voting application.

All other Early Voting modalities before an Electoral Balance Board shall be deemed to be extraordinary and limited to the voter who, in his application, certified to the State Election Commission at least one of the following:

- (a) That he is bedridden at home or at a hospital.
- (b) That he suffers from a medical condition that limits or affects his mobility outside of his home.
- (c) That he resides at a Residential Care Home.
- (d) That he is confined in a penal or juvenile institution.

### Section 5.9.-Right to Vote Guaranteed

The State Election Commission shall prescribe measures and remedies in order to guarantee the right to vote of any voter who, by reasons beyond his control, was unduly omitted from the General Voter Registry of Puerto Rico.

Pursuant to the Election Code, the Commission shall also implement mechanisms to allow voters with physical disabilities to vote.

Moreover, pursuant to the Election Code, no public or private employer shall prevent employees from exercising their right to vote.

Voters who are bedridden due to health reasons, whether at a hospital or at home, and who on the date of the voting shall continue so, shall have the option to vote early at the hospital or at home, as the case may be. The Local Commission of each precinct shall constitute Voting Boards as are necessary to tend to these voters. Votes thus cast shall be adjudicated during the General Canvass, in accordance with the provisional voting procedures.

### Section 5.10.- Certification and Publication of the Voting Results

(a) The option printed on the ballot that is favored by a majority of one hundred percent (100%) of valid votes and defined as “Adjudicated Ballots” shall be certified by the Commission as the winning option and the legitimate expression of a majority of voters.

(b) The counting of votes and the certification of the results of the voting by the State Election Commission shall be carried out in accordance with the holding of the Supreme Court of Puerto Rico in *Suárez-Cáceres v. Comisión Estatal de Elecciones*, 176 DPR 31 (2009). A vote not cast, spoiled, and blank ballots, or ballots lacking a clear 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.”

(c) Therefore, any interpretation of the results of the voting shall be subject to a valid vote for one (1) of the options printed on the ballot. The absence of voters in the election or void or blank ballots cast shall never be used to suppress the intent of voters who exercised their right legally, democratically, voluntarily, and validly.

(d) Only “Adjudicated Ballots” may be considered as part of the certification of the results.

(e) “Ballots with no Adjudication Value,” as defined in the Election Code, may only be counted as a group on the tally sheets of each polling place for tallying purposes at said polling places and not as part of the certification of the results.

(f) Upon issuing the final certification of the results, in Spanish and English, including the number of valid votes and the percentages obtained by each one of the ballot options, the State Election Commission shall include the following as a preamble: “These final and official results certified by the State Election Commission of Puerto Rico constitute the legitimate expression of a majority of voters and the exercise of the right to self-determination of the U.S. citizens of Puerto Rico to finally solve their current political status. Furthermore, it constitutes the claim of a majority of voters protected by the First Amendment to the U.S. Constitution to petition the Congress and the President for a redress of grievances arising out of the current territorial status established \_\_\_ years ago.

Any other interpretation of these results shall be contrary to the rights of a majority of U.S. citizens of Puerto Rico who cast their vote willingly, validly, and democratically, in accordance with federal law, the laws, and the case law of the Supreme Court of Puerto Rico.

(g) Not later than forty-eight (48) hours after completing the General Canvass of the voting, the Chair of the State Election Commission shall deliver the certification of the results to the Governor, the Resident Commissioner of Puerto

Rico in Washington, D.C., the presiding officers of the Legislative Assembly, the U.S. President, the presiding officers of Congress, and the U.S. Attorney General.

(h) Not later than five (5) days from the certification of the results of the voting, the Governor shall deliver a copy of the certification to each member of Congress.

Section 5.11.- Duties of the Commission in Connection with the Voting.

(a) Notwithstanding the provisions and purposes of this Act, the duties specifically delegated to its Chair, and those matters that are not preempted by, or inconsistent with, this Act, the Commission shall have the duties imposed thereto by the Puerto Rico Election Code to guarantee the right to vote, organize, direct, implement, supervise, and issue certifications.

(b) When no unanimity is reached by the voting members of the Commission on any matter related to the voting authorized by this Act, the Chair shall make the final decision that best serves the public interest and that fully complies with the provisions of this Act. No partisan, ideological, or sectarian consideration shall be above the purposes of this Act.

(c) To promptly and diligently adopt and implement regulations, certifications, or resolutions as are necessary to attain the purposes of this Act efficiently and equitably.

(d) To adopt rules for each voting not later than twenty (20) days after the publication of the proclamation by the Governor.

(e) To establish a “Special Polling Place for Provisional Voting” in every electoral unit or polling center for voters who have not been included in the voters’ lists and claim their right to vote. The Commission shall prescribe by regulations the requirements and procedures for this special polling place for voters who claim that they do not appear on the voters’ list of their polling center due to administrative errors attributable to the Commission.

(f) To establish an “Accessible Polling Place” in every electoral unit or polling center to facilitate the voting process for voters with disabilities.

(g) To evaluate whether it is feasible to establish an accessible Vote-by-Telephone system for voters with disabilities, so that said voters may cast their votes secretly and independently. The system shall have the same notification functions as the Electronic Vote Counting system.

(h) To keep all the ballots and tally sheets of these voting for a period of not less than twelve (12) months, from the final certification of the results. Once said period elapses, ballots and tally sheets may be destroyed unless any judicial proceeding is pending or until the Court’s decision becomes final and binding.

(i) To strictly comply with all the dates and the calendar provided in this Act

#### Section 5.12.-General Canvass

(a) The General Canvass may not be stayed, except for the regular rest breaks. Thus, the canvass shall operate uninterruptedly and swiftly, thus ensuring that every vote cast by a voter duly authorized by Law to vote is counted and that the canvass ends within a reasonable timeframe.

(b) The General Canvass shall begin no later than three (3) days after the voting, and shall end not later than thirty (30) days after it began.

(c) The regular Election Commissioners of all political parties that constitute the whole Commission and their representatives in the canvass process shall be proactive in order for the General Canvass to continue uninterruptedly. This shall include to provide for the presence of their officials at the appropriate canvass desks from the beginning to the end of the daily works in order to canvass votes.

(d) Any party whose officials are not present shall be deemed to have waived its electoral balance representation at such desk.

(e) Hindering, interrupting, or staying the General Canvass shall constitute a felony as provided in this Act.

(f) The Commission shall not stop all the General Canvass works being carried out at the desks, and any disagreement arising in a particular desk shall be addressed in accordance with the ranking system established in the rules of the Commission.

(g) Whenever it is determined that a voter has cast his vote at the polling place, or cast an early vote, an absentee vote, a provisional vote, or otherwise, unlawfully, such matter shall be referred to the whole Commission to address such matter.

(h) The Commission shall refer the matter to investigative agencies, namely, the state and the federal Departments of Justice as well as to any other agency with a similar capacity to conduct investigations as appropriate and, if necessary, to initiate any action in connection with the matter.

(i) The finding of an attempted double voting or any other irregularities shall not interrupt the course of the General Canvass; hence, the vote thus cast and in dispute shall be excluded therefrom. Once the matter is referred to the whole Commission, the canvass process shall continue at the appropriate desk.

(j) The poll books of each precinct shall be available to the concerned election officials when the respective precinct election material bag is opened. Only the officials of the appropriate desks shall have access to the poll book concerned with which the works of the specific precinct shall be carried out.

(k) In order to safeguard the right to cast a secret ballot as well as the guarantees of confidentiality over sensitive information protected by the state and federal codes of law, the transfer of poll books outside of the premises where the General Canvass is being conducted is hereby prohibited. The purpose of the foregoing is to safeguard the rights of all voters.

(l) Upon concluding the General Canvass, the poll books shall be placed under the custody of the Commission and any subsequent use thereof shall be legally supported.

(m) To avoid undermining the nature of the General Canvass, it is hereby provided that the representatives of all the options on the ballot shall have access to the poll books without the need to reproduce additional copies for each representative. In doing so, only one copy shall be allowed in addition to the original poll book. Once used, the copy shall be destroyed and the original poll book shall be kept under custody as provided in the preceding subsection.

(n) It is clear that any discrepancies in a canvass desk or the withdrawal of any representative of any of the options, whether voluntarily or due to lack of human resources, shall not constitute an impairment to continue with the General Canvass. If one or various representatives withdraw their staff or fail to be present due to a lack of human resources, the Canvass Director and the members of the Commission shall have the duty to ensure that the representatives of the remaining options carry on with the canvass process together with a representative of the public interest, who shall be designated by the Chair of the State Election Commission.

## CHAPTER VI

### REPRESENTATION OF OPTIONS ON THE BALLOT

#### Section 6.1.- Certification to Represent an Option.

(a) No organization that has failed to meet the requirements of this Act, the Commission, and Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” shall be certified as representative of an option.

(b) The State Election Commission shall certify as representative of each option printed on the voting ballot the political parties, parties by petition, citizen groups, or political action committees that so request and meet the requirements of this Act.

(c) Nothing shall prevent political parties, parties by petition, citizen groups, or political action committees from forming alliances or coalitions to represent the same political status option; provided, that they all meet the requirements of this Act.

(d) Without prejudice to the provisions of this Act, the Commission and the Office of the Election Comptroller shall adopt the rules that shall govern all that pertains to the requests, forms, and procedures to be followed to implement all that pertains to the certification as representative, including alliances or coalitions.

(e) No political party, party by petition, citizen group, political action committee, alliance, or coalition may represent more than one (1) option in these voting events.

(f) Any political party, party by petition, citizen group, political action committee, and natural or juridical person, that is certified as representative of any of the options printed on the ballot, which receives or uses contributions, engages in fundraising activities, and/or incurs campaign advertising expenditures or any kind of canvassing activity in support or against any of the options, including, to promote abstention, any type of voting expression modality, or any other status option shall meet the registration and certification requirements in the Office of the Election Comptroller, as a prerequisite to engage in canvassing activities or to its certification in the Commission.

(g) No political party, party by petition, citizen group, or political action committee that has failed to meet the certification and reporting requirements provided in the subsection (f) above may assign, contribute, and/or lend financial or



in-kind resources to any political party, party by petition, citizen group, or political action committee certified as representative or that is part of an alliance.

(h) Any natural or juridical person that fraudulently violates any of the provisions of this Section or that, being required hereunder, voluntarily fails or refuses to comply with the same, shall be guilty of an election offense and, upon conviction, shall be punished by imprisonment for a term not to exceed two (2) years or by a fine not to exceed ten thousand dollars (\$10,000) for every violation, or both penalties, at the discretion of the Court.

Section 6.2.- Certification Requirements for Representing an Option.

(a) Prior to the Commission's certification, every political party, party by petition, citizen group, or political action committee shall provide proof of registration as required by Act No. 222-2011, known as the "Puerto Rico Political Campaign Financing Oversight Act," regardless of whether these shall participate individually, as an alliance, or as a coalition.

(b) Any such political party, party by petition, citizen group, or political action committee shall also notify the Commission, in its request for certification: the names, addresses, personal information, and positions of all the members of the governing body of the organization; if the organization existed prior to the approval of this Act and had a proven track record advocating for the option it is interested in representing, or if the central governing body thereof is composed of persons affiliated with a political party, group, organization, or entities that existed prior to the request and had a proven track record advocating for the status option they are promoting; or that even if it had not existed prior to the effective date of this Act or as of the filing date of the request for certification, a substantial number of the members thereof has a proven track record advocating for the option it intends to represent in the voting. Upon filing its request, it shall also notify the Commission whether it intends to represent said option individually as an organization, or shall

identify the alliance or coalition under which it shall be participating. Moreover, it shall also notify whether the only purpose of the certification is to favor or oppose any of the options printed on the ballots, or to promote abstention, any type of voting expression modality, or any other option.

(c) The names of the members of the governing body of the political party, group, or committee that is ultimately certified, shall appear on the certification to be issued by the Commission, if approved.

(d) Any natural or juridical person who fraudulently violates any of the provisions of this Section or who being duly required hereunder, voluntarily fails or refuses to comply with the same, shall be guilty of an election offense and, upon conviction, shall be punished by imprisonment for a term not to exceed two (2) years, or by a fine not to exceed ten thousand dollars (\$10,000) for every violation, or both penalties, at the discretion of the Court.

Section 6.3.- Electoral Balance Representation in Polling Place Boards, Electoral Unit Boards, Precinct Local Commission, and the Absentee and Early Voting Administrative Board (JAVAA)

(a) At the voting authorized by this Act, the number of election officials at all Electoral Balance levels shall always be equal for each option, regardless of the number of parties, groups or individuals that support them, including alliances or coalitions.

(b) Polling place boards, electoral unit boards, and local commissions shall be composed of election officials of each political party or group certified by the Commission.

(c) This Electoral Balance mechanism shall also be used by the Absentee and Early Voting Administrative Board (JAVAA) during the voting cycles authorized by this Act. The number of election officials at all JAVAA levels shall

always be equal for each option, regardless of the number of parties, groups or individuals that support them, including alliances or coalitions.

(d) The Commission shall prescribe by regulations the number of election officials needed at each Electoral Balance level for each one of the voting options as well as their duties.

(e) Not later than forty-five (45) days before the voting, political parties, parties by petition, citizen groups, or political action committees that are certified as representatives of an option shall notify the Commission in writing and in the forms provided by the latter, the information about their respective officials and their location by precinct, electoral unit, and polling place.

## CHAPTER VII

### FUNDRAISERS AND CAMPAIGN EXPENDITURES

#### Section 7.1.- Lack of Public Funding and Obligations.

(a) Every political party, party by petition, citizen group, political action committee, and natural or juridical person that engages in canvassing activities during the campaign of any of the voting events authorized by this Act, shall defray campaign expenditures from their own financial resources. However, if any of the foregoing solicits, receives or uses contributions, engages in fundraising activities, and/or incurs campaign advertising expenditures or in any kind of canvassing activity to favor or oppose any of the options on the ballot, including, to promote abstention, any type of voting expression modality, or any other option, they shall meet the financial reporting requirements set forth by the Office of the Election Comptroller by virtue of Act No. 222-2011, known as the “Puerto Rico Political Campaign Financing Oversight Act.” Notwithstanding the foregoing, in the case of nonprofit entities organized under Section 501 of the U.S. Internal Revenue Code, which are required to submit registration and operations documents and reports to the U.S. Internal Revenue Service (IRS), may only be required to register with the

Office of the Election Comptroller for the sole purpose of reporting expenditures specifically related to any plebiscite or ballot measure called under the “Act to Implement the 2020 Plebiscite Petition for Statehood,” but shall not be required to disclose their membership or the contributions received, as ordinarily required by Act No. 222-2011, as amended. Nor said entities shall be required to report to the Election Comptroller (Act No. 222-2011) expenditures or disbursements of any other nature that are not related to said ballot measures or plebiscites under this Act.

(b) In the absence of public campaign funding, the limitations on expenditures provided by law for primaries, general elections, and other similar voting events shall not apply, except for the limitations or conditions that may arise from applicable federal and state case law.

#### Section 7.2.- Rulemaking Authority.

Not later than twenty (20) days after the approval of this Act, the Office of the Election Comptroller shall draft and adopt regulations, documents, and forms as are necessary for the implementation of the provisions of this Chapter.

### CHAPTER VIII

#### OTHER PROVISIONS

#### Section 8.1.- Legal Actions.

(a) Any dispute, complaint, action, or challenge related to this Act heard in a court of law, shall be processed and considered under the terms and conditions of the Puerto Rico Election Code. Any challenge, dispute, or legal action that directly raises, or entails among its consequences, the stay of proceedings involving the holding of the voting during the hours and on date provided in this Act, shall be considered and decided directly by the Supreme Court of Puerto Rico.

(b) In order to prevent disputes or actions related to the procurement or contracting of goods and services that are necessary for the holding of this plebiscite,

from hindering the planning, coordination, calendar, and holding thereof, the Commission shall directly review and decide thereon in its best judgment. If no unanimity is reached by the voting members of the Commission, the Chair shall make the final decision. No complaint or action filed with a court of law shall stay the determination or administrative adjudication of the Commission, unless the Order, Decision, or Judgment becomes final and binding.

Section 8.2.- Non-Applicability.

No law, part of a law, regulations, plan, executive or administrative order that is inconsistent with the purposes of this Act shall be applied, used, or construed.

This Act and the regulations thereunder shall also be excluded from the application of Act No. 38-2017, as amended, known as the “Government of Puerto Rico Uniform Administrative Procedure Act.”

Section 8.3.- Powers of the Governor

The Legislative Assembly hereby empowers the Governor of Puerto Rico to implement the purposes of this Act by Executive Order.

This discretionary power conferred to the Governor shall be exercised always upholding the will of an absolute majority of U.S. citizens of Puerto Rico in favor of equality through statehood as expressed in the November 3, 2020 plebiscite.

Section 8.4.- A new subsection (f) is hereby added and the subsequent subsections of Article 2 of Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico,” are hereby renumbered, to read as follows:

“Article 2.- Definitions

For the purposes of this Act, the term:

(a) ...

(f) “Revolving Fund” shall be of a permanent and revolving character, thus, any balance at the close of each fiscal year shall remain in the Fund for its capitalization and use for future expenditures.

(g) ...

(h) ...

(i) ...

(j) ...

(k) ...

(l) ...”

Section 8.5.- Current Article 3 is hereby repealed and a new Article 3 is hereby added to Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico,” to read as follows:

“Article 3.- Declaration of Public Policy

In the November 3, 2020 plebiscite, and for the third consecutive time in the last eight (8) years, an absolute majority of voters of Puerto Rico have claimed equal rights and duties as U.S. citizens with statehood.

The result of the election in favor of statehood constitutes a mandate of the People to their government and a public purpose of the highest priority. It also constitutes the U.S. citizens of Puerto Rico’s exercise of their fundamental right protected under the First Amendment to the U.S. Constitution to petition the Government for a redress of grievances arising out of the current territorial status established 122 years ago.

As provided in Act No. 51-2020, known as an “Act to Define Puerto Rico’s Ultimate Political Status,” a transition process shall begin forthwith to cease in Puerto Rico the imposition of any form of territorial and colonial condition and legal interpretation under Article IV, Section 3, Clause 2 of the Constitution of the United

States of America and lead Puerto Rico, without delay, on a path toward equal rights and duties as a state of the Union under the Constitution of the United States of America.

The U.S. citizens of Puerto Rico are internally organized as a republican form of government and governed by a Constitution approved by the Congress and the President; and compatible with all of the requirements imposed on the States of the Union by the United States Constitution of the United States of America.

The efforts of the Puerto Rico Equality Commission created by this Act become more relevant, and so do the necessary resources to attain its purposes and honor the electoral mandate of the People of Puerto Rico.”

Section 8.6.- Sections 2 and 8 of Article 4 of Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico,” are hereby amended to read as follows:

“Article 4.- Transitory Measures to Constitute the Congressional Representation of the United States Citizens of Puerto Rico

Section 1.- ...

Section 2.- Duties and Powers of the Commission

The Commission shall have the following duties and powers:

(a) ...

(1) The Commission is hereby authorized to solicit and accept contributions from natural and juridical persons from any jurisdiction of the United States of America, whether public or private. Not later than thirty (30) days from the approval of this Act, the Secretary of the Treasury shall implement the rules for soliciting, receiving, depositing, and expending these contributions in the Equality Commission’s Revolving Fund created by this Act, including the maximum tax deductions possible for donors, in accordance with the Tax Code in effect.

Section 3.- ...

Section 8.- Budget of the Commission.

Beginning July 1, 2021, and every fiscal year thereafter, an annual budget of one million two hundred and fifty thousand dollars (\$1,250,000.00) shall be appropriated to the Commission to defray operating expenses, action plans, professional and media services, among others, and any other expenses incurred by its members, which are equal to those paid from public funds to any official carrying out official duties within and without Puerto Rico. Proof of travel, transportation, per diem, and lodging expenses incurred by the members of the Commission, as of the effective date of this Act, shall be reimbursed by PRFAA chargeable to the budget appropriation provided in this Act for fiscal year 2021-2022.

The annual budget appropriation shall be consigned in a Revolving Fund of the Equality Commission under the custody of the Puerto Rico Federal Affairs Administration (PRFAA), created by Act No. 77-1979, as amended. The use of the monies in this Fund for purposes other than those authorized by a majority of members of the Equality Commission shall be prohibited. This Fund shall be of a permanent and revolving character, thus, any balance at the close of each fiscal year shall remain in the Fund for its capitalization and use for future expenditures.

PRFAA's intervention in this Fund shall be limited to receiving and keeping custody of the appropriations and contributions, accounting, and administrative controls, and making disbursements promptly. Solely by a majority vote, the members of the Commission, who shall be responsible for such expenses, shall be empowered to determine how and on which matters such funds shall be invested.

The financial resources of this Fund shall originate from the taxes imposed on Corporations. These appropriations and the Fund shall be exempt from the intervention of the Financial Oversight Board, as provided in Section 402 of Public



Law 113-76 (2014), known as the ‘Puerto Rico Oversight, Management, and Economic Stability Act’ (PROMESA).”

Section 8.7.- A new Article 6 is hereby added and current Article 6 is hereby renumbered as Article 7 of Act No. 30-2017, as amended, known as the “Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico,” to read as follows:

“Article 6.- Prohibitions and Offenses. -

Any person who obstructs or interferes with the activities or the appropriations related to this Act, or fails to comply with its provisions, or to meet the obligations and duties imposed under this Act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than one (1) year nor more than three (3) years or by a fine not to exceed ten thousand dollars (\$10,000), or both penalties at the discretion of the Court.”

Section 8.8.- Severability Clause.

If any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act thus held to be null or unconstitutional.

If the application to a person or a circumstance of any clause, paragraph, subparagraph, sentence, word, letter, article, provision, section, subsection, title, chapter, subchapter, heading, or part of this Act were held to be null or unconstitutional, the ruling, holding, or judgment to such effect shall not affect or invalidate the application of the remainder of this Act to such persons or circumstances where it may be validly applied.

It is the express and unequivocal will of this Legislative Assembly that the courts enforce the provisions and application thereof to the greatest extent possible, even if it renders ineffective, nullifies, invalidates, impairs, or holds to be unconstitutional any part thereof, or even if it renders ineffective, invalidates, or holds to be unconstitutional the application thereof to any person or circumstance.

Section 8.9.-Offenses.

In addition to the offenses provided in the Election Code, Act No. 222-2011, as amended, and other penal laws, the following offense shall be punishable:

Any person who obstructs or interferes with the activities or the appropriations related to this Act, or fails to comply with its provisions, or to meet the obligations and duties imposed under this Act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for a term of not less than one (1) year nor more than three (3) years, or by a fine not to exceed ten thousand dollars (\$10,000), or both penalties at the discretion of the Court.

Section 8.10.- Effectiveness.

This Act shall take effect immediately after its approval.