



COMISION ESTATAL DE ELECCIONES
ESTADO LIBRE ASOCIADO DE PUERTO RICO

Help America Vote Act of 2002

2005 Revisions to the 2003 Implementation Plan & 2005-2006 Planned Activities

December 2005

Dear Puerto Rico Voters:

The Comisión Estatal Electoral de Puerto Rico (Commission) issued an initial implementation plan on August 14, 2003 (2003 Implementation Plan) as required under the Help America Vote Act of 2002 (HAVA). In December 2004, the Commission issued revisions to that initial plan (2004 Revisions), as required by HAVA. Most of the changes in the 2004 Revisions were changes in the amounts being spent for different improvements to elections, and updates on elections improvements contemplated, but not yet enacted at the time of the 2003 Implementation Plan.

Most of the changes in the 2005 Revisions are, again, changes in the amounts being spent for different improvements to elections. As actual costs were spent, in many cases the Commission found that its estimates were different than actual costs turned out to be. Moreover, the Commission exceeded its originally ambitious plans for a number of improvements of accessibility for disabled voters. Additionally, more federal funds were made available to the Commission in 2005, so this revised state plan directs where those additional funds will be spent. The 2005 Revisions also review the improvements for disabled voters that the Commission has implemented. These 2005 proposed revisions will be available for thirty days to solicit public review and commentary on the Commission disseminated copies of the plan.

Puerto Rico continues to have one very significant challenge in complying with the HAVA mandates: unlike every other state and territory, Puerto Rico was specifically negatively impacted during the federal appropriations process by language that had the sole effect of reducing dramatically the funding available to Puerto Rico, specifically, to implement HAVA mandates. Though Puerto Rico is still required to fulfill the HAVA mandates, including the very expensive voting equipment mandates, Puerto Rico did not get the money originally promised, nor sufficient money necessary to meet the federal mandates.

The Commission appreciates the time and suggestions given by the members of the Puerto Rico HAVA Advisory Committee. This diverse group represents the diverse constituencies that are a part of Puerto Rico's electorate.

We are fortunate that our farsighted government officials, elected, appointed, and hardworking staff, have already put in place many of the requirements of HAVA prior to HAVA's enactment. As a result, Puerto Rico has proven to be far ahead many states of the American Union in meeting the requirements under HAVA. Yet, there are still improvements to be made. The 2005 Revisions set out the plan the Commission follow to continue working assiduously to improve and make elections accessible to each voter in Puerto Rico.

Sincerely,

Aurelio Gracia Morales
President

Comisión Estatal de Elecciones
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Background on Elections in Puerto Rico

Puerto Rico is in a unique situation. According to the 2000 census, Puerto Rico's voting age population is 3.8 million, a population larger than in 25 states. Moreover, Puerto Rico's turnout for elections is significantly higher than virtually all of the 50 states. Turnout for the 2004 elections was 82%, of over 2.4 million voters.

Yet, after establishing authorized amounts in the Help America Vote Act (HAVA), an artificially set cap that was specific only to Puerto Rico was imposed in the federal budget. Puerto Rico will receive just \$ 2,319,361 in Title II federal funds! This means Puerto Rico will receive only approximately 6% of the estimated amount needed to minimally meet the federally mandated requirements!

According to a calculation by the Congressional Research Service using the formula based on voting age population established in HAVA, Puerto Rico was authorized to receive approximately \$37,362, 313 in Title II funds under the Help America Vote Act (HAVA)! While there has been some reduction between the originally authorized funds and those received by the states, the two states nearest in size, Oklahoma and South Carolina, have received over \$27.5 million and \$32.4 million, respectively. The smallest 12 states and the District of Columbia, which range in size from approximately a half million voters to approximately 1.3 million voters are all receiving a guaranteed minimum that so far is over \$11.5 million dollars. These jurisdictions will get five times the money, with, at best, half the population.

Puerto Rico is receiving less than \$1 per voter. By comparison, DC, which also has non-voting representation in Congress will receive approximately \$20.5 per voter, and the other territories are receiving something over \$14 per voter! In fact, the smallest state will receive approximately \$23 per voter to help pay for the HAVA mandates. The largest state is still to receive approximately \$7.5 per voter.

The challenge for Puerto Rico, then, is to meet the mandatory requirements without even receiving a fraction of the congressionally estimated amount needed to make the mandatory changes. The options available are accordingly severely restricted. The loser will be the voters, particularly the disabled voters, of Puerto Rico, as the only significant cost item needed in Puerto Rico is a voting system that will allow the disabled to vote privately and independently. With electronic voting machines serving approximately 750 voters in a day, and over 2.4 million voters in Puerto Rico, and an average cost in excess of \$5000 per voting machine, Puerto Rico is being expected to spend almost \$16 million, just on voting equipment, while being reimbursed less than \$2.5 million!!!

This funding issue continues to be the biggest challenge for the Commission.

CHANGES TO STATE PLAN:

SECTION I - §301 Voting Systems Standards

While the deadline set by HAVA for meeting voting system requirements is 2006, Puerto Rico will not be conducting a federal election in that year (the term for Puerto Rico's Resident Commissioner to the US Congress is for four years coinciding with the US Presidential elections), which effectively means that Puerto Rico will first be using a compliant system in place in 2008. With the funding challenge unique to Puerto Rico, and given the fact that the Commission believes that its voting system, is in strict technical & legal compliance, already, with the HAVA requirements, Puerto Rico decided to tackle an improved voting system to better address the needs of all voters after the November 2004 elections. It intends to have an improved system in place prior to the primary elections for Resident Commissioner, its only federal office. The primary elections will probably be in early 2008, but will be no earlier than late 2007.

In addition to funding constraints, Puerto Rico has some political challenges to changing the voting system. Currently, the island's political consensus is to preserve the paper ballot system. The Commission must, therefore, either make sure they choose a uniform, paper ballot system that affords voters with disabilities the right to vote privately and independently, or get political agreement to change.

For the 2004 election, consistent with HAVA §301(a)(1), the Commission revised its instructions to voters. Instructions included specific instructions directing voters to review their ballot choices, as well as instructions about the effect of voting for more than one candidate. Also, as has been true for many years, the Commission provided tactile ballot sleeves for blind voters to vote independently and unassisted, if they choose. New in 2004 was Braille instructional voting material for blind voters, along with graphic voting instructions, and an instruction voting poster for the deaf that used sign language explaining how to vote. The training and education department made special presentations for disabled voters over the fall, so they could be prepared for their special voting needs. Also new in 2004, the Commission initiated absentee voting in hospitals and for those who are bedridden at home. In addition, the Commission conducted a special multi-media education outreach on the voting process. In 2004 all voter information advertisements included closed captioning; in one case, the ad done made closed captioning the focus of the ad and voiceover was provided for the blind. In all training and education efforts on behalf of disabled voters, disabled activists and their advocates were involved in preparing the materials.

With the changes in 2004, the Commission believes its paper ballot system is allowed and compliant under HAVA. The Commission also believes, however, that though in legal compliance, the current system could be improved, particularly to address the needs of disabled voters using more current technology. Therefore, Puerto Rico remains committed to finding a way to improve the current voting system prior to the 2008 Primary and General Elections by adding voting equipment that would address even better the needs of disabled voters.

§303 Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

Puerto Rico's Current Voter Registration System

The Commission believes that upon the finalization of the paperwork and procedures, which are imminently anticipated, and will result in agreements between the Commission and the Department of Transportation and Public Works (DTOP), and between DTOP and the US Social Security Administration, that Puerto Rico is in compliance with the §303 requirement for a centralized, statewide computerized voter registration list, and all the list maintenance requirements of this section of HAVA. One additional improvement to the system, which will be finished in mid-February, will build upon and improve the list maintenance and registration procedures. Estimated costs for this improvement, which are being shifted from uncommitted funds, are \$750,000.

Planned Activities for Achieving Compliance with Title III and Election Administration Improvements

Activities to meet the requirements of title III (\$252 funds)

Pilot project for new voting system

The Commission did not have an appropriate opportunity to do a pilot project since the November 2004 elections. The Commission has since determined that its paper ballot system, in conjunction with the voter education and voter instructions it has put in place, is compliant with the Title III requirements for voting systems. The Commission still intends to use this money for a pilot project on voting equipment, but it will also partially use the funds to move directly ahead to the purchase of one more accessible piece of voting equipment per *unidad* (polling place), which may be a direct record electronic machine. The Commission's intent is to provide an investment with the purchase of this equipment to ensure persons with disabilities cast their vote privately and independently in each polling place in the federal election in 2008. Estimated total available funds to put toward this pilot project and purchase are \$1 million. The Commission hopes to identify additional funding for this, as the projected cost for merely one unit per polling place is in excess of \$7,000,000, a sum significantly in excess of the \$2.3 million provided in Title III requirements payments.

Verification of Data Assignments ("Mapificación")

Estimated costs for this project were reduced in 2004 to \$1 million. The Commission still expects this to be the total cost of this project.

Mobile Units for Voter Registration

Due to costs, only three mobile units could be added this year, and one unit renovated, for a total of \$ 112,000. The Commission still desires within the next two years to purchase four additional units for an additional \$138,000, if additional funds can be made available. Total estimated cost is \$ 245,000.

Projects to improve election administration (\$101 funds)

Transferring paper files to microfilm

Estimated costs for this project were reduced in 2004 to \$ 200,000. The Commission still expects this to be the total cost of this project.

Mechanized distribution controls

Estimated costs for this project have been reduced by \$15,000. Total cost to implement for general elections was \$106,000. The Commission hopes that before the 2008 primaries that it will be able to find additional funding of \$ 100,000 to extend this mechanized distribution process to the primaries.

Equipment upgrade for local election offices

Estimated costs for this project were reduced to \$ 200,000 in the 2004 Revisions. Since 2004, the Commission has decided that it would be a better used of the funding to substitute upgraded computer machinery for the originally specified fax/printer/copiers/scanners in order to best upgrade the local office technology.

HAVA administration and planning

As the Commission determined in 2004, it intends to use some \$251 funding for education and training of Commission officials in the requirements of HAVA. In addition, the Commission will invest in a planning process to facilitate effective implementation of the new law in a way that both complies with the law and is appropriate to Puerto Rico. (New estimated total cost: \$872,000)

Planned Activities to Improve Accessibility (\$261 funds)

Puerto Rico has a long history of working to make the electoral process accessible to voters with disabilities, including ballot templates for the blind and other efforts at accessibility that even pre-date the passage of the Americans with Disabilities Act. These efforts are ongoing and improving. HAVA provided two different funding streams for addressing these problems; the requirements payments under §257, and the Department of Health and Human Services (HHS) grants under §261 of HAVA. Puerto Rico received \$151,345 in 2003 from HHS, \$104,364 in 2004, and an additional \$102,963 in 2005.

The Commission has continued its efforts to make polling stations – and the voting process as a whole – more accessible, continuing regular meetings of the HAVA committee, which includes significant participation by the disabled advocates and representatives, to advise the Commission on its continued activities in this area. While the HHS grants were for a number of discrete projects, generally, the Commissions efforts have focused on three key areas, described below.

Eliminating barriers to polling stations

The Commission used some of the funding to conduct an extensive survey of all existing and alternative polling stations to determine what barriers still existed and how barriers might be eliminated. The Commission then built or purchased ramps, purchased temporary ramps, and made other improvements to remove physical barriers, and to make any temporary polling places accessible. For the November 2004 elections, the Commission's goal was to make accessible in each polling place at least the "fácil acceso colegio" (that is, the room in each polling place to which disabled voters are assigned), either by permanent or temporary fixes to the polling places.

Training and accessibility manuals for Election Officials and Pollworkers

The Commission believes better education and training of local election officials and polling place workers is an important component in eliminating barriers. The Commission used a portion of the funds to produce special training and manuals for local election officials and polling place workers on accessibility, and how to accommodate the needs of all voters with disabilities. The materials produced were done with active involvement of members of the disability community.

Opening up the voting process, and voter education

In addition to purchasing aids for voters with disabilities for Election Day, such as magnifiers, the Commission made a number of other improvements, including improvements in 2004 to the Commission library, for disabled voters, including a Braille printer and special software that translates information into Braille and audio, along with audio headphones and keyboards in order to allow disabled voters to have access to the same library information as non-disabled voters. The Commission also deployed in 2004 four mobile units to bring the Commission to voters for whom getting to the local offices is difficult. The Commission improved its Braille ballot templates for Election Day, and added Braille instructions material for blind voters. There were new posters for Election Day 2004, including one for deaf voters that describes the voting process visually, and using sign language. And all television advertisement included sign language as a secondary medium within the screen, with one exception: one advertisement used sign language as the primary method of communication and voiceover as the secondary method of communication in the advertisement! The materials produced were done with active involvement of members of the disability community. In addition, the Commission developed a voice-activated telephone system, which will include TTY, and was the first in Puerto Rico's government to have a website that complied with new Puerto Rico law making government websites accessible for the disabled. The Commission continues to work with the HAVA committee and other disabled advocates to further improve in voting accessibility.

SECTION 6 – Budget for Title III Requirements

Funding Assumptions

HAVA Title I (101) Funds: \$3,151,144 (all in FY 2003)

HAVA Title II (252) Funds: \$830,000 (in FY 2003)

\$1,489,361 (in FY 2004)

HAVA Title II (261) Funds: \$151,345 (in FY 2003)

\$104,364 (in FY 2004)

\$102,963 (in FY 2005)

Puerto Rico Matching Funds: \$43,658 (in FY 2003)

\$78,340 (in FY 2004)

No assumptions are made for additional funding, as the current status is so unclear.

Please note that the following charts, taken together show spending based on expected receipts.

Estimated Expenditures on Title III Requirements (FY2003 – FY2005)					
	HAVA 101	HAVA 252	HAVA 261	5%match	other costs
Sec. 301 – Voting System Requirements					
Pilot projects and purchases related to HAVA compliant voting system	\$421,144	\$1,139,361	\$46,463		
Voting aids and commodities for voters with disabilities			\$ 80,000		
Sec. 302 – Provisional Voting and Voter Information					
Voice activated information and other available and/or posted voter information		\$90,000	\$87,709		
Sec. 303 – Computerized voter registration and verification requirements					
Upgrade of identification system					\$3,000,000*
Reengineering of the voter registration system	\$750,000			\$121,998	\$750,000*
Verification of data assignments		\$1,000,000			
Computers for mobile units		\$90,000			
DTOP/SSA VR project	\$70,000				
HAVA administration					
Implementation planning, training & execution, and oversight and management	\$ \$1065,000				
Fund for Warranties, Repairs and other needs for HAVA projects	\$250,000				
Subtotal for Title III					
	\$2,556,144	\$2,319,361	\$214,172	\$121,998	

Some figures are rounded.

*This expenditure is noted for information purposes only.

Expenditures for Improving Election Administration (FY 03 – FY 05)					
	HAVA 101	HAVA 252	HAVA 261	5% match	Other costs
Voter Education and Training					
Outreach to voters with disabilities			\$33,000		
Training of election officials			15,000		
Improving Accessibility					
Accessibility study and manual & improvements to polling places			\$28,000		
Voter Registration					
Mobile units for voter registration	\$90,000		\$68,500		
Election Administration					
Transfer of files to microfilm	\$200,000				
Mechanized controls for election materials	\$105,000				
Upgrade and multi-functional equipment for JIPs	\$200,000				
Subtotal this chart	\$595,000		\$144,500		
Subtotals from previous chart on Title III	\$2,556,144	\$2,319,361	\$214,172	\$121,998	
Remaining Funds expected to be spent in 2006 or later	\$0	\$ 0	\$ 0	\$ 0	Undetermined millions**
Total	\$3,151,144	\$2,319,361	\$358,672	\$121,998	

** In order to comply with HAVA, Puerto Rico, uniquely, is being expected to come up with substantial additional funding not being required by any other state or territory to meet the same requirements. CEE has not yet determined how to meet requirements and costs, given the circumstances.

SECTION 12 – Changes from Previous Year’s Plan

Only changes are described in this “State Plan” revision document for 2005, as suggested by the Election Assistance Commission, in order to save federal funds needed to print “State Plans” in the Federal Register, therefore they are not repeated in this section. Most changes are funding related, or describe accessibility revisions .

SECTION 13 – Changes to HAVA Committee

Puerto Rico’s HAVA Advisory Committee is a diverse group of citizens including members of the Commission, representatives from the three political parties, disabled representation, student groups, and representation of various constituency groups. The First Vice President of the Commission chairs the committee.

As required by HAVA, the Committee included representatives from the Commission’s local offices serving the two largest jurisdictions in Puerto Rico. In the past this included San Juan and Toa Baja; based on new population estimates Toa Baja is being replaced by a representative from Caguas. In addition, a new local elections office representative, from Cidra, is being added to represent smaller jurisdictions. This is the only significant change in membership of the HAVA Committee this year. All other members from 2003 are the same. In addition, the Committee includes a representative from the Office of the Ombudsman for Persons with Disabilities.

The committee has met regularly since last year, focusing on the accessibility requirements.