



**COMISION ESTATAL DE ELECCIONES**  
**ESTADO LIBRE ASOCIADO DE PUERTO RICO**

## **Help America Vote Act of 2002**

**Puerto Rico's Plan for Implementation**  
**August 14, 2003**

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An open letter to all citizens:

On July 8<sup>th</sup>, 2003 the Puerto Rico State Elections Commission presented a preliminary plan for the implementation of the “Help America Vote Act of 2002 (HAVA)”, as required by law. The Commission disseminated copies of the Plan for public commentary and review through the press, public media and by posting it on the Government of Puerto Rico’s website. The Commission received responses and commentaries from individuals and organizations both in writing and at the public hearing held on August 4<sup>th</sup>, 2003. The Commission will be responding individually to each one.

This process of the design of the implementation of this Plan has given Puerto Rico an exceptional opportunity to continue to improve its election process and to involve a broad spectrum of the government and interested public into the discussion. This Plan has benefited from perspectives and suggestions of the members of the Puerto Rico HAVA Advisory Committee that represent the diverse constituencies that are a part of Puerto Rico’s electorate.

Puerto Rico is already in compliance with many of the requirements under HAVA thanks to the foresight and vision of former and current Commissions and the initiative of the Commission staff. Indeed, Puerto Rico’s Electoral Law goes beyond these minimal requirements in the area of complaints, provisional ballots, the creation of a centralized voter registry and voter identification. For over twenty years, Puerto Rico has been at the forefront of the movement to make voting accessible to persons with disabilities. The Commission will continue working assiduously to improve and make elections accessible to each voter in Puerto Rico.

The State Elections Commission is proud of the response and interest expressed by the Committee members and the citizens of Puerto Rico.

Sincerely,

Aurelio Gracia Morales  
President

# Help America Vote Act of 2002

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## Background on Elections in Puerto Rico

The *Comisión Estatal de Elecciones de Puerto Rico* (the Commonwealth Elections Commission or “the Commission”) is an independent, body constituted by a representative of each political party and responsible for all aspects of election administration in Puerto Rico. The current three commissioners are appointed by their respective political parties. If another political party were to meet the criteria to become a recognized party, a commissioner would be added to represent that party.

The commissioners unanimously appoint a president for a four-year term. Subject to the unanimous consent of the other two parties’ commissioners, each of the parties appoints a vice president to serve a four-year term.

Although all responsibility for elections resides with the Commission, a local commission carries out election administration duties at the local level. There are 110 local commissions serving 110 precincts with approximately 330 part-time local commissioners, 330 alternative part-time local commissioners and 110 judges serving part-time as presidents of local commissions. Local commissions review polling place procedures and handle local problems.

While the local commissions have primary responsibility, a *Junta de Inscripción Permanente* (“JIP” or “registration board”) provides secretariat functions to these commissions, namely: (1) administering voter registration; (2) issuing voter identification; (3) assign voters to polling places; (4) transaction reports; and (5) submit monthly all transactions to local commission for approval. The Commonwealth Commission employs a staff of approximately 1000 people; of those, approximately 325 staff the offices of JIPs.

There is one General Election to elect all levels of public office and it is held every four years. In Puerto Rico Election Day is a holiday and it occurs on the first Tuesday after the first Monday in November of the same year the President of the United States is elected. The next general election will be held on November 2, 2004.

Across Puerto Rico all polling places are open from 8 a.m. to 3 p.m. Voter turnout traditionally ranges between 85 percent and 90 percent. Primaries for the general election are held in November of the prior year.<sup>1</sup> Parties may also nominate candidates within party assemblies before the primaries. Special elections may be held if a vacancy occurs; in the last two years there have been five special elections. The Commission also conducts special elections for referenda, plebiscites and primaries.

All voters in Puerto Rico cast paper ballots. On Election Day, Puerto Rican voters vote three separate paper ballots. On the first ballot, identical across Puerto Rico, Puerto

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<sup>1</sup> By law beginning in 2005 Puerto Rico will hold its party primaries twelve days prior to Good Friday of the general election year.

Ricans elect their Governor and Resident Commissioner (Puerto Rico's representative to Congress). Using a separate ballot, voters elect the entire Puerto Rican legislature (51 members of the House of Representatives, including 11 at-large, and 27 members of the Senate, including 11 at-large). Finally, there is a third ballot for electing public officials in each of Puerto Rico's 78 municipalities. In a general election there are more than 120 different ballots.

There are eight senate districts and forty legislative districts in Puerto Rico. Each of the representative districts may include from one to six precincts. Each of the senate districts may include six to eighteen precincts. There are 110 precincts in Puerto Rico, but these precincts are not equivalent to precincts as the term is traditionally used in the United States and within HAVA. Within these precincts there are currently 1694 election units. These election units are equivalent to precincts as the term is conventionally used, as each election unit is one physical polling place location.

Since 1988 Puerto Rico has provided blind voters with a template that allows the blind to vote independently and in secret. In 1991, the template was modified to include Braille. Most polling places are totally accessible, and the Commission will this year survey all polling places and determine what more needs to be done to make all polling places totally accessible. The Commission intends to have all polling places (election units) totally accessible in advance of the next general election in 2004.

Each election unit or polling place, typically a school or government building, will usually house between two and twelve *colegios* or colleges. The size of each college varies according to the type of election; in a general election approximately 375 voters will be assigned to each college. Voters are alphabetically assigned to colleges with one exception: within each election unit there is always one college for all provisional voters. The size of the provisional voting college cannot be determined in advance as it depends on the number of provisional voters.

All colleges, except the provisional ballot college, will have a minimum of nine poll workers: three inspectors, three auxiliary inspectors and three secretaries. The chairman of the college is the inspector who represents the Governor's party. Inspectors give the ballots and instructions to the voters. Special inspectors examine voters' fingers when they arrive to ensure the voter has not already voted. Secretaries are in charge of the list. The provisional ballot college will only have two party workers for each party.

After the polls close, each college will resolve any challenged votes and tally its votes. Only if there is unanimous consent in a challenge situation is the vote counted by the college.<sup>2</sup> All colleges' votes at the election unit are then tallied together. The election unit's preliminary results are posted and then transmitted to the local election office where the election unit results are entered into the computer system and faxed to the Commonwealth Commission office. The Commission is responsible for issuing a preliminary certification of all results on Election Night. All materials, including all

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<sup>2</sup> Uncounted ballots at the college level, whether challenge ballots or provisional ballots, are then sent directly to the Commission for resolution.

ballots, are then transmitted to the Commission the night of the election where they are securely held until the official general count of all the results.

The official count typically takes a couple of weeks to complete, and is conducted under the Commission's auspices in San Juan. A team of party representatives and a representative of the Commission work to resolve challenges, determine the voter's intent on ballots where local polling place officials were unable to reach a unanimous decision, and determine the eligibility of voters who cast provisional ballots. If this team fails to reach unanimous agreement on how to treat a ballot, the ballot next goes to the Commission for a decision. If there is no unanimous decision by the Commission, the President decides.

## Unique Characteristics of Elections in Puerto Rico

The Commonwealth Commission is one of a handful of state election authorities that run centralized elections. While Puerto Rican law clearly delineates the responsibilities of the Commission, the local commissions and the local registration boards, the Commission, located in San Juan, has ultimate authority over the registration process – the Commission administers the registration database, for example – and over the counting of the ballots. As a consequence of this centralized system, some of the provisions in HAVA intended to shift responsibility and authority from the localities to the state election authority do not apply.

In addition, Puerto Rico is exempt from the requirements of the National Voter Registration Act (NVRA). Specifically, Puerto Rico does not allow mail-in registration and no government agencies other than local registration boards may process voter registrations. Accordingly, certain provisions of HAVA intended to improve functions required under the NVRA do not apply in Puerto Rico.

As noted above, Puerto Rico is exempt from the National Voter Registration Act and, therefore, exempt from those provisions of §303 that require a state to use list-cleaning procedures prescribed by NVRA in administering the computerized list, including §303(a)(2) and §303(a)(4). The U.S. Department of Justice has confirmed this exemption in a letter to the Secretary of State of Alabama on March 17, 2003. That being said, the Commission coordinates its list with the Civil Registry records, which include death records. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions.

Under this same exemption, Puerto Rico does not permit voters to register by mail except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Since Puerto Rico does not otherwise allow voters to register by mail, §303(b) of HAVA, which requires mail-in registrants voting for the first time to provide identification, does not apply to Puerto Rico.

In addition to these provisions, the provision required in the State Plan under §254(a)(2) also does not apply. This provision requires the State to describe how it will distribute

and monitor funds to units of local government. Although there are local election offices – the local registration boards – these are not separate local government entities as named in this provision but rather field offices. The Commonwealth Commission will be the sole agency authorized to expend federal funds received under HAVA.

## Section 1: Achieving Compliance with HAVA in Puerto Rico

*How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under §251(a)(2), to carry out other activities to improve the administration of elections. – HAVA §254 (a)(1)*

***See Appendix A for a summary chart detailing Puerto Rico's current compliance with the requirements of HAVA and, where Puerto Rico is not in compliance, actions that will be taken to meet the requirements.***

Puerto Rico is in a unique quandary. According to the 2000 census, Puerto Rico's voting age population is 2.7 million, a significantly larger population than in many states. According to a calculation by the Congressional Research Service using the formula based on voting age population established in the Help America Vote Act, Puerto Rico could receive up to \$37,362,313 in funds available for assisting in meeting the new federal requirements. Puerto Rico is also authorized to receive \$3,410,128 in early money. Puerto Rico is therefore authorized to receive a total of \$40,772,441. In the FY2003 congressional appropriation, however, funds to Puerto Rico were capped at \$4 million. Even the District of Columbia, which has a population of less than 600,000, received a guaranteed minimum of \$5 million. In sum, Puerto Rico with a significant population is being expected to meet mandatory requirements without receiving appropriate – and congressionally authorized – resources relative to other states and territories.

The challenge for Puerto Rico, then, is to meet the mandatory requirements without any guarantee of sufficient requirements payments. Unless the funding inequity is resolved, Puerto Rico is severely constrained in the options available for meeting the requirements. The following Plan reflects these constraints.

Puerto Rico's current level of compliance with the requirements of both Title III and Title VII of HAVA is summarized in Appendix A.

### ***Achieving Compliance with Voting System Requirements in §301 of HAVA***

HAVA requires that all voting systems used in federal elections meet certain new requirements by 2006. These requirements include the following: all voting systems must (1) give the voter an opportunity to review and correct the ballot secretly and independently prior to voting; (2) provide a permanent paper record of ballots cast; (3) be accessible to voters with disabilities; (4) provide alternative language ballots in jurisdictions required to do so under the Voting Rights Act; and (5) not exceed the error rate established by the Federal Election Commission.

Puerto Rico now uses a paper ballot voting system in which all ballots are hand-counted. Current law in Puerto Rico requires that all voters cast ballots on a single type of voting system. During the 1980's Puerto Rico began considering changing to a new system and, in preparing for the change, the Commission adopted a set of criteria for any voting

system and notified the legislature in several reports (see Appendix B for listing of current Puerto Rico voting system requirements). The first criterion on the list called for preserving the paper ballot system.

The Commission has sole authority to purchase voting equipment and directs all activities of its statewide, uniform voting system. The Commission also has responsibility for designing, printing and distributing all ballots. There are three ballots in every general election: (1) the statewide ballot that includes the Governor and the Resident Commissioner (Puerto Rico's representative to Congress); (2) a ballot that includes candidates for the Puerto Rico legislature; and (3) a ballot with local municipal candidates.

Under HAVA, Puerto Rico may continue to use its paper ballot system. HAVA explicitly states that nothing in the law prohibits a state from continuing to use the same system it used in the 2000 election so long as the system meets or is modified to meet the new requirements. The law further asserts that the requirement that each system allow the voter to "verify" his or her choices prior to voting may not be defined in such a way as to make it impossible for a paper ballot system to meet this requirement.

In complying with these requirements, Puerto Rico, like many states, faces a challenge in making the electoral process, including the vote-casting process, accessible to voters with disabilities. Puerto Rico has adapted its current system to the needs of blind voters by giving them the option of using a Braille template for all ballots. The instructions, including the names and numbers of the candidates, on the template are in Braille. For blind voters who do not use Braille training is available prior to the election to familiarize the voter with the ballot and the position of the candidates. Polling place officials will, when requested, provide verbal instructions for any voter requesting audible instructions so they can vote privately and independently.

Since the early 1980's the Commission by regulation has reviewed, adopted and distributed uniform definitions of what constitutes a valid vote for all paper ballots for both the initial count and any recount prior to each general election.

For several years Puerto Rico has been considering changing to an optical scan system, as it preserves the paper ballot system. Puerto Rico has conducted pilot projects using optical scan ballots. The Commission is now beginning to explore other options. Various surveys of both electors and election officials indicated broad support for modernizing the vote casting and counting system.

To meet the requirements of §301 of HAVA –

The Commission will review options to determine which system can meet the standards required by HAVA, in particular the standard for guaranteeing access to voters with disabilities, as well as criteria established by the Commission and approved by the legislature.

If necessary, the Commission will establish certification standards for vote casting and vote counting equipment, and ensure these standards fully comply with the requirements of §301, including voter verification (in a private and independent manner), audit capacity, accessibility and error rates. The Commission expects that such standards, if established, would also be consistent with Federal Election Commission's voluntary voting system standards. (Puerto Rico has been looking at equipment in use in other Latin American countries that has not yet passed the voluntary guidelines as such equipment is not yet being marketed in the United States.)

The Commission will modify the existing voting systems to meet the accessibility requirements of §301. The particular option chosen will be contingent, in part, on the funds available. If sufficient federal funds are available, the Commission will consider using FY04 and FY05 Title II funds to meet the new voting system standards.

The Commission will ensure that if any voting or vote counting equipment is purchased, that it will be able to provide for alternative language accessibility (§301(a)(4)).

The Commission will revise its instructions to voters and include specific instructions directing voters to review their ballot choices and the effect of voting for more than one candidate. In addition to revising current instructions, the Commission will conduct a special multi-media education outreach on the voting process (§301(a)(1)).

The Commission will continue, as necessary, to update its uniform definitions of what constitutes a vote (§301(a)(6)).

### ***Achieving Compliance with New Polling Place Requirements in §302***

Puerto Rico currently administers both a provisional ballot process and a challenge ballot process to protect the rights of eligible voters.

#### *Provisional Ballots*

Under the process for administering provisional ballots (called *añadidos a mano*, a reference to the process of manually adding names to the list), voters who show up in a polling place but whose names are not on the voter registration list are directed to a special college within the election unit. They are issued a regular ballot that is set aside in a special envelope and counted only if the voter is found to be eligible. Each polling place has multiple colleges, this special college is somewhat like an absentee ballot precinct, which has no voters regularly assigned, but on Election Day has votes assigned to it for reporting purposes.

As a matter of practice, the polling place official first attempts to determine why the voter's name is not on the list. An official at the polling place checks the precinct or municipality register to discover if the voter is on the list but not in the correct polling place or precinct. If the name is not on the precinct list, the voter is permitted to go to the *Junta de Inscripción Permanente* (JIP or local registration board) to determine if his or her name is on the official statewide list and the proper polling place where he is

registered. Alternatively, the voter is permitted to vote by this special procedure at that polling place.

If the voter votes a provisional ballot, but is not in his own proper polling place, the provisional ballot is counted to the extent the voter is eligible to vote the ballot. For example, all provisional votes for the statewide ballot, such as votes for Governor and Resident Commissioner, will be counted, so long as the voter is registered in Puerto Rico. If the voter is registered and votes within his legislative district, even if not at his polling place, his vote for legislative representative will also be counted. His vote for municipal office would only be counted if he is registered within the municipality. All these decisions are made prior to opening the envelope to preserve the secrecy.

In order to receive a ballot in this special college, the voter must sign an affidavit on the special envelope swearing that he or she is a registered voter in the jurisdiction and eligible to vote and receives a second envelope to deposit his ballot. The voter is given information about the process, including the how to confirm whether or not the vote was counted.

Provisional ballots are kept separate from other ballots when they are sent to the Commission office for the official canvass of the votes. Following Election Day, Commission staff will research the eligibility of each provisional ballot voter. Once the investigation is completed, those votes cast for offices for which a voter is eligible to vote are counted. The research of the voter's eligibility and the counting of provisional votes are carried out by separate officials in order to preserve the secrecy of the ballots. All the parties are represented in both processes.

Following the election, all voters who cast ballots in this special college can access information on the disposition of the ballot either by means of a toll-free automated phone system or by visiting the local office. Only the voter who cast the provisional ballot has access to information on whether the ballot was counted.

Challenged voters vote in the regular college, but their votes are segregated from regular ballots. The college inspectors review the challenge at the polling place on Election Day after the polls close. If the inspectors come to a unanimous decision the ballot is added to the college's voted ballots for counting.

If the inspectors cannot come to a unanimous decision, or if they unanimously decide not to count the ballot, the challenged ballot will be kept separate in a specially identified envelope from other ballots of the college when they are sent to the Commission office for a final review.<sup>3</sup> Following Election Day, Commission staff will research the eligibility of each challenged ballot voter. This investigation process is open to public viewing. Once the investigation is completed, if the voter is eligible, his or her vote is

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<sup>3</sup> Only the Commission can invalidate a ballot, though the local commission can unanimously decide to count a ballot and this decision does not proceed to the Commission. If the Commission cannot come to a unanimous decision, the President decides whether a ballot will be counted.

added to the other votes counted within the college. All the parties are represented in this process.

(Changes to the challenge ballot process will not apply to the regular practice of challenging the ballots of poll workers since those voters are allowed to cast a ballot and those ballots are automatically counted.)

While Puerto Rico is largely in compliance with the provisional ballot requirement under §302, some minor changes are necessary.

To meet the requirements of §302(a) of HAVA --

- While in practice all voters who claim to be eligible are allowed to vote a ballot either by voting in the special college or voting a challenged ballot, the law specifies certain circumstances under which voters are denied the right to cast a ballot. The law will need to be amended to ensure that every voter meeting the circumstances defined in HAVA §302 is issued a ballot.
- The Commission will amend the challenge ballot to ensure the protections given to the voters who cast ballots in the special college, such as the protection of secrecy, are given to challenged voters as well.

#### *Posting of Voter Information*

Voting information is currently posted at all polling places in Puerto Rico on Election Day. Most of the information required by HAVA is posted already, but the Commission will review and revise all materials prior to the 2004 Presidential and party primaries to ensure that it is compliant with HAVA.

To meet the requirements of §302(b) of HAVA, the Commission will post the following information at every polling place: information on the date of the election and the hours for voting; general information on voting rights under applicable federal and Puerto Rican laws, including information on the right to cast a provisional ballot and how to proceed if these rights have been violated; and information on federal and Puerto Rican laws regarding fraud and misrepresentation.

#### *Voters Casting Their Votes After the Polls Close*

Under current law in Puerto Rico, voters who vote after the polls close due to a court order already have their ballots segregated and held apart from other provisional ballots.

### ***Achieving Compliance with New Registration Requirements in §303 of HAVA***

#### *Centralized, Statewide, Computerized Voter Registration List*

Puerto Rico already complies with §303 requirement for a centralized, statewide, computerized voter registration list. The Commission maintains and administers a single database that stores the records of every legally registered Puerto Rican voter, both active

and inactive.<sup>4</sup> By the end of calendar year 2003, the computerized database will include digitized photos and signatures of all voters. All 92 local offices of the Commission have online access to the complete database, which is used as the official list in every election. The database was originally established on a mainframe computer and is now a hybrid system, using both a mainframe and PCs. Authorized users can access the database online and in real time. A voter can access information regarding his or her record via a toll-free automated telephone system or via the Internet.

For the purposes of tracking voters, the Commission assigns each voter a unique identifier that is a randomly generated number. Currently, the voter registration form requests the voter's Social Security Number, but does not require the number in order for the voter to register to vote.

The local offices have responsibility for keeping the list up-to-date –adding names, deleting names and address changes– a process described in greater detail below; changes entered into the list by a local offices can be viewed immediately by Commission officials, including those at the other local Commission offices. Lists for each polling place are printed from the official Puerto Rico-wide list. The Commission prints and distributes the lists used at each polling place.

Puerto Rican law and the Commission have established strict protocols to protect the voter information contained in the database. The Commission does not share this voter information with any other Puerto Rico agency, including the court system.<sup>5</sup>

Certain provisions in §303 do not apply to Puerto Rico, which was exempted from the requirements of the National Voter Registration Act. Puerto Rico does, however, receive birth and death records from the Civil Registry, which it matches against voter records for the purpose of keeping the list current. The local office staff must verify such data prior to removing a voter from the list.

The Puerto Rico-wide computerized voter registration system, after the upgrade that is in process, will be unique among current U.S. statewide systems in that each voter record will contain a photographic image of the voter. Beginning in 2004, the list printed out for use at the polling place will also contain this photo image. All voters currently receive a voter identification card from the Commission, which must be presented on Election Day, and that ID card will use the same photo. The two photos (the one on the card and the one printed on the list) and the signature will be matched at the polling place on Election Day prior to the voter casting a vote. Currently, if the voter shows up on Election Day without his voter identification card, the voter may not vote without this card; he may, however, go to the local office and a request a duplicate ID card and return to vote.

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<sup>4</sup> Inactive voters under the Puerto Rican system do not refer to those made inactive under NVRA. Puerto Rico keeps in its database all prior voters who are no longer eligible, whether they are no longer Puerto Rico residents, dead, or otherwise no longer actively registered with its correspondent codification.

<sup>5</sup> By agreement, the Commission, using parameters given to it by the court, will create a modified version of the list for the purpose of selecting citizens for jury duty.

Puerto Rico employs a stringent list maintenance process that is open to all voters, but relies heavily on the efforts of local parties. In Puerto Rico all voters must apply to register or change their address in person at the local election office; there is a ten-day period for challenging any such additions or changes at the local office. In addition, there is a specified period for challenging voter registrations based on residency that occurs before each general election, from January 15 to May 15. During this period, the Commission conducts a vigorous multi-media public outreach campaign to inform voters that they need to register or update their address. The local parties conduct their own investigation and public outreach that may include in-person inquiries to track new voters, voters new to the municipality and voters of the other parties whose status may have changed.

During this five-month period during a general election year, parties challenge names on the list based on information that the voter's residency has changed (challenges based on residency are not allowed on Election Day). Challenges are made public and voters who wish to appeal are given an opportunity to appeal the change and present evidence at a public hearing. Even if the proposed challenge is unopposed by the voter, or others on his behalf, the challenger must present evidence to the local commission and they must unanimously decide to remove the voter in order to remove the voter's name from the list. If there is not a unanimous decision on the challenge, the challenge must be decided by the President of the local commission.

In addition, the Commission receives data from other agency databases and will compare that data to the voter list. If a discrepancy between the voter list and other Puerto Rico databases emerges, the Commission will notify the local election official who is responsible for verifying the voter information and resolving the discrepancy.

#### *Computerized list maintenance requirements*

As noted above, Puerto Rico is exempt from the National Voter Registration Act and, therefore, exempt from those provisions of §303 that require a state to use list-cleaning procedures prescribed by NVRA in administering the computerized list, including 303(a)(2) and 303(a)(4). The US Department of Justice has confirmed this exemption in a letter to the Secretary of State of Alabama on March 17, 2003. That being said, the Commission coordinates its list with the Civil Registry records, which include death records. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions.

#### *Requirements for mail-in registrants*

Puerto Rico, which is exempt from the National Voter Registration Act, does not permit voters to register by mail except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Such voters who register by mail are only allowed to vote in federal elections, however. Consequently, §303(b) does not apply to Puerto Rico since voters covered by UOCAVA are exempt from the requirement affecting first-time, mail-in registrants and no other voters register by mail.

To meet the requirements of §303 of HAVA --

- The Commission will modify the registration form to require (a) from those voters who have been issued a driver's license the license number, and (b) from all other voters the last four digits of the voter's Social Security Number. (Puerto Rico currently requests the voter's whole Social Security Number, though it is not a requirement in order to become a registered voter.) Any person attempting to register who does not have either number will, as has always been the case, be assigned a unique identifier. Additionally, all other voters, regardless of which number they provide, will continue to be issued a unique identifier.
- The voter registration database will be modified to store the driver's license number or last four digits of the Social Security Number information as part of the voter record.
- The chief election official will need to enter into an agreement with the head of the Puerto Rico Department of Transportation and Public Works (DTOP) in order to receive and compare data from DTOP. Under the exemption from the National Voter Registration Act, the DTOP, which issues driver's licenses, does not provide voter registration, and so the Commission does not currently match information with DTOP records. HAVA additionally requires that the head of DTOP enter into an agreement with the Social Security Administration to match data.

### ***Achieving Compliance with Military and Overseas Voters Requirements in Title VII of HAVA***

Puerto Rico already has a designated central office of *Junta Administrativa de Voto Ausente* (Administrative Board of Absentee Voters) or JAVA. This office is responsible for providing information to all UOCAVA voters, as well as all other absentee voters. This office is the only office in Puerto Rico that accepts Federal Voting Assistance Program voter registration applications, applications for absentee ballots and absentee ballots. This office also counts *all* the absentee votes for Puerto Rico, whether from UOCAVA voters or any other absentee voters. On Election Day, it functions, essentially, as an absentee precinct for all of Puerto Rico.

Anyone can get a copy of the application for an absentee ballot from the Internet or any election office and send it to an eligible federal absentee voter, but only the voter can sign the application for the ballot, or the envelope affidavit that accompanies the returned ballot. The application may be mailed or faxed back to the JAVA office; the absentee ballot must be mailed back to the JAVA.

By law, the JAVA office coordinates with the Department of Defense to get contact information for all Puerto Rican servicemen, and then contacts them with election information.

The JAVA office already collects statistics on the number of absentee ballots transmitted, and those returned and counted. These are made publicly available now in a report done after the conclusion of each election.

### ***Planned Activities to Achieve and Enhance Compliance with Title III***

#### *Pilot project for new voting system*

The Commission is planning to conduct a pilot project to test the use of voting systems that meet the requirements of §301. The project will test the use either of optical scan ballots and in-precinct counters or touch-screen voting systems. This project will include training voters, producing materials, equipment rental, licenses, technical support and an evaluation of the results. The project would be carried out across an entire precinct at least. (Estimated cost: \$1 million)

#### *Reengineering of voter registration database*

Puerto Rico's voter registration system was originally developed on a mainframe computer system. The system has been hybridized and is administered both using the mainframe and personal computers. In order to improve the efficiency and greatly reduce the time required for certain operations –and to make the system more user-friendly– the Commission will reengineer its system so that voter records will be stored on the mainframe but most operations will be carried out using personal computers. As part of this reengineering, the database will be modified to store the new information required as part of the registration process under §303. (Estimated cost: \$750,000)

#### *Address correction project*

The Commission will conduct a project to convert the postal address of voter records previous to 1999 into a format consistent with the format used by the postal service. This conversion to make the address formats consistent will allow the Commission to conduct mailings without producing returned mail, which in Puerto Rico can prompt a challenge to the voter's eligibility. (Estimated cost: \$125,000)

#### *Verification of Data Assignments (Mapificación)*

The Commission will upgrade its system for linking the voter registration database with jurisdictional maps to improve the process for both assigning voters to electoral units and determining appropriate and effective electoral unit boundaries. (Estimated cost: \$1.2 million)

#### *Mobile Units for Voter Registration*

To improve the accessibility of registration to persons in remote areas, older persons in nursing homes and persons with disabilities (Puerto Rico requires in-person registration), the Commission will add eight new mobile registration units. The Commission is considering expanding their service to include voting. The Commission will pay for the new mobile units using §252 funds. (Estimated cost: \$70,000)

***Projects to improve election administration (§101 funds)***

*Transferring paper files to microfilm*

Currently the Commission keeps paper records, which requires maintaining a warehouse and special conditions necessary for storing paper. The Commission intends purchase equipment that will enable the Commission simultaneously to digitalize these records and transfer them to microfilm. (Estimated cost: \$400,000)

*Mechanized distribution controls*

Implementing mechanized controls for the distribution of election materials to the local election offices. Since the ballots, registration lists and all other election materials are produced by the Commission and distributed to the local offices, procedures to ensure the accuracy and reliability of this process is vitally important. This project will significantly reduce the possibility of errors in the process. (Estimated cost: \$120,000)

*Equipment upgrade for local election offices*

The local election offices are currently hampered by out-of-date equipment. The Commission intends to upgrade older equipment and purchase multi-functional equipment that can serve as a printer, fax machine, photocopier and scanner for these offices. (Estimated cost: \$300,000)

*Computers for mobile units*

To improve the accessibility of registration to persons in remote areas, older persons in nursing homes and persons with disabilities (Puerto Rico requires in-person registration), the Commission will, as noted above, add eight new mobile registration units. These mobile units will need to be equipped with computers, cell phones and other electronic devices integral to the registration process. (Estimated cost: \$90,000)

*HAVA administration and planning*

The Commission 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. (Estimated cost: \$250,000)

***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. Even before the passage of the Americans with Disabilities Act, the Commission developed a template device that would allow blind voters to vote a paper ballot in secrecy. Puerto Rico instituted mobile units that, in effect, take the electoral process to the voter. These efforts are ongoing. Puerto Rico is continuing to strive for complete accessibility. Funds authorized under HAVA will help make accessibility a reality.

Voters with disabilities confront two different kinds of obstacles to in-person participation in the elections process – barriers to the polling place and obstacles involved the process of casting a vote. Puerto Rico has addressed and will continue to address both these challenges. HAVA provides two different funding streams for addressing these problems. Under §261 of HAVA, Congress authorized \$100 million over three years to states to improve the accessibility of polling places. The Commission anticipates that Puerto Rico will receive \$151,345 from the Department of Health and Human Services under this grant. States will use a portion of the requirements payments authorized under §257 to make voting systems accessible.

Using funds authorized under §261, the Commission is undertaking several initiatives to make polling stations – and the voting process as a whole – more accessible. The Commission has invited organizations representing the disability community to work in partnership on this effort and has begun discussions with the National Federation of the Blind, among others. Projects funded under this grant include the following:

*Eliminating barriers to polling stations*

The Commission is conducting an extensive survey of all existing and alternative polling stations to determine what barriers still exist and how the barriers might be eliminated. The Commission will target a portion of this funding to building ramps and making other improvements to remove physical barriers.

*Training and accessibility manual*

The Commission believes better education and training of local election officials and polling place workers will be an important component in eliminating barriers. In addition, the Commission, working closely with the members of the disability community, is producing special training and manual for local election officials and polling place workers on how to accommodate the needs of all voters with disabilities.

*Opening up the voting process*

The Commission is currently considering how best to meet the requirement under §301 to make voting systems accessible. Some additional improvements can be made. For example, the Commission intends to purchase aids for voters with disabilities, such as audiotapes for use by blind voters and magnifying glasses for voters whose sight is impaired.

In addition, the Commission is developing a voice-activated telephone system, which will include TTY, to make it easier for all voters to access voter information.

## Section 2 – Distribution and monitoring of Requirements Payments

*How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of –*

- (A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and*
- (B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). – HAVA §254 (a)(2)*

There are no units of local government or other entities in Puerto Rico that will receive or spend HAVA funds; the Commission will receive, spend and account for all federal funds received under HAVA. The Commission will manage all activities funded by the requirements payments authorized under Title II of HAVA. The Commission will adhere to federal and state accounting policies and standards when using federal funds.

## Section 3 – Education and Training

*How the State will provide for programs of voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. – HAVA §254 (a)(3)*

Puerto Rico already has an aggressive program of voter education, election official education and training and poll worker training. Puerto Rico also provides information at the polling places on Election Day. These programs will continue to be funded through the Commission's regular budget. HAVA funds will be used to pay for special voter education necessary under HAVA outlined in this Plan.

### ***Election Official Training***

The Commission has an extensive training program for new state election officials who staff the 92 local offices. This week-long training includes training on the voter registration system and training on all office procedures. This training includes testing and officials who do not pass these tests properly will not be kept on as local officials until they have successfully completed the training. In addition, whenever there is a change in any procedures, there will be periodic training for all these local office officials, and during the general election year there is always a formal training program of at least three days of training on all the regulations and procedures that is offered on a regional basis.

The Commission also trains the local party participants who make up the 110 part-time local commissions. New local party participants receive individual training by the Commission staff. In addition, all local party participants will be given training in an election year. The local commission president is always a state judge appointed by the President of the Puerto Rico Supreme Court. These judges receive training on election responsibilities during their judicial training by staff of the Commission, and receive additional training during the general election year.

Once the new requirements under HAVA have been established in regulations, the Commission will evaluate and modify the training program and the materials to include the new procedures and modify those procedures that need to be changed.

The Commission has a staff of inspector auditors with responsibility for auditing the procedures of the local offices and address local precinct commission problems and issues. These inspector auditors will be charged with monitoring compliance with new HAVA requirements at the local level.

The procedures, including HAVA procedures once they have been finalized, are captured in multiple written manuals. The Commission is in the process of making these manuals available to the election officials on a website, which will also be available to the general public.

### ***Polling Place Official Training<sup>6</sup>***

Polling place officials are trained by their respective parties; Commission staff provides support for each party's training sessions. The parties use materials developed by the Commission. The parties administer their own tests to ensure their party polling place workers understand the materials. They also simulate ballot casting in their training.

The Commission provides at least twelve hours of training to "train the trainers" in polling place procedures and provides a manual on Election Day procedures. The polling place procedures are also reduced to a one-hour video aired on public television.

All of these materials will be modified once the new requirements under HAVA have been established in regulation. They will include new procedures required under HAVA and necessary alterations to current procedures.

### ***Voter Education***

- The Commission prepares Public Service Announcements for distribution to newspapers, radio and television stations. Periodically the Commission will produce educational programs for public television to run multiple times.

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<sup>6</sup> Polling places in Puerto Rico are staffed entirely by the political parties. Each political party provides three officials in each college. The parties are responsible for the training.

- The Commission does extensive voter outreach to community and civic associations, clubs, schools, and any other groups that request such presentations. The Commission pays particular attention to conduct extensive demonstration of pilot or new voting equipment to these organizations.
- After each election the staffs of the local offices go to every high school to register all students who will be eligible by the next general election. These students may be as young as 15 who are being registered, as the general elections are held every four years.
- The mobile local unit travels to colleges to register university students, elderly in nursing homes and those in more remote or underserved communities.
- Publicize election information in grocery stores, schools, certain high traffic government agencies, such as social services and health department offices, public buses, and libraries and on the Internet.
- Make appropriate resource material available for high school teachers and college professors for their appropriate courses on the electoral process (developed jointly by teachers or university level professors and Commission staff) and ensure that it stays up to date.
- Ensure that other appropriate websites link to the Commission's web site.

In addition to the current programs, Puerto Rico plans to provide the following voter education initiatives under HAVA –

- In compliance with §301, the Commission will revise its instructions to voters and include specific instructions directing voters to review their ballot choices and the effect of voting for more than one candidate. In addition to revising current instructions, the Commission will conduct a special multi-media education outreach on the voting process.
- If the Commission continues to pilot voting equipment they will set up voting equipment for practice sessions and mock elections, especially at shopping malls, and public places. In such cases the Commission plans to require that voting equipment vendors provide practice machines and include training in their contracts. In addition, in such cases the Commission would look to require that vendors provide emulation software as part of their package so that the Commission could create interactive web pages for that type of voting equipment, which would include a voting demonstration and allow the voter to practice voting.
- The Commission will ensure that its web site is accessible to the disabled voters.

## Section 4 – Voting System Guidelines and Processes

*How the State will adopt voting system guidelines and processes which are consistent with the requirements of §301. – HAVA §254 (a)(4)*

Currently, all of Puerto Rico's voters use paper ballots that are hand counted. This process is established in Puerto Rico law. It is likely that the Commission will replace this system with a new system that meets the requirements of §301 rather than adapting its current system, which will probably require a legislative change. However, this decision has not yet been made.

The Commission has established a set of criteria for any voting system (Appendix B). While these criteria were not formally adopted by the legislature, the Commission has notified the legislature of the criteria in a series of reports. The first criterion on the list called for preserving the paper ballot system. Accordingly, pilot projects testing other voting systems have been limited to tests using optical scanning voting equipment that uses a paper ballot.

Any significant change in the voting system used in Puerto Rico requires the following process:

(1) The Commission's Technical Committee will review and recommend any change in voting system to the Commission. Most likely, new equipment will be expected to pass a Qualification Test (conducted by an independent testing authority), a Certification Test (conducted by the Technical Committee and/or a consultant on retainer to the Commission) and Acceptance Tests on receipt of the purchased equipment. Vendors would also be expected to provide detailed technical and corporate financial information.

(2) The Commission would review the current criteria for voting systems and recommend changes to ensure they are consistent with the requirements of §301 and the voluntary voting system standards produced by the Federal Election Commission. The Commission would submit proposed changes to the legislature. The legislature may or may not choose to draft legislation to change the voting system or establish the criteria in law.

All blind voters are provided the option of a Braille template for all ballots. The instructions, including the names and numbers of the candidates, in the template are in Braille. In addition, for those who do not use Braille there is training prior to the election for the blind about who is in each column and position. Polling place officials will, when asked, provide verbal instructions for any voter requesting audible instructions so they can vote privately and independently.

The Commission will continue current practice, dating back to the 1980's, and, before each general election, update its uniform definitions of what constitutes a vote.

## Section 5 – Election Funds

*How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. – HAVA §254 (a)(5)*

The Puerto Rico Department of Revenue (Departamento de Hacienda) will establish a separate Election Fund Account through an administrative procedure as directed by Puerto Rico law. The President and the Members of the Commission approve the projects and use of the funds. The Commission's Office of Budget (Oficina de Presupuesto) administers the distribution of funds and establishes controls. The funds are released directly and are not commingled with the Commission's budget. The Office of Budget will be set up account codes that will allow the Commission to track receipts and disbursements.

Once a budget is established for the projects to be carried out with the Election Fund Account, the Office of Budgets prepares a projection of expenses reflecting the budget, the expense and the balance. This report is sent to the Commission President and its Members on a monthly basis for review. The Office of Budget controls the expenditures to ensure that funds are properly used and not overspent. The State Department of Revenue and the Commission work with the agency's Office of Budget and the Office of Finance to ensure that fund management follows all appropriate federal and state policies and procedures.

## Section 6 – Budget for Title III Requirements

*The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on (A) the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment which will be used to carry out other activities. HAVA §254 (a)(6)*

Puerto Rico faces a significant challenge in developing an accurate and realistic budget for coming into compliance with the requirements of Title III. While it is possible for Puerto Rico to achieve compliance with the voting system requirements while maintaining its paper ballot system, the voters and election officials support modernization and, certainly, Puerto Rico could both meet the new requirements more effectively and implement a system appropriate for Puerto Rico's unique election system. These goals are achievable, however, only if Puerto Rico receives the amount it was originally authorized. The discrepancy between the funds authorized for Puerto Rico – an amount that was based on population – and the amount appropriated in FY 2003 severely limits the available options.

Puerto Rico's voting age population is 2.7 million, a significantly larger population than in many states. According to a calculation by the Congressional Research Service using the formula based on voting age population established in the Help America Vote Act, Puerto Rico could receive up to \$37,362, 313 in funds available for assisting in meeting the new federal requirements. Puerto Rico is also authorized to receive \$3, 410,128 in early money. Puerto Rico is therefore authorized to receive a total of \$40,772,441. In the FY2003 congressional appropriation, however, funds to Puerto Rico were capped at \$4 million. Even the District of Columbia, which has a population of less than 600,000, received a guaranteed minimum of \$5 million. In sum, Puerto Rico with a significant population is being expected to meet mandatory requirements without receiving appropriate – and congressionally authorized – resources relative to other states and territories.

According to the Congressional Research Service, Puerto Rico was authorized to receive \$10,492,702 in FY 2004 and \$6,295,621 in FY 2005. The President's estimated budget, however, reduces the amount allocated for requirements payments from \$1.6 billion to \$1 billion. Using the President's budget, Puerto Rico would receive \$6,610,402 in FY 2004 and \$3,966,241 in FY 2005.

As indicated in the chart below, the Commission will use all funds appropriated under §252 to carry out activities to come into compliance with the requirements of §301, §302, and §303.

<b>Funding Assumptions (FY 2003 – FY 2005)</b>			
	FY 2003	FY 2004	FY 2005
HAVA Title I (101)	\$3,151,144		
HAVA Title II (252)	\$4,000,000	\$6,610,402*	\$3,966,241*
HAVA Title II (261)	\$151,345		
PR matching funds	\$210,400	\$347,707	\$208,624
Maintenance of effort	\$29,039,000	\$29,039,000	\$29,039,000

\* Title II funding amounts are based on the current estimated budget allocations reflecting reductions in the President's proposed budget for FY04.

***Projected Expenditures for Meeting HAVA Requirements and Improving Election Administration***

<b>Estimated Expenditures on Title III Requirements (FY2003 – FY2005)</b>					
	<b>HAVA 101</b>	<b>HAVA 252</b>	<b>HAVA 261</b>	<b>5%match</b>	<b>total cost</b>
<b>Sec. 301 – Voting System Requirements</b>					
Pilot project using HAVA compliant system		\$1,000,000			\$1,000,000
Voting aids for blind voters			\$34,888		\$34,888
Commodities for voters with disabilities			\$25,000		\$25,000
<b>Sec. 302 – Provisional Voting and Voter Information</b>					
Voice activated information		\$90,000	\$51,457		\$141,457
<b>Sec. 303 – Computerized voter registration and verification requirements</b>					
Upgrade of identification system					\$3,000,000*
Reengineering of the voter registration system				\$750,000	\$750,000
Verification of data assignments		\$1,200,000			\$1,200,000
Conversion of postal addresses		\$125,000			\$125,000
Computers for mobile units		\$90,000			\$90,000
<b>HAVA administration</b>					
Implementation planning and training	\$125,000				\$125,000
Implementation of new procedures	\$75,000				75,000
Oversight and management	\$50,000				\$50,000
<b>Total</b>	<b>\$250,000</b>	<b>\$2,505,000</b>	<b>\$111,345</b>	<b>\$750,000</b>	<b>3,616,345</b>

\*This expenditure is noted for information purposes only and is not reflected in the total.

<b>Expenditures for Improving Election Administration (FY 03 – FY 05)</b>					
	<b>HAVA 101</b>	<b>HAVA 252</b>	<b>HAVA 261</b>	<b>5% match</b>	<b>total cost</b>
Voter Education and Training					
Outreach to voters with disabilities			\$30,000		\$30,000
Improving Accessibility					
Accessibility study and manual			\$10,000		\$10,000
Voter Registration					
Mobile units for voter registration	\$70,000				\$70,000
Election Administration					
Transfer of files to microfilm	\$400,000				\$400,000
Mechanized controls for election materials	\$120,000				\$120,000
Upgrade and multi-functional equipment for JIPs	\$300,000				\$300,000
<b>Total</b>	<b>\$890,000</b>		<b>\$40,000</b>		<b>\$930,000</b>

## Section 7 – Maintenance of Effort

*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2002. – HAVA §254 (a)(7)*

Puerto Rico will continue to maintain expenditures of State funds for election-related activities covered by the requirements of HAVA Title III at a level not less than the level of expenditures in FY2000 for those items and activities now required by HAVA Title III. In using the requirements payment, Puerto Rico will expend funds to meet the requirements of HAVA Title III and improve the administration of Federal elections.

The maintenance of effort amount is based on expenditures in FY2000 for items or activities now required by HAVA Title III including:

- Those activities in 2000 necessary to meet the requirements including expenditures for equipment, software, technical and physical infrastructures, materials, services, salaries, overhead; and
- Other expenses in 2000 related to the requirements including expenditures for the planning, development, documentation, maintenance and operation, administration of the requirements, and for outreach, education, and training to promote the items and activities now required by HAVA Title III.

## Section 8 – Performance Goals and Measures

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the Plan, including timetables for meeting each of the elements of the Plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. – HAVA §254 (a)(8)*

The President of the Commission, through consultation with the Commission, will establish goals and performance criteria and will have the ultimate responsibility for ensuring the success of Puerto Rico’s HAVA implementation effort.

The President will draft specific goals and performance measures, based on recommendations of the Vice Presidents, and submit them to the Commission for approval. The Commission will, as the implementation proceeds, annually evaluate existing goals and measures and propose adjustments as needed. The Commission will approve all performance goals, measures and adjustments.

The following table provides the functional division of the responsibility for HAVA implementation.

Plan Elements	Commission Official	Time frame
Voting Systems §301	Administrative Board of OSIPE <sup>7</sup> and the Technical Committee	Compliant by January 1, 2006
Provisional Voting §302	First Vice President	Compliant by July 1, 2004
Voter Registration List and List Maintenance §303	Commission Secretary and Second Vice President	Compliant with §303 (a) by January 1, 2004. All changes necessary for compliance with other provisions of §303 will be completed prior to January 1, 2006
Education and Training §254(a)(3)	Director of Education & Training	On-going
Polling Place Accessibility	Director of Planning <sup>8</sup>	On-going
Budget and Fiscal Controls	Director of Administration	On-going
Grievance Procedures	Commission and President	On-going – all changes necessary for compliance will be completed prior to January 1, 2004
JAVA Office for UOCAVA voters	JAVA Board and its President	Already exists

<sup>7</sup> OSIPE, *Oficina de Sistema de Información y Procesamiento Electrónico*, is the information technology office of the Commission.

<sup>8</sup> In Spanish this is the *Oficina de Planificación*, which title implies city planning. This Commission office handles redistricting, mapping, location and inspection of polling places, etc.

## Section 9 – Grievance Procedure

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under §402. – HAVA §254 (a)(9)*

Puerto Rico already has in place a uniform and non-discriminatory process for resolving complaints in a timely manner – indeed, the Commission is required to resolve complaints lodged on Election Day within an hour.

Under current law in Puerto Rico, complaints concerning violations of election law are filed first with the local election commission. Any decision of the local election commission may be appealed to the Commission, except for decisions challenging voter registration on the basis of residence. Any elector, candidate, party, organizational representative or individual may file a written and sworn statement alleging a violation of state law – a violation by action, omission or conduct – against any elector, candidate, party, organizational representative or individual. Complainants must present a sworn complaint in writing. By regulation the Commission will provide a public hearing.

Under ordinary circumstances, the Commission is required to resolve complaints fewer than thirty days after the complaint is lodged. The closer to the election, the less time allowed for rendering a decision. In case of disagreements among commissioners preventing a unanimous decision, the President makes the determination (this is the only circumstance in which the President has a say). All decisions of the Commission are published.

The Commission’s decision may be appealed to the Superior Tribunal. As a matter of practice, the President of the Supreme Court will assign a judge in each judicial region to resolve election complaints during the election period. The Tribunal is required to resolve election disputes within a maximum of twenty days. (Fewer days are allowed as the election gets closer.)

### *Changes necessary to meet the requirements of §402*

Puerto Rico will amend its complaint process, which is established in regulations, to specify that complaints may be filed alleging violations of Title III requirements in HAVA.

Under this procedure as prescribed in current law, no complaint could take longer than one hundred days from the first filing to the final resolution. Puerto Rico plans to compress deadlines prescribed by law to ensure that every complaint is resolved before the ninety-day period that would require the matter to go to an alternative dispute resolution process.

## Section 10—Budget for Title I Funds

*If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the Plan, including the amount of funds available for such activities. HAVA §254(a)(10)*

The Commission will use funds received under Title I both to improve election administration described in Section One above under “Improving Election Administration” and to lay the groundwork for implementing the requirements of Title III.

The Commission has allocated \$100,000 in Title I funds for training and planning purposes related to HAVA implementation. This includes funding for education and training of Commission officials in the requirements of HAVA. The Commission is also investing in a planning process that will facilitate implementing the new law in a way that both complies with the law and is appropriate to Puerto Rico.

## Section 11 – Management of the State Plan

*How the State will conduct ongoing management of the Plan, except that the State may not make any material change in the administration of the Plan unless the change –*

- (A) Is developed and published in the Federal Register in accordance with §255 in the same manner as the State Plan;*
- (B) Is subject to public notice and comment in accordance with §256 in the same manner as the State Plan; and*
- (C) Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). – HAVA §254 (a)(11)*

The President of the Commission will have overall responsibility for the implementation and management of the State Plan and will make regular reports to the Commission. The Vice Presidents will have day-to-day operational responsibility for the implementation of the Plan with their appropriate staff managing the implementation of the aspects of the Plan that fall within their purview.

The Commission will establish an annual review procedure that will include (at a minimum) an evaluation process that measures progress against the performance standards adopted the prior year and a procedure for adopting changes to the State Plan.

Puerto Rico understands that no material changes in the administration of the Plan will be made unless the change:

1. Is developed and published in the Federal Register in accordance with §255;
2. Is subject to public notice and comment in accordance with §256; and
3. Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register

## Section 12 – Changes from the Previous Year’s Plan

*In the case of a State with a State Plan in effect under this subtitle during the previous fiscal year, a description of how the Plan reflects changes from the State Plan for the previous fiscal year and of how the State succeeded in carrying out the State Plan for such previous fiscal year. – HAVA §254 (a)(12)*

This section is inapplicable for this year.

## Section 13 – HAVA Committee

*A description of the committee which participated in the development of the State Plan in accordance with §255 and the procedures followed by the committee under such section and §256. – HAVA §254 (a)(13)*

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 chaired the committee. As required by HAVA, the Committee included representatives from local commissions serving the two largest jurisdictions in Puerto Rico: San Juan and Toa Baja. In addition, the Committee included a representative from the Office of the Ombudsman for Persons with Disabilities.

On July 3, the Commission convened the first meeting of the HAVA Advisory Committee. The Committee provided valuable suggestions for Puerto Rico’s compliance with HAVA. The Committee reviewed a draft of the State Plan and was requested to help in disseminating the Plan and soliciting public comment.

Following the first meeting, the Commission issued a preliminary plan for implementation on July 8, 2003. The Commission disseminated copies of the plan to a broad spectrum of the interested public including the following stakeholders:

- Governor and Resident Commissioner
- Representatives and Senators
- Former members of the Commission
- Local commissioners
- Advocates for persons with disabilities and other stakeholder groups

- Political party representatives
- Directors of relevant government agencies, such as agencies serving the elderly and persons with disabilities
- Non-profit organizations representing stakeholders
- Technology experts and professors from universities in Puerto Rico and the Commission's independent Technology Review Board

The Commission also released the preliminary plan to the press and posted it on the official elections webpage on the website maintained by the government of Puerto Rico.

Following the public posting of the preliminary plan, the Commission published two notices announcing a public hearing to solicit comments in Puerto Rico's three largest newspapers.

The Commission received comments both in writing and at the public hearing held on August 4, 2003. The Commission received eleven responses representing the views of individuals and organizations.

The Commission reviewed the written comments and is providing a written response to each.

### ***Summary of Comments to the Preliminary Plan***

The following is a summary of comments categorized according to topic.

#### *Accessibility*

- The Commission should provide accessible alternatives for voting a ballot, such as an audio ballot on direct record equipment, or accessible tools, such as magnifying glasses, large print, etc., in addition to the current Braille alternative, so that those with disabilities are able to vote a secret ballot independently. The Commission should expand the use of the mobile units to include accessible absentee voting for hospitals and other places with large numbers of disabled.
- The Commission should ensure accessible polling places, including ramps, handicapped parking, or appropriate signage, as needed.
- The Commission should provide sensitivity training to election and polling place officials on interaction with persons with disabilities.
- The Commission should engage persons and/or organizations for persons with disabilities in developing and providing services.
- The Commission should provide voter education or information targeted to voters with disabilities.

The Commission notes that all of these suggestions were already contemplated in the Plan and/or in the accessibility grant application made to the US Department of Health and Human Services under HAVA. Language has been revised or added to the Plan to clarify this. These suggestions will be taken into account when developing the work plan for implementing the Plan.

### *Voter Education*

The Commission should broaden access to election information by:

- Using the Internet and other technologies;
- Increasing the amount and variety of voter information and education; and
- Targeting voter information and education to particular populations, such as persons with disabilities.

The Commission notes that all of these suggestions were already contemplated in the Plan and/or in the accessibility grant application made to the US Department of Health and Human Services under HAVA. Language has been revised or added to the Plan to clarify this. These suggestions will be taken into account when developing the work plan for implementing the Plan.

### *Other Comments*

- The Commission should proceed at a deliberate pace and through a process that maintains trust in the current system, continues to comply with Puerto Rican law. If changes are adopted, the Commission should ensure they ultimately improve the process.
- Comments praising the current system and the proposed Plan.
- Suggests procedural changes related to use of the last four digits of the Social Security number.
- Puerto Rico should accept federal funds on a one-time basis to avoid Federal fiscal dependency.
- The Commission should establish priorities for implementation in the event that Puerto Rico does not receive all authorized federal funds. The Commission should increase funding for training.
- The timeframe for review complaints should be shortened.
- The Commission should provide candidates with access to voter address information to allow them to directly communicate with individual registered voters.
- The Commission should broaden voter registration by mail.
- The Commission should require finger prints and other biometrics as part of the voter registry.
- The Commission should try to determine the location and needs of all disabled voters and target resources to meet those voters' needs.
- The Commission should do targeted voter registration, particularly for those with disabilities.
- The Commission should address transportation for the disabled as a part of accessibility.
- The Commission should include information about parties and candidates as part of its voter education program.
- The Commission should:
  - a. Expand the list of those allowed to vote absentee;
  - b. Improve the voting process for the incarcerated;

- c. Consider alternatives for those in hospitals or otherwise unable to physically get to the polling places; and
- d. Consider alternatives voting systems for absentee voting to speed up the counting process for the JAVA.

The Commission appreciates all these suggestions and comments and will consider these suggestions outside the HAVA planning process.

### ***HAVA Advisory Committee***

The Committee membership, including each person's affiliation, is as follows:

- Juan M. Toledo Díaz, First Vice President, Election Commission of PR (EC)
- Néstor J. Colón Berlingeri, Second Vice President, EC
- Aníbal Díaz Hernández, Third Vice President, EC
- José Raúl Ocasio, Esq., Ombudsman, Office of the Ombudsman for Persons with Disabilities; represented by Enrique Rodríguez, Assistant Ombudsman
- Dr. Pablo Rivera Ortiz, Deputy Secretary of Education; represented by Dr. Brunilda Martínez
- General Francisco A. Márquez Haddock, Puerto Rico National Guard; represented by José A. Rodríguez
- Lesbia Betacourt, Social Worker, Friends and Family Committee of Prisoners (CAFC)
- Margarita Iglesias, Social Worker, CAFC
- Ramón Barquín III, Esq., Executive Director, Institute of Democratic Education
- Dr. Otoniel Rodríguez, Computer Engineer, Polytechnic University
- Iván Algarín García, Election Commissioner, Popular Democratic Party (PPD)
- Brunilda Ortiz Rodríguez, Alternate Election Commissioner, New Progressive Party (PNP)
- Andrés Miranda Rosado, Election Commissioner, Puerto Rican Independence Party (PIP)

- Carmen Vanesa Dávila, San Juan, PPD Local Election Commissioner
- José M. Rivera Torres, Toa Baja, PNP Local Election Commissioner
- Gilberto Bracero, President, Administrative Board of Absentee Voters (JAVA), EC
- Luz Delia Vázquez, Director of Education and Training, EC
- José A. Valentín, Esq., Director of Planning, EC
- Ángel Alvelo, Director, Election Operations, EC
- Ing. Eduardo Nieves, Director, MIS (OSIPE), EC; represented by Carlos Cacho Rodríguez
- Francés Carrión, Deputy Director of Administration, EC
- Delia J. Rivera, Budget Analyst, EC
- Magali Pietri, Esq., Office of Legal Affairs, EC
- Ramón M. Jiménez, Secretary of Elections, EC
- Javier Carrasquillo Cruz, Cidra, PNP Local Election Commissioner
- Joaquín Santiago Santos, Caguas, PPD Local Election Commissioner
- Dr. Trina Rivera de Ríos, Spokesperson, CAFC
- Dr. Gladys Escalona, Rector, Río Piedras Campus, University of Puerto Rico
- Dr. Fernando Vega
- Dr. Isidoro Couvertier  
Directors of Electric Engineering and Computers, Mayagüez Campus,  
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**Appendix A**

**Summary of HAVA Requirements and Puerto Rico’s Compliance or Necessary Actions for Compliance**

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
<p>(a)(1)(A) The voting system shall (i) permit the voter to verify in a private and independent manner the votes selected by the voter on the ballot before the ballot is cast and counted; (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error; and (iii) if the voter selects votes for more than one candidate for a single office – (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot: (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.</p> <p>(a)(1)(B) A State or jurisdiction that uses a paper ballot voting system ... (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by – (i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and (ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).</p> <p>(a) (1)(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.</p>	<p>X</p>		

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a)(2) The voting system shall produce a record with an audit capacity. The voting system shall produce a permanent paper record with a manual audit capacity. The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. The paper record shall be available as an official record for any recount conducted with respect to any election in which the system is used.	X		
(a)(3) The voting system shall be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. The voting system shall satisfy this requirement through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.		X	The current system provides for a template for privately and independently marking the ballot for the blind; the Commission will, prior to 2006, assure that it is in compliance.
(a)(4) The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).	X		
(a)(5) The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.	N/A <sup>9</sup>		

<sup>9</sup> Currently, PR does not use any voting or counting equipment, so this section is inapplicable. Because PR tries to ensure that voter intent is honored, and that all ballots marked in the same manner are handled uniformly, there is essentially no errors that would prevent any discernable vote from being counted.

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a)(6) Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.	X		

Sec. 302. Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a) Provisional voting requirements. If an individual declares that he or she is a registered voter in the jurisdiction and that he or she is eligible to vote in a Federal election, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows		X	An amendment to Art. 5.031 and regulatory change are needed to meet this requirement.
(a)(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.			
(a) (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is-- (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.	X		
(a)(3) An election official at the polling place shall transmit the ballot cast by the individual to an appropriate election official for prompt verification.	X		
(a)(4) If the election official to whom the ballot or voter information is transmitted determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a	X		

<b>Sec. 302. Provisional Voting and Voting Information Requirements</b>	<b>Compliant</b>	<b>Not Compliant</b>	<b>Actions Needed for Compliance</b>
vote in that election in accordance with State law.			
(a)(5)(A) At the time that an individual casts a provisional ballot, the appropriate election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	X		
(a) (5)(B) The appropriate election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	X		
(a) ...The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	X		
(b) Voting information requirements. The appropriate election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.	X		
(b)(2)(A) a sample version of the ballot that will be used for that election;	X		
(b)(2) (B) information regarding the date of the election and the hours during which polling places will be open;	X		

<b>Sec. 302. Provisional Voting and Voting Information Requirements</b>	<b>Compliant</b>	<b>Not Compliant</b>	<b>Actions Needed for Compliance</b>
(b)(2)(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	X		
(b)(2)(D) instructions for mail-in registrants and first-time voters whose identity has not been verified prior to Election Day;	N/A		
(b)(2)(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;		X	
(b)(2)(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.		X	
(c) Voters who vote after the polls close. Any individual who votes in a Federal election as a result of a court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot. Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.	X		

<b>Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail</b>	<b>Compliant</b>	<b>Not Compliant</b>	<b>Actions Needed for Compliance</b>
(a) (1)(A) Computerized statewide registration list requirements. Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive,	X		

<b>Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail</b>	<b>Compliant</b>	<b>Not Compliant</b>	<b>Actions Needed for Compliance</b>
computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:			
(a)(1)(A)(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.	X		
(a)(1)(A)(ii) The list contains the name and registration information of every legally registered voter in the State.	X		
(a)(1)(A)(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	X		
(a)(1)(A)(iv) The computerized list shall be coordinated with other agency databases in the State.	X		
(a)(1)(A)(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	X		
(a)(1)(A)(vi) All voter information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	X		
(a)(1)(A)(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information.	X		
(a)(1)(A)(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	X		

Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
<p>(a)(2) Computerized list maintenance. The appropriate election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:</p> <p>(a)(2)(A)(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C 1973gg et seq).</p>	N/A <sup>10</sup>		
<p>(a)(2)(A)(ii) For purposes of removing names of ineligible voters, from the official list of eligible voters –</p> <p>(I) under section 8(a)(3)(B) of such Act (42 U.S.C 1973gg-6(a)(3)(B)), the State shall coordinate with State agency records on felony status; and</p> <p>(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.</p>	N/A <sup>11</sup>		
<p>(a)(2)(B) The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that –</p> <p>(i) the name of each registered voter appears in the computerized list;</p>	X		
<p>(a)(2)(B) (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and</p>	X		
<p>(a)(2)(B)(iii) duplicate names are eliminated from the computerized list.</p>	X		

<sup>10</sup> Puerto Rico is exempt from the National Voter Registration Act. See description of MENT list maintenance process.

<sup>11</sup> Puerto Rico is exempt from the National Voter Registration Act. In Puerto Rico, felons convicted in Puerto Rico are eligible to vote, eliminating the need to coordinate with records on felony status. Puerto Rico already coordinates with Civil Registry records on death.

<b>Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail</b>	<b>Compliant</b>	<b>Not Compliant</b>	<b>Actions Needed for Compliance</b>
(a)(3) Technological security. The appropriate official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	X		
(a)(4) Minimum standard of accuracy for state records. – The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:  (a)(4)(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the national Voter Registration Act of 1993 (42 U.S.C 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	N/A <sup>12</sup>		
(a)(4)(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	X		
(a)(5) Verification of voter registration information. (a)(5)(A)(i) Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed unless the application includes— (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.		X	Recommendation is being submitted to Commission to meet this requirement; registration form and list will be modified to meet this requirement.

<sup>12</sup> Puerto Rico is exempt from the National Voter Registration Act. See description of MENT list maintenance process.

Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
(a)(5)(A)(ii) Special rule for applicants without driver's license or Social Security Numbers. If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	X		
(a)(5)(A) (iii) The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	X		
(a)(5)(B) Requirements for state officials.— (i) The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	N/A <sup>13</sup>		
(b) Requirements for voters who register by mail.— (b)(1) Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform	N/A <sup>14</sup>		

<sup>13</sup> Since the Puerto Rico Department of Transportation and Public Works (DTOP) does not process voter registration applications (Puerto Rico is exempt from NVRA), this provision does not apply to Puerto Rico.

<sup>14</sup> Puerto Rico is exempt from the National Voter Registration Act and is not required to provide mail-in registration. Puerto Rico requires in-person voting except that persons eligible under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may apply to register to vote by mail.

Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
<p>and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—</p> <p>(A) the individual registered to vote in a jurisdiction by mail; and</p> <p>(B)(i) the individual has not previously voted in an election for Federal office in the State; or (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).</p>			
<p>(b)(2) Requirements --</p> <p>(b)(2)(A) An individual meets the requirements of this paragraph if the individual--</p> <p>(b)(2)(A)(i) in the case of an individual who votes in person--</p> <p>(I) presents to the appropriate State or local election official a current and valid photo identification; or</p> <p>(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or</p>	N/A		
<p>(b)(2)(A)(ii) in the case of an individual who votes by mail, submits with the ballot--</p> <p>(I) a copy of a current and valid photo identification; or</p> <p>(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.</p>	N/A		
<p>(b)(2)(B) Fail-Safe Voting</p> <p>(b)(2)(B)(i) An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).</p>	N/A		
<p>(b)(2)(B)(ii) An individual who desires to</p>	N/A		

Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).			
(b)(3) Inapplicability Paragraph (1) shall not apply in the case of a person – (b)(3)(A) --who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either— (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;	N/A		
(b)(3)(B)(i) – who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either— (I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and (b)(3)(B)(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or	N/A		
(b)(3)(C) who is--(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or (iii) entitled to vote otherwise than in person under any other Federal law.	X		
	N/A		

Section 303. Computerized statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail	Compliant	Not Compliant	Actions Needed for Compliance
(b)(4) Contents of mail-in registration form. (b)(4)(A) The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following: (i) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.			
(b)(4)(A)(ii) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day.	N/A		
(b)(4)(A)(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."	N/A		
(b)(4)(A)(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	N/A		
(b)(4)(B) Incomplete forms.--If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).	N/A		

## Appendix B

### Current Requirements for Voting Systems in Puerto Rico

The Commission has adopted the following parameters for any acceptable voting system to be used in Puerto Rico. These criteria include the following:

*Necessary characteristics:*

1. Provides an alternative for voters with disabilities that preserves the paper ballot.
2. Does not limit the number or color of ballots.
3. Guarantees the “write-in” option.
4. Guarantees absentee ballots and ease of use by voters with disabilities.
5. Guarantees a second chance in case of a spoiled ballot.
6. Counts the number of spoiled ballots (any ballot that is processed by a machine and is set aside for any reason).
7. Provides for the authenticity of the ballot via initials of the officers or another equally secure mechanism.
8. Guarantees ballot secrecy.
9. Guarantees the ability of party representatives to hand-count if necessary.
10. Achieves an equal or better level of precision and speed as the current system.
11. Provides alternatives according to any variance of infrastructure conditions (example: battery operated, wireless communications, among others).
12. Simplicity of operation and use for election officials.
13. Permits the challenge of ballots in cases allowed by Law.
14. The program allows easy and dynamic changes and adjustments to fit the needs of different electoral events.
15. Must be certified by a competent independent testing authority.
16. Easy to use and to explain to voters with limited voting experience.

*Desirable Characteristics*

1. Preference for the X as the acceptable marking.
2. Desirability to reduce the ballot size to 8.5” X 11” or 8.5” X 14”.
3. (Cost-effective) Cost of the new system is proportional to the benefit and precision achieved, and the utility of the investment for other applications during non-election periods.
4. Easy to carry, install and handle.
5. Desirability to allow easy and dynamic changes and adjustments to fit the election needs of a variety of civic, professional, labor, school organizations, etc.
6. Desirability to allow easy adaptation for use by other electoral jurisdictions.