



## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 7-2017 (S. B. 51)** of the **1<sup>st</sup> Regular Session** of the **18<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to enact the “Puerto Rico Immediate Decolonization Act”; provide the rules to conduct plebiscites that comply with the Federal Government proposal set forth in “Public Law 113-76 of 2014” with status options that are final, permanent, non-colonial, and non-territorial, and compatible with the Constitution, laws, and policies of the United States of America, and with International Law; to appropriate funds; and for other purposes.

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

In San Juan, Puerto Rico, on this 15<sup>th</sup> day of February, 2017.

Roger J. Iglesias-Sepúlveda  
Director

(S. B. 51)

**(No. 7-2017)**

(Approved February 3, 2017)

## **AN ACT**

To enact the “Puerto Rico Immediate Decolonization Act”; provide the rules to conduct plebiscites that comply with the Federal Government proposal set forth in “Public Law 113-76 of 2014” with status options that are final, permanent, non-colonial, and non-territorial, and compatible with the Constitution, laws, and policies of the United States of America, and with International Law; to appropriate funds; and for other purposes.

### **STATEMENT OF MOTIVES**

*“No man is good enough to govern another man, without the other’s consent.”*

Abraham Lincoln

In the context of United States constitutional law, the term “territorial” is simply a euphemism to avoid saying “colonial.”

In the 21<sup>st</sup> Century, applying the inequalities of the “territory clause” of the Constitution of the United States to the People of Puerto Rico, who are U.S. citizens at birth, and who, through their vote, have rejected colonialism and claimed equal rights and obligations by virtue of said citizenship, is as archaic and morally questionable as applying other constitutional clauses that allowed race-based slavery and the disenfranchisement of women. The sovereign powers of a democratic government should only be exercised according to the will and consent of the governed.

This “territory clause” (Article IV, Section 3(2)) was passed during the birth and geographical expansion of our Island. Said clause still empowers the Federal Government to exercise absolute sovereign power over Puerto Rico and the lives of its inhabitants, which includes unilaterally establishing “all needful rules and

regulations respecting the territory or other property belonging to the United States.” However, this colonial inequality still persists against the will of the United States citizens of Puerto Rico even after the results of the November 6, 2012 Plebiscite.

To continue imposing the discrimination and inequality of colonialism on Puerto Rico in these modern times, after democratic values and principles have greatly evolved, would be to perpetuate the attitudes that supported calamities such as race-based slavery and the disenfranchisement of women.

To be a good American is to denounce and oppose injustice, inequality, and discrimination. The case of Puerto Rico as a colony proves that the goals of equality and democracy in the United States of America have yet to be achieved.

After 119 years of coexisting with the people and government of the United States of America; after 100 years of all Puerto Ricans being U.S. citizens at birth; of contributing our blood, honor, and sacrifice in all the military conflicts that have threatened the national security; and of coexisting in the socioeconomic framework of our Nation, Puerto Rico continues to be the oldest and most populous colonial territory in the world.

It is inhabited by 3.3 million U.S. citizens. The massive migration of the last twelve (12) years caused a dramatic decline of this population due to the democratic and socioeconomic deficiencies of colonialism.

In addition to being contradictory to the egalitarian and democratic evolution of our Island, this colonial status, unilaterally imposed on Puerto Rico through century-old actions and omissions by the Federal Government, has prevented its citizens from fully participating in the government that affects their lives; from voting for their President; and from electing representatives that have a voice and a vote in the U.S. Congress. Furthermore, this colonial status disregards the will of the People of Puerto Rico, as expressed in the 2012 Plebiscite, to assume the same duties as their fellow citizens in supporting our Nation; equal treatment in terms of the opportunities

afforded to strengthen our socioeconomic development; and to enjoy the quality of life that all U.S citizens should enjoy, regardless of their origin. Such inequality must end.

As a result of the Spanish-American War, Article IX of the “Treaty of Paris of 1898,” executed between the United States and Spain without the participation of the People of Puerto Rico, assigned the sovereignty of the Island to the Federal Government and established that “the civil rights and political status of the native inhabitants of the territories hereby ceded [Puerto Rico] to the United States shall be determined by the Congress.” From that moment on, the Federal Government has always chosen to exercise that power over Puerto Rico by enforcing the absolute powers of the “territory clause.” The exercise of these powers began with the establishment of a military government in 1898 under the direct administration of the President of the United States. Henceforth, the “Foraker Organic Act of April 12, 1900”; the “Jones Organic Act of March 2, 1917”; and “Public Law 600 of July 3, 1950,” among others, were enacted by the Congress and the President of the United States and—to this day— govern the lives and limit the rights of the U.S citizens of Puerto Rico.

Due to its nature, and according to the historical precedents across the world, the only potential outcome of colonialism is injustice, inequality, and discrimination. Puerto Rico has not been the exception. In the case of Puerto Rico, the socioeconomic and financial impact caused by colonialism continues onward while the Federal Government circumvents the demand made by its citizens in the 2012 Plebiscite to end colonialism and achieve Equality as a state of the Union. The consequences have been disastrous for Puerto Rico at a political, financial, and socioeconomic level.

If the Federal Government had taken affirmative and conclusive action by accepting the decision of a majority of the U.S. citizens of Puerto Rico in said Plebiscite, it would have dispelled the colonial uncertainties that, since 2014, have led

to Puerto Rico's credit rating downgrade and other events that now pose significant economic challenges, which are insurmountable within this same territorial and colonial status.

After 119 years, the government of the United States of America has NEVER met the continuous demands for a federally sanctioned plebiscite that would definitively and permanently resolve the century-old colonial condition. As a result of this federal inaction, Puerto Rico has taken various electoral initiatives whose results have been continuously circumvented by the Congress and the President of the United States.

In the most recent Plebiscite held on November 6, 2012, United States citizens of Puerto Rico exercised their right to petition the U.S. Government for redress of grievances caused by the imposition of colonialism, protected by the First Amendment to the Constitution of the United States, as well as their inalienable right to "self-determination" protected by International Law. Fifty-four percent (54%) of participating voters specifically rejected the current colonial and territorial status that was established in 1898. Likewise, sixty-one percent (61%) of voters who chose one of the status options, also specifically supported equal rights and obligations by choosing "Statehood" as the final and permanent solution to end the colonial status.

There are some people who resort to all sorts of arguments and even to mathematic formulas in an attempt to circumvent the overwhelming expressions of the citizens of Puerto Rico in the 2012 Plebiscite. Nonetheless, the history of our Nation defeats these arguments. Following the same logic used to circumvent the results of the 2012 Plebiscite, Congress granted statehood to Hawaii in 1959 after thirty-four percent (34%) of its "qualified" and registered voters had favored it. Former territories such as Nebraska and Colorado are among other examples. At that time, it was argued that the critical state of the national economy after the Civil War (1861-1865) and the Reconstruction Plan made their admissions difficult. Moreover,

a clash between Congress and the President was taking place in Washington, D.C. given that both territories were considered strongholds of one of the national parties. Nebraska was admitted as a state of the Union in 1867, through legislation, in a Congress initiative and over a presidential veto. On the other hand, Colorado had to wait a while longer. Meanwhile, the socioeconomic disadvantages, and the lack of an adequate railroad infrastructure caused a massive emigration of its inhabitants which worsened the living conditions of that territory. Colorado was finally admitted as a state in 1876. Hawaii, Nebraska, and Colorado are currently productive and developed states.

Sectors that promote Puerto Rico's *status quo* as a colony took refuge in unreasonable and flexible mathematical interpretations to try to undermine the strength of the claims of a majority in the 2012 Plebiscite. They bypasses the fact that, in a democracy, a majority is made up of those voters who attend the polling place and cast a valid vote for one of the options included in the ballot. A voter who casts a "blank" vote and expresses no opinion in favor or against, has the same effect of a voter who abstained. Their vote has no specific intent and cannot be adjudicated. To bypass the claim of a majority in the 2012 Plebiscite, detractors of the results thereof used the number of "blank" ballots cast which failed to express any opinion regarding the status options. In doing so, they artificially reduced the percentage of votes polled by the Statehood option and by the rejection of the territorial and colonial status. They claimed that the option favored by a majority polled less votes than it actually did, and that the results were confusing. Hence, they gave value and intent to voters who cast a "blank" ballot to the detriment of a majority of voters who favored statehood and rejected the colonial status.

Those who used mathematic formulas to manipulate the results should also apply them to the results of the 1951 and 1952 Referendums which, allegedly, validated Puerto Rico's current territorial and colonial status. In fact, those who

defend the *status quo* used the results of the aforementioned Referendums to try to legitimize colonialism under the false argument of the “consent of a majority of voters” at the time. However, they used a mathematical interpretation that is diametrically opposed to the one they use now for the 2012 Plebiscite. Based on the interpretive manipulations currently used for the results of the 2012 Plebiscite, and applying them to the 1951 and 1952 Referendums, the only possible interpretation is that a majority of eligible and registered voters in Puerto Rico NEVER consented to or legitimized the current colonial and territory condition.

A majority —fifty point three percent (50.3%) of qualified and registered voters in 1951— voted against, abstained, or cast a “blank” ballot during the ratification of Public Law 600 which, to this day, provides for the territorial and unilateral relations between the United States and Puerto Rico. Only forty-nine point seven percent (49.7%) of qualified and registered voters favored said federal law which still subjects its U.S. citizens to a colonial system that is disadvantageous, discriminatory, and unequal.

A majority —fifty-seven point five percent (57.5%) of qualified voters in 1952— voted against, abstained, or cast a blank ballot regarding the colonial constitution that a local constitutional convention had ratified pursuant to the provisions of Public Law 600. This constitution would have to be subsequently ratified by Congress and the President to become legally valid. Only forty-two point five percent (42.5%) of qualified and registered voters favored it.

Both results confirm that the people who claim that a majority vote favored the current colonial status in the 1951 and 1952 Referendums in order to validate the *status quo* do not believe that counting the voters who abstained from participating in those referendums is important. However, it is important to tally them when claiming equal rights and obligations as U.S. citizens in the 2012 Plebiscite. Should democracy tolerate these “double standard” interpretations in order to perpetuate colonial

inequality? Definitively not. We reiterate that, in voting exercises across the democratic world, including the United States, the greatest and fairest interpretation is that the electoral mandate of a majority is determined by the voters who cast a valid vote for one of the options or candidates included in the ballot. In fact, the electoral rule in Puerto Rico, established by our local Supreme Court, is that a vote not cast, spoiled, or lacking a clear expression of voter intent: [“shall in no way be counted for purposes of influencing or affecting the results of an election, referendum, or Plebiscite, among other voting events.”] *Súdréz v. Com. Estatal Elecciones*, 176 DPR 31, 73-74 (2009). That is also the tradition of the United States in any voting exercise. However, in Puerto Rico, those sectors that promote the *status quo* also deny the just democratic valuation of the decision made by a majority of voters in favor of statehood and against the colonial status.

After over a century of being at a disadvantage due to colonialism, and years after conducting the Plebiscite in Puerto Rico, the President and Congress approved an appropriation of two point five (\$2.5) million dollars in the “Consolidated Appropriations Act (2014),” “Public Law 113-76 (2014).” The intent is to propose another plebiscite to ratify the Statehood result of the 2012 Plebiscite. This plebiscite shall be held at the discretion of the Government of Puerto Rico. Funds have also been appropriated to finance a campaign of “objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico’s future political status.” This proposal from the Federal Government was made at a time when it was common knowledge that the previous government administration of the Popular Democratic Party (PDP) in Puerto Rico had a tendency not to act in regards to the political status. The political scene changed during the November 8, 2016 general election with the victory of the New Progressive Party (NPP), the main proponent of Statehood. During the local election campaign, the NPP candidates explained to voters that a vote cast in



their favor would constitute “a mandate to end Puerto Rico’s colonial relationship and to seek equal rights and obligations through statehood.”

The “Report of the Committee on Appropriations (2014)” corresponding to the aforementioned Public Law, established the procedural requirements that must be met to use said funds. The U.S. Attorney General shall transfer two point five million dollars (\$2.5) to the State Election Commission of Puerto Rico (CEE, Spanish acronym), once he certifies that the status options proposed to voters in that new plebiscite “are not incompatible with the Constitution, and laws and policies of the United States.” However, Congress could never argue or support the idea that the status options included in the 2012 Plebiscite did not meet those same conditions after passing a Bill for the holding of another Plebiscite. In fact, they fully met them. Congress also failed to act to prevent the imposition of this territorial and colonial status on Puerto Rico, as demanded by fifty-four percent (54%) of the voters in said Plebiscite. Evidently, after over a century of colonialism, Congress and the President chose to continue with additional arguments, interpretations, and procedures.

It must be noted that, rather than designing or amending the contents of voters’ claims in the next Plebiscite, the official duty of the U.S. Attorney General under this Federal Act is to certify that those claims “are not incompatible” with federal Law; and that the federally-funded voter education campaign to be conducted is “objective, and nonpartisan.” Logically, if the Attorney General considers any element to be “incompatible,” he should present his arguments so this Legislative Assembly can take them into consideration.

This Act provides a reasonable amount of time for the U.S. Attorney General to issue his certification taking into consideration that: (1) federal case law recognizes the power of the states and of Puerto Rico to provide the conditions of their plebiscites through legislation, subject to their respective state laws and constitutions, as long as, for example, voters rights granted under the First and Fourteenth Amendments to the

Constitution of the United States are protected; and (2) that the case law and the laws of Puerto Rico require accuracy in the election process, and a minimum term to carry out certain transactions prior to each voting; in order to protect the rights of the voters. If no deadline is provided by this local Act to serve as a guide for the U.S. Attorney General to perform his official duties, it would provoke uncertainty, and all the electoral transactions prior to the election would be affected including the printing of the ballots and the voters' education campaign. It is within this context of necessary accuracy that an appropriate time limit is established for the U.S. Attorney General to perform his duties so as to not adversely affect these transactions, or the rights of the voters.

The Legislative Assembly of Puerto Rico recognizes that the road to Equality as a state of the Union has never been easy for any of the United States' territories; just as it was not easy for African Americans and women in their fights for equality. However, none of the thirty-seven (37) former jurisdictions that were admitted as states of the Union had to wait more than a century for their requests for decolonization and equality through Statehood to be addressed. Yet, hundreds of congressional hearings, evaluation reports, and procedural complications, which were not even suggested when granting statehood to the former territories, have been imposed on Puerto Rico.

Historically, the public policy of all congresses and presidents of the United States of America have agreed on expressly upholding, even in international forums such as the United Nations Organization (UNO), that the United States citizens of Puerto Rico have the right to "self-determination" in defining their final political status. In truth, this is not what the Federal Government has done when faced with the demands of the citizens of Puerto Rico for decolonization and admission as a State.

Based on the results of the 2012 Plebiscite, our Nation is at a questionable position within the international community by maintaining a colonial territory with unequal and discriminatory conditions against a majority vote of its own U.S. citizens. Meanwhile, it intends to promote democratic and egalitarian processes in other international jurisdictions, including one as close to Puerto Rico as Cuba.

The issue of rejecting the century-old territorial and colonial status was clearly resolved locally by a majority vote of the citizens of Puerto Rico in the 2012 Plebiscite. Colonialism is not a choice for Puerto Rico under any method or modality of judicial interpretation of the “territory clause” of the U.S. Constitution.

Many federal representatives and senators, both from the Democratic and Republican parties, have made courageous statements recognizing that this colonial status is also morally unsustainable for our Nation. For example, on August 2013, the Honorable democratic senator Ron Wyden, then-Chairman of the federal Committee on Energy and Natural Resources, stated that:

There is no disputing that a majority of the voters in Puerto Rico —54 percent—have clearly expressed their opposition to continuing the current territorial status. For a nation founded on the principles of democracy and the consent of the governed, how much longer can America allow a condition to persist in which nearly four million U.S. citizens do not have a vote in the government that makes the national laws which affect their daily lives?

As for the ranking republican member of that Committee, the Hon. Lisa Murkowski, she stated: “it is clear to me that the majority of Puerto Ricans do not favor the current territorial status.”

Statements such as these contrast with the attitudes of other federal officials who insist in perpetuating Puerto Rico's colonial status. It is important to remember that, in many cases, their own states had to face the indifference of some sectors of the U.S. Capitol when they were colonial territories demanding equality through statehood.

Now, the new arguments used by these sectors focus on incorrect assessments of the causes that brought about the Island's current economic situation to try to justify prolonging colonialism. They seek to impose economic conditions on Puerto Rico, for its admission as a state, which were not imposed on other former colonial territories which are now states of the Union. Moreover, they forget that the colonial status is at the core of the "structural problem" that have an impact on our socioeconomic challenges.

Puerto Rico, as a colonial territory, has had to conform to the rules and the standards of quality of life of one of the most developed economies in the world, but with huge political and economic disadvantages which severely harm its stability, development, and quality of life. Being U.S. citizens and having expressed, through their vote, their desire to assume the same responsibilities with equal rights, it would be unfair to keep forcing the U.S. citizens of Puerto Rico to survive in a colonial system that is in decline and akin to third-world conditions. The situation in Puerto Rico can be fixed if we act now, swiftly, to leave behind colonialism.

Undoubtedly, Puerto Rico meets all the requirements to become one of the most productive states of the Nation. Puerto Rico's current economy, as well as its human, physical, legal, financial, business, industrial, education, and government infrastructures are quite superior, relatively speaking, to those of the former territories when they were admitted as states, even as they suffered from severe socioeconomic problems as a result of their territorial and colonial status. Statehood was exactly what helped those former territories to move past stagnation and poverty to reach the high

levels of development they now share as states of the Union. During Alaska's first ten years as a state, the *per capita* income increased sixty-nine percent (69%) and commercial exports tripled. In Hawaii, the *per capita* income increased fifty-two percent (52%); tourism activity increased twenty percent (20%); the amount of hotel rooms tripled; and investments increased from one hundred and sixty-eight million dollars (\$168) to six hundred and twenty-five million dollars (\$625) which equal billions of dollars when adjusted to the current value. Taking into consideration these references and Puerto Rico's vast economic infrastructure, Statehood would have an equal or greater economic effect from the moment the transition begins, and even before it completes its proclamation. The financial markets, and local and foreign investment sources would perceive the stability of the Island's economic development, which is impossible to achieve at present due to the territorial and colonial uncertainties Puerto Rico suffers.

Incorrect assessments regarding the factors that negatively affect the economy also seek to shift the evident responsibility shared by the Federal Government in the collapse of the colonial system of their own making. They intend to make it seem as if the Government of Puerto Rico was solely responsible for this collapse. In addition, those who have this opinion ignore the fact that Puerto Rico's current economy, both its virtues and shortcomings, is the result of the disadvantageous policies, laws and economic regulations that the government of the United States of America has imposed unilaterally and unequally on Puerto Rico for over a century.

For example, the congresses and presidents unilaterally enacted federal laws that, for decades, transformed Puerto Rico into a "federal tax haven" of income tax exemptions for wealthy individuals and multinational corporations that would normally have to pay federal taxes when carrying out those same economic activities in the states of the Union. Over forty percent (40%) of the Gross Domestic Product (GDP) produced by Puerto Rico's workforce has been exempt at the federal level. In

the context of the “Cold War,” the Federal Government created the “illusion” of economic development based on tax exemptions for the most privileged economic sectors. However, this was to the detriment of the equal rights of almost all of the U.S. citizens of Puerto Rico.

The exclusion of the most privileged economic sectors from their obligations to the federal tax system, paved the way to perpetuate the unequal political rights and economic opportunities of almost all of the U.S. citizens of the Island. Said federal policy is based on the idea that if those privileged sectors do not pay income taxes to the Federal Treasury, then Puerto Rico has no right to the “equal treatment” given to the other states of the Union. Even though this concept would seem logical at a glance, its injustice is the result of the unilateral manner whereby it was imposed and administered through the “territory clause.”

Decades later, said “economic illusion” of privileges also failed and collapsed. However, it remained long enough to contribute to create this difficult socioeconomic and fiscal situation we are facing. Puerto Rico does not need more tax privileges for the most wealthy, or corporate welfare, but rather equal rights and obligations for all its citizens within our Nation. The facts confirm that this type of economic model of privileges for the few to the detriment of the many only leads crises and failures.

This “deliberately structured inequality” has also been questionably upheld in dozens of federal court rulings such as the so-called “Insular Cases,” which date back to 1901. Many of these cases are full of discrimination through the “judicial fabrication” of classifications that segregate U.S. citizens by categories and based on their place of residence. In fact, classifications such as “incorporated territories” or “unincorporated territories” do not exist in the U.S. Constitution. They are classifications “fabricated” by federal judges and officials of the beginning of the 20<sup>th</sup> Century to legitimize the geopolitical expansion of our Nation. However, they exclude the inhabitants of the new colonial territories from the possibility of “equal treatment,”

even those who are U.S. citizens at birth. That is how a statutory and discriminatory “second class” U.S. citizenship was created, whereby the automatic granting of U.S. citizenship at birth to descendants in the territory may be reverted at the discretion of the Federal Government, without the full protection of the laws, rights and Constitution of the United States, and subject to the unilateral authority of the U.S. Congress granted under the “territory clause.”

*Downes v. Bidwell*, 182 US 244 (1901) is quite possibly the most infamous of the “Insular Cases” because it opened the door to great discrimination in the colonial territories of the United States. It “fabricated” the categories of the so-called “incorporated” and “unincorporated” territories for which there is no constitutional precedent. *Downes v. Bidwell* was resolved by the same justices that heard *Plessy v. Ferguson*, 163 US 537 (1896), which validated the supposed constitutionality of racial segregation at the beginning of the 20<sup>th</sup> Century. It was a sad judicial chapter in the democratic and egalitarian evolution of our Nation when racial and territorial discrimination was validated. Congress and the Supreme Court rectified the issue of the racial discrimination. Nonetheless, territorial and colonial discrimination still persist, particularly in the case of the United States citizens of Puerto Rico. In *Downes v. Bidwell*, the Supreme Court devised a juridical puzzle to uphold that the United States can acquire territories and exercise its power without restrictions to determine which rights it would grant to their inhabitants:

While in an international sense Porto Rico was not a foreign country, since it was subject to the sovereignty of and was owned by the United States, it was foreign to the United States in a domestic sense, because the island had not been incorporated into the United States, but was merely appurtenant thereto as a possession.

In *Balzac v. Puerto Rico*, 258 US 298 (1922), it was resolved that the U.S. citizens of Puerto Rico, due to being residents of a colonial territory, did not enjoy all the rights guaranteed by the Constitution of the United States to the citizens of the states of the Union, and that they also did not have the right to the “equal protection of the law” approved in their Congress and which affect their lives.

Following that archaic and discriminatory judicial doctrine, in *Harris v. Rosario*, 446 US, 651, (1980), the Supreme Court of the United States held as “legal” that Congress discriminated against the U.S. citizens of the colony of Puerto Rico when appropriating federal funds so long as there is a “rational basis.” However, the rational basis used has also been imposed unilaterally by the Federal Government: Puerto Rico is a territory where wealthy individuals and multinational corporations do not pay federal income taxes at the source for their economic activities and, therefore, Puerto Rico does not have the right to equal treatment. All of this is “cause and effect” authored by the Federal Government.

Likewise, the calamity caused by colonialism in Puerto Rico is reflected not only in its disastrous socioeconomic consequences, but also in the manner in which some sectors and even some political and economic interests in Puerto Rico seek to perpetuate it indefinitely regardless of the demands for Statehood with EQUAL RIGHTS AND OBLIGATIONS of the United States citizens of Puerto Rico in the 2012 Plebiscite.

All of the reports submitted by the federal technocracy on Puerto Rico’s colonial status are simply reduced to the argument that the “territory clause” grants the Federal Government absolute sovereign powers, but they never mention the negative consequences that exercising such power has had on the quality of life of 3.3 million U.S. citizens.



The voters' demand for decolonization and Equality in 2012 has been subject to erroneous perceptions of some partisan interests within national politics. There is also the question of whether Puerto Rico, as a state, would be a Republican or Democrat. To anticipate or forejudge the perpetual inclinations of the state of Puerto Rico's electorate to a national political party is a fallacy, similar to the one discussed when admitting Alaska and Hawaii. A modicum of good sense compels us to conclude that, as a state, Puerto Rico would support those candidates and national parties that, in each election, better serve their interests and those of our Nation.

The future, quality of life, civil and human rights, and even the access to health services by 3.3 million U.S. citizens born and residing in Puerto Rico should not and cannot continue to be circumvented in the U.S. Capitol while the calamity of colonialism continues to destroy jobs, business, savings, pensions, and even the family unit as a result of a massive migration caused by the territorial and colonial status.

It should be understood that the "structural problem" affecting Puerto Rico's economy is not only the result of the local administration, but also the result of the disadvantages and discrimination faced by a colony trying to survive in midst of one of the most developed economies in the world. Puerto Rico's government management problems are no different from those of the Federal Government, world powers, or any state of the Union.

In fact, data corroborated by the statistics of the Federal Government shows that thirty-six (36) of the current states receive more funding from the U.S. Treasury than the total federal tax contributions made by their respective citizens and corporations. Only fourteen (14) states contribute more to the Treasury than what they receive in federal funding. Therefore, to judge the demand for equal rights and obligations made by the U.S. citizens of Puerto Rico as a mere issue of "economic cost" contradicts the existing and overall reality of our Nation and the democratic and equality values on which it was founded. Puerto Rico has paid dearly and too long for the disastrous

effects of the colonial and territorial status. Puerto Rico should have the right to reach its full socioeconomic development potential, but it needs the equal rights and obligations of a state of the Union to do so.

It is a universal rule that the political system is a decisive factor in the economy and not the other way around. The mistake made by some sectors of the Federal Government is to believe that Puerto Rico's economic problems are of administrative nature, or can be resolved while still perpetuating the structural problem of colonial and political disadvantages which adversely affect its economic development. In fact, that was the erroneous perspective adopted by Congress and the President when enacting the "Puerto Rico Oversight, Management, and Economic Stability Act" (PROMESA), "Public Law 113-76, (2014)." The disastrous consequences of colonialism are not resolved by imposing more colonialism, but rather by eradicating it.

PROMESA, in reality, just proves the failure and lack of economic viability of the territorial and colonial system that have been imposed on Puerto Rico for 119 years. Notice that this Federal Law was enacted in record time by the Federal Government, *vis a vis* a hundred years of indifference towards a the fundamental problem represented by the political inequalities and rights limitations imposed on Puerto Rico through colonialism. Congress failed to take affirmative action regarding the decolonizing and egalitarian demands of the 2012 Plebiscite. However, with PROMESA, they did, worsening colonial conditions.

PROMESA seeks to subordinate the authority of the officials elected by the People of Puerto Rico to the federal Financial Oversight and Management Board, composed of seven members appointed by the President and the congressional leadership. PROMESA recognizes Puerto Rico's difficult economic situation and demands across the board reductions in the local budgets. However, at the same time, it demands Puerto Rico to disburse over three hundred and seventy million dollars

(\$370,000,000) from its limited resources for the federal Financial Oversight and Management Board's operating expenses over the next five (5) years; as if the Federal Government did not share responsibility for Puerto Rico's current economic situation.

They claim that Puerto Rico is a territory subject to the absolute and unilateral sovereignty of the Federal Government. Notwithstanding, when the unavoidable issues of any colonial system arise, they portray it as if they were due to Puerto Rico's management problems. PROMESA implies that the inhabitants of Puerto Rico, despite being U.S. citizens, shall endure living conditions which are akin to the Third World and with budget cuts that would be unacceptable for the citizens of any state of the Union. PROMESA even approves forcing some of Puerto Rico's workers to live on a minimum wage of \$4.25 per hour. This is another Third-World measure that would be unacceptable in any of the fifty states. None of the above would be necessary if the Federal Government would choose to recognize and accept the demand for equal rights with equal obligations for the U.S. citizens of Puerto Rico rather than trying to find solutions where there are none.

The failure of the Island's colonial system should come as no surprise. That is the fate of all colonial systems. In fact, very few states of the Union would be able to maintain their current levels of economic activity if the limitations and disadvantages Puerto Rico has endured for 119 years were imposed on them.

By enacting PROMESA, Congress implicitly admitted that the current socioeconomic, budget, and financial crisis in Puerto Rico is the result of their own unilateral actions and omissions. The management chaos caused by the outgoing colonialist administration of the Popular Democratic Party (PDP) during the 2013-2016 term worsened the scenario. Searching for a solution, and without addressing the real structural problem presented by the colonial status, Congress created the Financial Oversight and Management Board and prescribed special rules to negotiate the sixty-

nine billion dollar (\$69,000,000,000)-debt due to Puerto Rico's credit rating downgrade and default on its obligations to corporate investors.

However, PROMESA was not able to develop concrete federal measures to strengthen Puerto Rico's socioeconomic development in a sustainable and permanent manner. In reality, this is impossible under the current conditions of colonial inequality. Congress could not find solutions, but expects Puerto Rico to do so within the limitations imposed thereon it as a colonial territory.

As evidence of the implicit admission of responsibility of the Federal Government over this colonial crisis, Section 409 of PROMESA created a "Congressional Task Force" composed of eight (8) congressmen to evaluate the crisis and make recommendations on:

(1) Impediments in current Federal law and programs to economic growth in Puerto Rico; and (2) recommended changes to Federal law and programs that, if adopted, would serve to spur sustainable long-term economic growth, job creation, reduce child poverty, and attract investment in Puerto Rico.

These two issues raised by Congress confirm that Puerto Rico's fundamental, actual, and structural problem is not its local government management, but the disadvantages of its territorial and colonial status.

The Task Force submitted its report on December 20, 2016. However, this report only "recommends" that Congress should act to grant Puerto Rico additional funds in various social welfare federal programs. The report also recommended very limited incentives for investments, job creation, and economic development. Of course, all of the foregoing are "recommendations" that are left to the unilateral discretion of a Congress in which the United States citizens of Puerto Rico are not represented with a voice and a vote; and of a President for whom they are not allowed to vote.

The report by the Congressional Task Force establishes that: “If the government of Puerto Rico conducts a plebiscite authorized and funded by Public Law 113-76, the Task Force recommends that Congress analyze the result of this plebiscite with care and seriousness of purpose, and take any appropriate legislative action.” With that annotation, the authors of the report implicitly acknowledged that the measures recommended for the colonial territory would be insufficient and that the structural problem of the socioeconomic, budget, and financial crisis in Puerto Rico is rooted in the territorial-colonial status, and that the same must be resolved. This is the specific goal of the Legislative Assembly of Puerto Rico with the “Immediate Decolonization Act.”

Puerto Rico’s economic recession and the loss of five hundred thousand (500,000) inhabitants over the last twelve (12) years are not accidental. They are the inevitable result of the century-old colonial and territorial system that has collapsed, and leads to the massive emigration of the Island’s residents to the states of the Union. As U.S. citizens, those born in Puerto Rico automatically acquire all the rights, obligations, and opportunities when they move to any state, which are otherwise denied to them in the colonial territory of Puerto Rico. They are “second-class” citizens when they reside in Puerto Rico. If they move to a state of the Union they immediately become “first-class” citizens. That is how needless the consequences of the anachronistic colonialism imposed on Puerto Rico are. The emigration wave continues and it will become greater while the territorial and colonial status continues. “The right of every American to first-class citizenship is the most important issue of our time.” —Jackie Robinson

The misconceptions about Puerto Rico fail to take into account that many states of the Union, former disadvantaged colonial territories, would not have reached their current level of political, social, and economic development if they had suffered the

same conditions and limitations of rights, obligations, and opportunities that have been imposed on Puerto Rico for over a century.

As U.S. citizens, the residents of Puerto Rico have the right to enjoy the same quality of life as their peers in the states, because that is the environment in which they live and their genuine desire. In fact, a vast majority of Puerto Ricans, almost five million, reside in the states of the Union.

It should be understood that the citizens of Puerto Rico value their U.S. citizenship, the socioeconomic environment of their Nation, and the quality of life they expect. All of these elements were imposed after the “Treaty of Paris of 1898” through economic, business, financial, and environmental federal laws. However, this has been their reality of life for many generations before. When the citizens of Puerto Rico design and define their expectations for quality of life, they do so as U.S. citizens, because they are.

What is the truth about Puerto Rico? In the absence of Equal rights and responsibilities, for decades, Puerto Rico had to become indebted in the bonds market in order to maintain a quality of life that could closely resemble that of their fellow citizens in the states. Incurring in that debt was the only way in which this disadvantaged colonial territory could partially compensate for the lack of “equal treatment” by the Federal Government. Public bonds were issued and loans were taken to try to maintain the economic activity, create jobs, offer essential services, and, also, to comply with the federal environmental laws that affect our infrastructure. Puerto Rico even issued public debt to meet the obligations that the Federal Government itself imposes thereon for the state fund matching in order to receive federal funds for many service and physical infrastructure development programs. Undoubtedly, if Puerto Rico would have enjoyed the same political and economic treatment as the states, it would not have been necessary to incur so much public debt. No U.S. citizen, including those who reside in Puerto Rico, deserves to have lesser opportunities, lesser

health services, and a lesser quality of life than the rest of his fellow citizens, all the more so when they have demanded equal obligations to sustain the Nation. This public debt is nothing more than a “colonial tax” which the United States citizens of Puerto Rico have had to pay due to a territorial system that has forced on them unequal treatment, disadvantages, and discrimination for 119 years; notwithstanding that their quality of life expectations are as American as those of their fellow citizens of the states.

Moreover, the limitations that the United States citizens of Puerto Rico suffer through the territorial and colonial status, which goes against their desire for decolonization and equality as expressed through their vote, also place our nation at odds with many of the fundamental principles contained in the “Universal Declaration of Human Rights” endorsed by the United States of America and adopted by the United Nations General Assembly in Paris in 1948:

Article 2: Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 21: Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right to equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will

shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

This Act constitutes a decisive instrument in the mission to defend the civil and human rights of the United States citizens of Puerto Rico in the face of the inequality, and disadvantages ensuing from the century-old territorial and colonial status. All the civil and legal means described herein, among others, such as the community, and the local, national, and international public opinions shall be employed to fulfill this mission.

Furthermore, the Resident Commissioner of Puerto Rico in Washington, D.C., the Hon. Jennifer González-Colón, who is a representative with voice, but not vote, in the U.S. House of Representatives, recently introduced H.R. 260 to the 115<sup>th</sup> Congress for the Admission of Puerto Rico as a State of the Union, as chosen by the voters in the 2012 Plebiscite. Moreover, the “Inter-American Commission on Human Rights of the Organization of American States (OAS)” will soon address the complaint filed by former governor Dr. Pedro Rosselló on behalf of the 3.3 million U.S. residents of Puerto Rico against the Federal Government for depriving Puerto Rico of their human and civil rights.

Moreover, the Legislative Assembly intends to approve the “Congressional Representation for the United States Citizens of Puerto Rico Act,” for the purpose of implementing the so-called “Tennessee Plan.” This plan was used by seven former territories, to wit, Tennessee (1796), Michigan (1837), Iowa (1846), California (1850), Oregon (1859), Kansas (1861), and Alaska (1959); to select their federal congressmen prior to their respective admissions as states of the Union. Just as with Puerto Rico, the requests for equality through statehood were ignored by Congress in every case.



In this Act, the Legislative Assembly of Puerto Rico provides for additional affirmative actions for an immediate decolonization process by calling for another plebiscite authorized and funded by Congress and the President under Public Law 113-76 (2014), for the purposes of reiterating the demand for equality through statehood as chosen in the November 6, 2012 Plebiscite. The foregoing makes this Act for a Plebiscite the only effort sanctioned by the Federal Government. This implies that it is automatically enforceable and binding.

It is important to reiterate that Puerto Rico's colonial status, and its disastrous consequences for the lives of its U.S. citizens, are not resolved with more colonialism or with more territorial measures. On behalf of the will of a majority, which was conveyed by Puerto Rico's voters in the 2012 Plebiscite, we reaffirm that the territory and colonial condition is not an option in any of its forms, not to mention within the context of the democratic, socioeconomic, budget, and financial crisis it has caused.

The rejection of the current territorial and colonial status, and the demand for equality through Statehood are the indisputable and effective mandates of Puerto Rico's voters as of the November 6, 2012 Plebiscite. We approved this Act on the basis of this democratic expression. The purpose of this plebiscite is to end this territorial and colonial status definitively and permanently with a non-colonial and non-territorial status option.

The government platforms approved by the delegates of the states of the Union in the national Republican and Democratic Party conventions in 2016 explicitly supported the desire for decolonization and equality expressed by the U.S. citizens of Puerto Rico. The Republican Party unanimously approved that: "Once the 2012 local vote for statehood is ratified, Congress should approve an enabling act with terms for Puerto Rico's future admission as the 51<sup>st</sup> state of the Union." The Democratic Party stated: "Puerto Ricans should be able to vote for the people who make their laws, just

as they should be treated equally. All American citizens, no matter where they reside, should have the right to vote for the President of the United States.”

Since the purpose of the Plebiscite herein called is to reassert the desire for decolonization and the request for Statehood, both of which prevailed in the 2012 Plebiscite, it is extended to include final, permanent, non-colonial, and non-territorial status options, to exclude Puerto Rico from any method or modality of judicial interpretation of the “territory clause” of the Constitution of the United States. In this manner, voters will be given the opportunity to vote, if they so prefer, to petition, for the first time, the Federal Government to initiate a decolonization process through a full transfer of sovereignty to Puerto Rico as a prerequisite for the negotiation of a voluntary treaty of “Free Association” with the United States or for “Independence.” This variety of options is consistent with the electoral mandate for decolonization as chosen in the 2012 Plebiscite; it strengthens the democratic values in said Plebiscite and provides the Federal Government with an accurate and unquestionable view of the actual preference of a majority of the U.S. citizens of Puerto Rico. The ultimate purpose of this Plebiscite does not tolerate the ambiguities, disadvantages, or colonial uncertainties which have led Puerto Rico to suffer the worst consequences.

All these decolonization options are fully consistent with the Constitution, the laws, and the policies of the United States, including its case law and their equivalent scopes in United Nations (UN) Resolution 1541 (XV) of 1960, which recognizes “Statehood,” and full independent sovereignty through a voluntary treaty of “Free Association” or “Independence” as the only options for decolonization.

In order to avoid confusing voters or creating unrealistic expectations, the status options herein presented are based on legal, realistic, and viable elements, in accordance with United States policies and case law; and without the obliging discourses and “wish lists” of some local political parties and groups. Such as, for example, the proposal to maintain in Puerto Rico the right to a permanent U.S.

citizenship at birth under any political status with sovereignty separate from the United States of America. In fact, this proposal has been rejected in White House reports and federal court rulings. Upon casting their votes in these decolonization plebiscites, the citizens of Puerto Rico must have a clear understanding of the effect that the proclamation of a political status with sovereignty independent from the United States would have on the U.S. citizenship of those born in Puerto Rico. This fundamental element should not be subject to more capricious and speculative arguments.

Recently, in *Tuaua v. United States* (2016), the petitioners were persons born in the territory of American Samoa who are considered United States nationals, but not U.S. citizens. They petitioned the Federal Government to recognize their U.S. citizenship. The Court of Appeals for the District of Columbia upheld federal case law in the sense that U.S. citizenship is only guaranteed by the Constitution in the states of the Union. Therefore, those who are born in the territory of American Samoa do not enjoy the protected right to be recognized as U.S. citizens. After reviewing the ruling of the Circuit Court, the Supreme Court of the United States rejected the Petition for Review filed by the petitioners.

It is indisputable that the recognition of U.S. citizenship in United States Territories depends on the affirmative action, the will, and the discretion of Congress. Congress can choose whether to grant citizenship in the territories or not. Even when Congress grants U.S. citizenship in a colonial territory, such citizenship is statutory and lacks all the constitutional rights and guarantees granted to the citizens of the states. In the specific case of Puerto Rico, Congress granted the U.S. citizenship to its citizens under Section 302 of the “Immigration and Nationality Act” and was codified as 8 U.S.C.S. 1402. The U.S. citizenship granted to the people of Puerto Rico is clearly statutory and tied to its status as a territory in which the United States exercises sovereignty pursuant to the “territory clause.”

The United States has never granted U.S. citizenship at birth to the people of any country with separate and independent sovereignty. It also has not offered it in the Compact of Free Association (COFA) it executed with the three sovereign and independent states of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. The granting of U.S. citizenship at birth to the people of a country with sovereignty independent from the United States has never been part of its laws or policies, even when they have treaties of Free Association as those mentioned above. Therefore, it should be concluded that the United States would not grant or extend U.S. citizenship at birth to a jurisdiction independently sovereign, as would be the case of Puerto Rico after proclaiming Free Association or Independence.

Puerto Rico continues to be a colonial territory in the most despicable sense of the term. All the federal laws imposed on Puerto Rico; the case law of the Supreme Court of the United States, all the policies promulgated by the President, all the reports and opinions of the technical offices of the White House in 2005, 2007, and 2011, of Congress, as well as of the U.S. Justice Department agree that Puerto Rico is a colonial territory subject to the sovereignty, and unilateral and absolute powers of the Government of the United States of America.

In *Puerto Rico v. Sánchez Valle*, 579 US (2016), the Supreme Court of the United States recently ruled, at the request of the Federal Government, that Puerto Rico also lacks “inherent sovereignty” as opposed to the states and Indian reservations. Admission by party, waiver of evidence. This unequal and discriminatory status urgently demands we find a definitive solution, all the more so because it is unbearable and unsustainable for the U.S. citizens of Puerto Rico. It diminishes their quality of life and socioeconomic development opportunities to the bare minimum. Likewise, it has led to the largest ever migration of families to the

United States, searching for opportunities and rights of which they are deprived in Puerto Rico.

“I can't believe that we can fight a war against fascist slavery, and at the same time not work to free people all over the world from a backward colonial policy.” President Franklin D. Roosevelt reproached Prime Minister Winston Churchill during their meeting in Argentia Bay, in the Canadian province of Newfoundland, in August 1941.

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

ARTICLE I: Title

This Act shall be known as the “Puerto Rico Immediate Decolonization Act.”

ARTICLE II: Definitions

For purposes of this Act, the terms:

(a) “Mark Recognition Area” - means the space on the surface of the ballot that is delimited by a black rectangle with a white background, which is designed to enable the optical reader of the electronic canvassing device to explore and translate its content, or lack thereof, into electronic signals for processing.

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

(c) “Citizens” - means any natural person who is a resident of Puerto Rico and is recognized by the laws of the United States of America as a “U.S. citizen,” either at birth or by naturalization.

(d) “State Election Commission” - means the electoral agency in Puerto Rico that coordinates the election events provided in this Act and the only competent authority to certify the results thereof.

(e) “Congress” - means the House of Representatives and Senate of the United States of America as a whole.

(f) “Governor” - means the Governor of Puerto Rico.

(g) “Federal Government” - means the President, Congress, and Supreme Court of the United States of America, as a whole or individually, according to the context in which the term is used.

(h) “Election Act” - means Act No. 78-2011, as amended, known as the “Puerto Rico Election Act.”

(i) “Valid Mark on the Ballot” - a mark not smaller than forty-four square millimeters ( $44\text{mm}^2$ ) made by the voter within the mark recognition area on the ballot. Any mark made outside the mark recognition area shall be rendered invalid and deemed to be not made and, therefore, inconsequential.

(j) “Ballot” or “Voting Ballot” - a document or electronic medium available, designed by the State Election Commission, on which the voter shall cast his vote in accordance with the provisions of this Act.

(k) “Adjudicated Ballot” - only ballots with a vote cast for one of the options presented on the ballot, which shall be considered when computing the election result percentages, shall be treated as such.

(l) “Ballots with no Adjudication Value” - “blank,” spoiled,” and “void” ballots shall be considered as such. Such ballots shall not be considered when computing the percentages of the voting results.

(m) “Spoiled Ballot” - a ballot spoiled by a voter and in substitution for which a second ballot is given.

(n) “Blank Ballot” - a ballot which has no valid mark on and, therefore, is not considered as an adjudicated ballot.

(o) “Untallied Ballot” - a ballot marked by a voter which the electronic voting or canvassing system failed to count. Such a ballot shall be reviewed and adjudicated by the State Election Commission during the General Canvass.

(p) “Ballot Pending Adjudication” - any “untallied,” “challenged” ballot, and votes cast by voters in the special polling places for “Provisional Voting.” These ballots shall be reviewed and adjudicated by the State Election Commission during the General Canvass.

(q) “Mismarked Ballot” - a ballot on which the voter makes a valid mark for each one of the status options presented thereon; therefore, it is not considered an adjudicated ballot.

(r) “Challenged Ballot” - a vote cast by a voter which has been subject to the challenge process provided in the Puerto Rico Election Act.

(s) “Unused Ballot” - a ballot that was not used in the voting process.

(t) “Plebiscite” - means the “Statehood” or “Free Association/Independence” election event to be held on June 11, 2017.

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

(v) “Referendum” - means an election event for a voluntary treaty of “Free Association” or “Independence,” which would be held on October 8, 2017, subject to the results of the June, 11 2017 Plebiscite.

### ARTICLE III: Declaration of Public Policy

#### Section 1.- Public Policy

(a) The Legislative Assembly considers that the results of the plebiscite held on November 6, 2012, constitute a clear and democratic exercise of “self-determination” by the United States citizens of Puerto Rico who voted to: 1) reject the current status as a colonial territory of the United States of America; and 2) demand Equal rights and obligations as United States citizens through the admission of Puerto Rico as a state of the Union. Thus, an electoral mandate and a public policy in favor of Statehood were adopted in Puerto Rico and continue in effect.

(b) The certified results for the option chosen by a majority of voters in the 2012 Plebiscite are:

- i. 53.97% of voters rejected the continuation of the current territorial and colonial status that was established after the “Treaty of Paris of 1898”; and
- ii. 61.16% of voters specifically supported that equal rights and obligations be recognized to them by the Government of the United States of America by means of “Statehood” as a final and permanent mechanism for decolonization.

(c) The certified results of the options least favored by voters in the 2012 Plebiscite are:

- i. 33.34% of voters supported sovereignty separate and independent from the United States as a Free Associated Sovereign State, which would be based on a treaty of “free and voluntary political association” (Free Association) between Puerto Rico and the United States; and
- ii. 5.49% of the votes cast favored Independence.

(d) Since more than four years have elapsed, the Federal Government has failed to take affirmative or specific action regarding the option favored by a majority vote in the plebiscite, and rather opted for proposing Federal legislation to provide for the holding of an election event to ratify the results of the 2012 Plebiscite “on the options that would resolve our future political status,” the Legislative Assembly enacts this Act seeking to uphold civil and human rights, as well as the right to “self-determination” of the United States citizens of Puerto Rico. Furthermore, citizens are afforded another opportunity to vote for status options that are non-colonial and non-territorial, as described in Subsection (h)(i)(ii)(iii)(iv) of this Section; this time the scope and content of the status options have been revised and certified by the U.S. Attorney General, as provided in Public Law 113-76, “Consolidated Appropriations Act (2014)”; and the procedural requirements of the congressional report on said Federal law.



(e) After 119 years, the purpose of the election events herein provided is the immediate decolonization of Puerto Rico as expressed by a majority of voters in the 2012 Plebiscite. Any attempt to induce or propose changes to the current territorial status through another modality or method of judicial interpretation that maintains Puerto Rico subject to the “territory clause” of the U.S. Constitution, which continues to cause us so much harm as a People, would face the rejection of the United States citizens of Puerto Rico and this Legislative Assembly, which was democratically chosen to represent them.

(f) As the direct, legitimate, and constitutional representative of the People, this Legislative Assembly has the power and responsibility to make feasible an electoral process that would definitively resolve the century-old issue, and to address the dissatisfaction regarding the territorial and colonial political status.

(g) This power is exercised pursuant to the right of the United States citizens of Puerto Rico under the First Amendment to the U.S. Constitution to petition the Federal Government for redress of the territorial and colonial grievances; as well as to their democratic and inalienable right to “self-determination.”

(h) Moreover, it is also exercised providing for the holding of a plebiscite with status options that:

- i. Are final, permanent, non-territorial, and non-colonial, and outside of the scope of any modality or method of juridical interpretation of the “territory clause” of the Constitution of the United States (Article IV, Section 3, Clause 2).

- ii. Meet the conditions imposed by the United States Congress and the President, upon the approval of Public Law 113-76, the “Consolidated Appropriations Act, 2014”; and the corresponding congressional report on said Federal law.

- iii. Said options “are not incompatible with the Constitution, laws, and policies of the United States of America,” including the precedents thereof.

iv. And that, all of the foregoing is also supported by the recent statements made by the United States Mission to the United Nations Organization (UNO) in October 2016, when reacting to the approval, by 130 countries, of the Annual Report of the Special Decolonization Committee, the Fourth Committee of the UNO:

The United States joins the consensus regarding the definitive solutions for the territories, as in previous years, but it requests that the Special Committee respect the right of the peoples of the territories to freely choose their political status in relation to their administering Power, even if a territory wants a free association with or to be annexed to its administering Power. [our translation]

(i) This power to call for an election is exercised through status options that are based on legal, realistic, and viable elements, in accordance with the United States policies and case law; and without the obliging discourses and “wish lists” of some local political parties and groups. Such as, for example, the proposal to maintain in Puerto Rico the right to a permanent U.S. citizenship at birth under any political status with sovereignty separate from the United States of America. In addition to lacking a legal basis and case law in the United States, this type of proposal has been rejected in White House reports and federal court rulings. When casting such an important vote in these election events, voters must fully understand the effect that any change in political status involving sovereignty separate and independent from the United States of America would have on the “U.S. citizenship at birth” in Puerto Rico.

(j) This Act does not promote an electoral exercise with consequences that are limited to Puerto Rico locally, since any option favored by a majority vote in the election processes provided for herein shall require action by the Government of the United States of America asserting the “self-determination” of the U.S. citizens of Puerto Rico, as the Federal Government has stated for decades.

(k) For the People and this Legislative Assembly, the commitment of the Federal Government to act on the results of these election events is evident and binding, considering that said election events have been legislated, and shall be held pursuant to the proposal of the Federal Government, the provisions contained therein, and the rights recognized by Congress and the President in:

i. Public Law 113-76, “Consolidated Appropriations Act, 2014,” Title II, Department of Justice: “\$2,500,000 is for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico’s future political status, which shall be provided to the State Election Commission of Puerto Rico.”

ii. Report of the Committee on Appropriations (Public Law 113-76, 2014):

Puerto Rico plebiscite. - The recommendation includes \$2,500,000 for objective, nonpartisan voter education about, and a plebiscite on, options that would resolve Puerto Rico’s future political status. The funds provided for the plebiscite shall not be obligated until 45 days after the Department notifies the Committees on Appropriations that it approves of an expenditure plan from the Puerto Rico State Election Commission for voter education and plebiscite administration, including approval of the plebiscite ballot. This notification shall include a finding that the voter education materials, plebiscite ballot, and related materials are not incompatible with the Constitution and laws and policies of the United States.

iii. Public Law 114-187, 2016 (“Puerto Rico Oversight, Management, and Economic Stability Act” (PROMESA), “Section 402. Right of Puerto Rico to determine its future political status: Nothing in this Act shall be interpreted to restrict Puerto Rico’s right to determine its future political status, including by conducting the plebiscite as authorized by Public Law 113-76, 2014.”

(l) Therefore, we urge the Federal Government to act immediately to begin a transition process that ends the imposition of any territorial-colonial condition on Puerto Rico, under any modality or method of juridical interpretation of Article IV, Section 3, Clause 2 of the Constitution of the United States of America, as soon as the results from the election events provided in this Act are officially certified by the State Election Commission (CEE); and to implement the status option favored by a majority of citizens, according to the Plebiscite or Referendum provided for herein, immediately and with certainty of a specific and swift timetable .

#### ARTICLE IV: “Plebiscite for the Immediate Decolonization of Puerto Rico”

##### Section 1.- Call

(a) A Plebiscite is hereby called to be held on Sunday, June 11, 2017, for the purposes of conducting an objective, educational, just, realistic, broad, transparent, and democratic process that allows the People to express themselves regarding a final and decolonizing solution for Puerto Rico’s status.

(b) The State Election Commission shall announce the Plebiscite through a Proclamation to be published on February 17, 2017 in three (3) newspapers of general circulation in Puerto Rico, in both Spanish and English; and in one (1) newspaper of general circulation in the United States, in English. In addition to the institutional logo and the name of the State Election Commission of Puerto Rico, the heading of the proclamation shall include the date and the title “Plebiscite on the Immediate Decolonization of Puerto Rico (2017).”

The text of the Proclamation shall read as follows:

“The Puerto Rico Immediate Decolonization Act of 2017,” provides for the holding of a plebiscite on Sunday, June 11, 2017. This Act provides that any citizen who meets the requirements of this Act and the Puerto Rico Election Act shall be considered qualified voters, that is, to be a citizen of the United States of America and of Puerto Rico; to have a legal residence in the jurisdiction of Puerto Rico; to be eighteen (18) years of age by the date of the Plebiscite; to be duly qualified as such before the holding of the plebiscite, and have not been declared mentally incompetent by a Court. Interested citizens, including new voters, who need to carry out any transaction in the general voter registry shall have until April 28, 2017, to update their voting status, restore their registration, or register to vote in the Plebiscite. Furthermore, if voters so need, the aforementioned date shall be the deadline for requesting transfers, or relocations, as well as Absentee Ballot, Early Ballot, Accessible Polling Place at Home, or Accessible Polling Place at the Polling Center. Permanent Registration Boards (PRB) of the State Election Commission in each election precinct and/or municipality shall be open to the public to conduct all of these transactions during regular business hours from March 11<sup>th</sup> to April 28<sup>th</sup>, 2017. The State Election Commission, in the discharge of the duties conferred by the law:

HEREBY PROCLAIMS that:

FIRST: On Sunday, June 11, 2017, a “Plebiscite on the Immediate Decolonization of Puerto Rico” shall be held in every election precinct of Puerto Rico, and all voters enrolled in political parties, unenrolled voters, citizen groups, political action committees, and citizens in general are hereby called to participate therein.

SECOND: The voting process shall be conducted in “open polling places” from eight o’clock in the morning (8:00 am) to three o’clock in the afternoon (3:00 p.m.). There shall be a single ballot that includes “Statehood” and “Free Association/Independence” as final, permanent, non-territorial, and non-colonial

status options, outside of the scope of any modality or method of judicial interpretation of the “territory clause” (colonial) of the Constitution of the United States (Article IV, Section 3, Clause 2) that applies to Puerto Rico to this day. Said decolonization options for the political status are not incompatible with the Constitution, laws, and policies of the United States of America. This Plebiscite meets the conditions imposed by the Congress and the President of the United States of America upon the approval of Public Law 113-76, the “Consolidated Appropriations Act (2014),” and the corresponding congressional report on said Federal law.

THIRD: Once the results of this Plebiscite are certified by the State Election Commission, should the “Statehood” option be favored by a majority vote, the Act provides that a transition process shall begin forthwith to admit Puerto Rico into the Union with equal rights and obligations as all other states. Should the “Free Association/Independence” option be favored by a majority vote, the Act provides that a Referendum shall be automatically called for October 8, 2017, in which voters shall only be able to choose between options that provide for a sovereignty separated from the United States by means of a voluntary treaty of “Free Association” with the United States, or “Independence.”

FOURTH: The same electronic canvassing system used in the General Election held on November, 8, 2016, as provided in Resolution CEE-RS-1 5-21 approved on October, 30, 2015, shall be used in this Plebiscite. Said system shall be capable of tallying votes easily, securely, and reliably with security and auditing mechanisms that ensure the transparency of the voting process.

FIFTH: In accordance with the provisions of the Election Act, the presentation of the Voter Identification Card and the inking of a finger shall be required to vote. Likewise, every Voter Identification Cards issued by the date of the Plebiscite shall be valid, regardless of the expiration date thereof.

SIXTH: In accordance with the Election Act, the Commission shall guarantee the right to request an Absentee Ballot and Early Ballot to all voters domiciled in Puerto Rico who qualify therefor and have made such request on or before April, 28, 2017, as provided in this Act for qualified voters.

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

EIGHTH: In accordance with Section 6.001 of the Election Act, no public or private employer shall prevent employees from exercising their right to vote; and the “Dry Law” shall only apply from eight o’ clock in the morning (8:00 a.m.) to three o’clock in the afternoon (3:00 p.m.) on June 11, 2017, as provided in Section 12.021 of the Election Act.

NINTH: As part of the efforts to educate and inform citizens and voters on the scope of this Act and the election processes related to this Proclamation, beginning on February 21, 2017, the Commission shall provide a space on its webpage ([www.ceepur.org](http://www.ceepur.org)) entitled “Puerto Rico Immediate Decolonization Act of 2017.” The Office of the Election Comptroller shall follow suit.

#### Section 2.- Plebiscite: Status Options

(a) The two (2) status options that are final, permanent, non-territorial, non-colonial, and outside of the scope of any modality or method of judicial interpretation of the “territory clause” of the U.S. Constitution (Article IV, Section 3, Clause 2), pursuant to the provisions of Public Law 113-76 (2014), and the requirements established in the “Report of the Committee on Appropriations (2014) concerning said Federal law shall be presented to voters on the ballot according to the texts below:

i. Estadidad

Con mi voto, reitero mi petición al Gobierno federal para comenzar de inmediato el proceso para la descolonización de Puerto Rico con la admisión de Puerto Rico como estado de la unión de los Estados Unidos de América.

Soy consciente de que el resultado de esta petición de Estadidad, conllevaría iguales derechos y deberes con los demás estados; y la unión permanente de Puerto Rico con los Estados Unidos de América. Soy consciente, además, que mi voto en reclamo de la Estadidad significa mi apoyo a toda gestión dirigida a la admisión de Puerto Rico como un estado de la Unión y a toda legislación estatal o federal dirigida a establecer la igualdad de condiciones, la Representación Congresional y el Voto Presidencial para los ciudadanos americanos de Puerto Rico. Estoy consciente, que la Estadidad es la única opción que garantiza la ciudadanía americana por nacimiento en Puerto Rico.

Statehood

With my vote, I reiterate my request to the Federal Government to immediately begin the process for the decolonization of Puerto Rico with the admission of Puerto Rico as a state of the United States of America. I am aware that the result of this request for Statehood would entail equal rights I am also aware that my vote claiming Statehood means my support to all efforts towards the admission of Puerto Rico as a state of the Union, and to all state or federal legislation aimed at establishing equal conditions, Congressional Representation and the Presidential Vote for the American Citizens of Puerto Rico. I am aware that Statehood is only option that guarantees the American citizenship by birth in Puerto Rico.

ii. Libre Asociación/Independencia

Con mi voto realizo la primera petición al Gobierno Federal para comenzar el proceso de descolonización a través de: (1) “Libre Asociación”: prefiero que Puerto Rico adopte un estatus fuera de la cláusula territorial de la Constitución de los Estados Unidos, que reconozca la soberanía del pueblo de Puerto Rico. La Libre



Asociación se basaría en una asociación política libre y voluntaria, cuyos términos específicos se acordarían entre Estados Unidos y Puerto Rico como naciones soberanas. Dicho acuerdo dispondría el alcance de los poderes jurisdiccionales que el pueblo de Puerto Rico autorice dejar en manos de Estados Unidos y retendría los restantes poderes o autoridades jurisdiccionales. Bajo esta opción la ciudadanía americana estaría sujeta a negociación con el Gobierno de los Estados Unidos; o (2) La Proclamación de la “Independencia”, demandó al Gobierno de los Estados Unidos que, en el ejercicio de su poder para disponer del territorio, reconozca la soberanía nacional de Puerto Rico como una nación totalmente independiente y que el Congreso federal promulgue la legislación necesaria para iniciar la negociación y la transición hacia la nación independiente de Puerto Rico. Mi voto por la Independencia representa, además, mi reclamo de los derechos, deberes, poderes y prerrogativas de las repúblicas independientes y democráticas; mi apoyo a la ciudadanía puertorriqueña; y a un “Tratado de Amistad y Cooperación” entre Puerto Rico y los Estados Unidos con posterioridad al proceso de transición.

With my vote, I make the initial request to the Federal Government to begin the process of the decolonization through: (1) Free Association: Puerto Rico should adopt a status outside of the Territory Clause of the Constitution of the United States that recognizes the sovereignty of the People of Puerto Rico. The Free Association would be based on a free and voluntary political association, the specific terms of which shall be agreed upon between the United States and Puerto Rico as sovereign nations. Such agreement would provide the scope of the jurisdictional powers that the People of Puerto Rico agree to confer to the United States and retain all other jurisdictional powers and authorities. Under this option the American citizenship would be subject to negotiation with the United States Government; (2) Proclamation of Independence, I demand that the United States Government, in the exercise of its power to dispose of territory, recognize the national sovereignty of

Puerto Rico as a completely independent nation and that the United States Congress enact the necessary legislation to initiate the negotiation and transition to the independent nation of Puerto Rico. My vote for Independence also represents my claim to the rights, duties, powers, and prerogatives of independent and democratic republics, my support of Puerto Rican citizenship, and a ‘Treaty of Friendship and Cooperation’ between Puerto Rico and the United States after the transition process.

### Section 3.- Plebiscite: Implementation of Status Options

(a) The claim made by the citizens of Puerto Rico to the Federal Government upon casting a majority vote for one of the two (2) options described in Section 2(a)(i)(ii) of this Article shall represent their legitimate expression of “self-determination,” reasserting their rejection to the territorial and colonial condition.

i. If the “Statehood” option is favored by a majority vote against “Free Association/Independence,” and not later than fifteen (15) days after the official certification of a majority vote in favor of “Statehood,” the Governor shall appoint a “Transition Commission” composed of seven (7) members, to wit: three (3) officials of the Government of Puerto Rico, the Resident Commissioner in Washington, D.C., and three (3) members to be certified by the State Election Commission as “main representatives” of this option. This Transition Commission shall be the sole representative of Puerto Rico in all matters and negotiations pertaining to the “Transition Plan” as proposed by the Federal Government. If there were no party, citizen group, or political action committee certified to represent “Statehood,” the three (3) officials of the Government of Puerto Rico appointed by the Governor, together with the Resident Commissioner in Washington, D.C. shall constitute the “Transition Commission.” Not later than thirty (30) days after the “Transition Commission” is fully constituted, it shall draft and present a “Transition Plan,” with an appropriate timetable that asserts the democratic and majority expression for “self-determination.” This Plan shall be approved by the Governor who may, in turn,

amend, approve, or reject it. Once the Governor approves the Plan, the same shall be submitted to Congress leaders of both national political parties and to the President of the United States for the purpose of implementing the transition process as promptly as the People of Puerto Rico warrant. If the Federal Government fails to act thereon, the Governor and the Legislative Assembly shall take any civil and legal actions as necessary to enforce the self-determination of the U.S. citizens of Puerto Rico.

ii. If the “Free Association/Independence” option is favored by a majority vote against “Statehood,” we shall wait for the results of a majority vote in the Referendum established herein. This Referendum shall be held on October 8, 2017, and the ballot shall only include options for sovereignty separate from the United States with a treaty of “Free Association” or “Independence,” as defined in Article VI, Section 2(a)(i)(ii).

#### Section 4.- Plebiscite Ballot Design

(a) The State Election Commission, in strict compliance with the provisions of this Section, and without being subject to any other law or regulation, shall design and print the ballot to be used, which shall be of a uniform size, printed with all texts in both English and in Spanish, in black ink, and in thick paper, in such a way that the text printed thereon does not show through the back of the sheet, and that it can be tallied by the electronic canvassing system.

(b) The upper portion of the ballot shall contain the institutional logo and the name of the State Election Commission, including the date June 11, 2017, and the words “Plebiscite and Ballot”. The following title shall be included below:

“Plebiscite on the Immediate Decolonization of Puerto Rico.”

(c) The following instructions for voters shall be included below the aforementioned text:

## INSTRUCCIONES AL ELECTOR

El elector sólo puede escoger y marcar una (1) alternativa de estatus político no territorial y no colonial en esta papeleta. Debe hacer una marca válida dentro del rectángulo que aparece debajo de la figura geométrica de la alternativa de estatus político de su preferencia. En esta papeleta usted tiene derecho a seleccionar solo una alternativa de estatus no territorial y no colonial. La papeleta marcada por más de una alternativa de estatus se considerará mal votada. Cualquier símbolo o escritura fuera de uno de los rectángulos será considerada inconsecuente. Toda papeleta votada en blanco, así como la mal votada, no será clasificada como papeleta adjudicada en los resultados oficiales que certifique la Comisión Estatal de Elecciones, según la jurisprudencia del Tribunal Supremo de Puerto Rico.

## INSTRUCTIONS FOR THE VOTER

The voter can only choose and mark one (1) alternative of non-territorial and non-colonial political status on this ballot. You must make a valid mark inside the square that appears below the geometric figure of the alternative of political status of your preference. In this ballot you have the right to choose only one non-territorial nor colonial status alternative. The ballot marked with more than one status alternative will be considered wrongly voted. Any symbol or writing outside of the rectangles will be considered inconsequential. All ballots not voted and/or wrongly voted will not be accounted in the official results certified by the State Elections Commission, according to the jurisprudence of the Supreme Court of Puerto Rico.

(d) The following affirmation of the voter shall be included below the aforementioned text:

## AFIRMACION DEL ELECTOR

RECLAMO al Gobierno de los Estados Unidos la reparación del agravio territorial y colonial durante 119 años, excluyendo a Puerto Rico de cualquier modalidad o interpretación jurídica de la “Cláusula Territorial” de la Constitución

Federal y con la implantación de la alternativa de estatus político final, permanente, no territorial y no colonial siguiente:

#### AFFIRMATION OF THE VOTER

I CLAIM to the Government of the United States the reparation of territorial and colonial grievance for 119 years, excluding Puerto Rico from any modality or legal interpretation of the ‘Territory clause’ of the U.S. Constitution and with the implementation of the following final, permanent, non-territorial and non-colonial political status alternative:

(e) Below the aforementioned text, only two (2) columns shall appear side by side in bold type; one column for each one of the status options.

(f) The upper part of each column shall feature, in the largest possible size, the geometric shape (triangle or circle) that has been chosen, through a public drawing, as the emblem for each of the status options.

(g) Below the geometric shape of each status option there shall be a white rectangle, in the largest possible size, where the voter shall make a valid mark.

(h) In the order in which they shall appear as determined by public drawing, the names of the status options “Statehood” and “Free Association/Independence” shall appear below each white rectangle where the voter shall make a mark.

(i) The definition of each status option, as defined in Section 2(a)(i)(ii) of this Article, shall appear under their corresponding name.

(j) The following text shall be included under the foregoing text and only at the bottom of the ballot for the June 11, 2017 Plebiscite: ESPAÑOL: En caso de que la “Libre Asociación/Independencia” obtenga la mayoría de votos válidos en este Plebiscito, quedaría automáticamente convocado un Referéndum el 8 de octubre de 2017, en cuya papeleta solamente aparecerían la “Libre Asociación” y la “Independencia”. ENGLISH: In the case that “Free Association/Independence” obtains the majority of valid votes cast in this Plebiscite, a Referendum would be

automatically convened on October 8, 2017, in which only “Free Association” and “Independence” would appear on the ballot.

(k) On February 17, 2017, the State Election Commission shall hold a public drawing to determine the emblems and the order in which the status options shall appear on the ballots for the June 11, 2017 Plebiscite, and the October 8, 2017 Referendum, respectively, so that voters may analyze the consequences of their votes in each election event. In the Plebiscite, the emblems to be drawn are the geometric shapes of a circle and a triangle. For the Referendum, the emblems shall be the numbers one (1) and two (2) which shall also determine the order in which the status options shall appear on the ballot. The State Election Commission shall invite the press, the general public, and at least two judges from the Court of First Instance of Puerto Rico to serve as witnesses. The public drawing process and the results thereof shall be certified by a notary public.

#### ARTICLE V: Other Institutional Procedures Prior to the Plebiscite

##### Section 1.- Procedures of the State Election Commission

Not later than on the dates set forth below, the Office of the Chair of the Commission shall deliver to the Secretary of State of Puerto Rico, in English and Spanish, the following:

i. February 21, 2017: Printed and certified copies of the ballot drafts for the June 11, 2017 Plebiscite, and the October 8, 2017 Referendum, as defined in this Act, and according to the results of the public drawing: a copy of the “Puerto Rico Election Act,” in effect, as amended, and a copy of the Plebiscite Proclamation, published on February 17, 2017.

ii. February 21, 2017: Conspicuously post on its webpage in a space entitled “Puerto Rico Immediate Decolonization Act,” where it shall include the full text, both in English and Spanish, of: (1) this Act; (2) the proclamation announcing the Plebiscite; (3) the pertinent parts, as stated in this Act, of Public Law 113-76 (2014),

and the requirements provided for in the “Report of the Committee on Appropriations (2014)” related to said Federal law; (4) “Section 402. Right of Puerto Rico to determine its future political status,” Public Law 114-187 (2016), “Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA)”; (5) the sample ballot for the Plebiscite and the Referendum; (6) the elections timetable; (7) the Regulations adopted for the Plebiscite and the Referendum once approved; and any other document or information relevant for the objective, nonpartisan education of voters. Should the holding of the October 8, 2017 Referendum be necessary, the Commission shall update the contents of this space for the specific purposes of said referendum.

iii. March 11, 2017: A certified proposal with the design and the details of the massive voter education campaign on the plebiscite process, the sample ballot, and the status options of the Plebiscite, as defined in Article IV, Section 2(i)(ii) of this Act. This education campaign and any print, radio, television, or other material shall be strictly educational and objective, rather than political partisan, and provide the two status options with equal exposure. The total budget for this campaign shall not exceed two million dollars (\$2,000,000) from the appropriations provided for in Public Law 113-76, 2014.

iv. March 11, 2017: The budget plan for all other total expenditures of the Plebiscite, which shall not exceed three million dollars (\$3,000,000), of which five hundred thousand dollars (\$500,000) shall derive from the appropriations provided for in Public Law 113-76, 2014, to defray ballot printing costs; and two million, five hundred thousand dollars (\$2,500,000) from appropriations made by the Legislative Assembly under this Act from any state fund available.

## Section 2.- Procedures by the Secretary of State of Puerto Rico

The Governor shall be the only official representative of Puerto Rico before the United States Attorney General and other Federal authorities in all that pertains to matters related to this Act, and the Secretary of State of Puerto Rico, by delegation of the Governor and in accordance with the duties assigned to the former under this Act. Moreover, the Governor may delegate this representation to other officials of his Office, and to officials of the Puerto Rico Federal Affairs Administration (PRFAA) in Washington, D.C.

a) Upon ascertaining that the documents are correct, in accordance with the provisions of Public Law 113-76 (2014), the requirements provided for in the “Report of the Committee on Appropriations (2014)” of said Federal Law, and the provisions of this Act, the Secretary of State of Puerto Rico shall deliver to the United States Attorney General, in both English and Spanish and not later than on the dates set forth, the following:

i. February 26, 2017: Printed copies of the ballot drafts certified by the State Election Commission that shall be used in the June 11, 2017 Plebiscite, and in the October 8, 2017 Referendum, according to the results of the February 17, 2017 public drawing; copies of the “Puerto Rico Election Act,” as amended; and copies of the Plebiscite Proclamation, published on said date; and copies of this Act. The Secretary of State shall also notify the U.S. Attorney General that on a date close to March 17, 2017, the U.S. Attorney General shall also receive the “Total Plebiscite Expenditures Budget” and the “Proposal for the Voter Education Campaign on the Plebiscite,” both of which shall be prepared by the State Election Commission.

ii. March 17, 2017: The “Total Plebiscite Expenditures Budget” and the “Proposal for the Voter Education Campaign on the Plebiscite” prepared by the State Election Commission. On that same date, the Secretary of State of Puerto Rico shall request the U. S. Attorney General to begin the transfer of two million, five



hundred thousand dollars (\$2,500,000) of federal funds appropriated for the plebiscite, in accordance with the provisions of Public Law 113-76 (2014) to the State Election Commission.

b) When issuing any of the aforementioned communications to the U. S. Attorney General, the Secretary of State shall always include the following statement:

i. “These documents are submitted as required by the ‘Puerto Rico Immediate Decolonization Act of 2017’; Public Law 113-76 (2014), the procedural requirements provided for in the ‘Report of the Committee on Appropriations (2014)’ related to said Federal law; and so that you may perform your specific official duties of reviewing and certifying.

ii. In order to safeguard the procedural accuracy; the exercise of the right to self-determination, and of the right protected by the First Amendment to petition the Federal Government for redress of grievances; and state legal and constitutional terms governing the accuracy of election timetables and events in Puerto Rico, April 16, 2017 is the latest possible date to perform the official duty of certifying the status options included on the ballots and any materials related to the voter education campaign, without having an effect on the minimum terms needed for printing all election-related materials, the deadlines set for voters to conduct any transactions in the General Voter Registry, and the education campaign.”

c) If the U.S. Attorney General has not performed the official duty of issuing a final certification on or before April 16, 2017, and in order to guarantee the rights of voters and the accuracy of the election processes herein legislated, the U.S. citizens of Puerto Rico and this Legislative Assembly shall deem the contents of the definitions of the status options, of the voter education campaign, and the voting process to be acceptable for the Federal Government. Furthermore, in this case, the Director of the Office of Management and Budget and the Secretary of the Treasury are hereby empowered to transfer to the State Election Commission, from any

available funds, such amounts as are necessary to hold the plebiscite in absence of the Federal funds provided for in Public Law 113-76 (2014).

d) The Secretary of State shall follow up on the timely completion of the procedures herein provided and shall keep the President of the United States, the Governor of Puerto Rico, the Resident Commissioner in Washington, D.C., and the Presiding Officers of the Legislative Assembly up to date on the status of such procedures.

e) The Secretary of State of Puerto Rico may allocate additional resources from any available fund not to exceed the amount of five hundred thousand dollars (\$500,000), in order to disseminate information on Puerto Rico's decolonization process through state, national, and international media and forums.

#### ARTICLE VI: "Referendum on Free Association or Independence"

##### Section 1.- Call

(a) This Referendum shall only be held if, in the Plebiscite called upon under this Act for Sunday, June 11, 2017, the option of "Free Association/Independence" is favored by a majority of the total valid votes cast, as defined in this Act.

(b) Should this be the result, this Referendum shall be automatically called for Sunday, October 8, 2017.

(c) If the holding of the Referendum is necessary, and for the purpose of conducting an objective, educational, fair, realistic, broad, transparent, and democratic process that allows citizens to express themselves regarding the ultimate decolonization solution for Puerto Rico's status, the Legislative Assembly shall appropriate the same amount of economic resources that were appropriated for the June 11, 2017 Plebiscite.

(d) The State Election Commission shall announce the Referendum through a Proclamation to be published on June 19, 2017 in three (3) newspapers of national circulation in Puerto Rico, in both English and Spanish; and in one (1) newspaper of

general circulation in the United States, in English. In addition to the institutional logo and the name of the State Election Commission of Puerto Rico, the heading of the proclamation shall include the date and the title “Referendum on Free Association or Independence (2017).”

The text of the proclamation shall read as follows:

The “Puerto Rico Immediate Decolonization Act of 2017” provides that, since the “Free Association or Independence” option was favored by a majority vote against the “Statehood” option in the Plebiscite held on June 11, 2017, it is appropriate to call for a “Referendum on Free Association or Independence,” to be held on Sunday, October 8, 2017, whereby voters may only chose between the options provided for the proclamation of a voluntary treaty of “Free Association” between Puerto Rico and the United States of America or the proclamation of “Independence.” This Act provides that any citizen who meets the requirements of this Act and the “Puerto Rico Election Act,” shall be a qualified voter, that is, to be a citizen of the United States of America and of Puerto Rico; to have a legal residence in the jurisdiction of Puerto Rico; to be eighteen (18) years of age by the date of the Referendum; to be duly qualified as such before the holding of the referendum, and have not been declared mentally incompetent by a Court. Interested citizens, including new voters, shall have until August 21, 2017 to update their voting status or register to vote in this Referendum. Furthermore, if voters so need, the aforementioned date shall be the deadline for requesting the restoration of voter status, transfers, or relocations, as well as Absentee Ballot, Early Ballot, Accessible Polling Place at Home, or Accessible Polling Place at the Polling Center. Permanent Registration Boards (PRB) of the State Election Commission in each election precinct and/or municipality shall be open to the public during regular business hours. The State Election Commission, in the discharge of the duties conferred by the law:

HEREBY PROCLAIMS that:

FIRST: On Sunday, October 8, 2017, the “Referendum on Free Association or Independence” shall be held in every election precinct of Puerto Rico, and all voters enrolled in political parties, unenrolled voters, citizen groups, political action committees, and citizens in general are hereby called to participate therein.

SECOND: The voting process shall be conducted in an “open polling place” from eight o’ clock in the morning (8:00 a.m.) to three o’clock in the afternoon (3:00 p.m.). There shall be a single ballot that includes “Free Association” and “Independence” as final, permanent, non-territorial and non-colonial status options, outside of the scope of any modality or method of judicial interpretation of the ‘territory clause’ (colonial) of the Constitution of the United States (Article IV, Section 3, clause 2) that applies to Puerto Rico to this day. Said decolonization options for political status are not incompatible with the Constitution, laws, and policies of the United States of America. This Referendum meets the conditions imposed by the Congress and the President of the United States of America upon the approval of Public Law 113-76, ‘Consolidated Appropriations Act (2014),’ and the corresponding congressional report on said Federal law.

THIRD: Upon certification by the State Election Commission of the option favored by a majority vote in this Referendum, the Act provides that a transition process shall begin immediately to confer forthwith absolute sovereignty to the People of Puerto Rico as a prerequisite for the negotiation and proclamation of a voluntary treaty of ‘Free Association’ between Puerto Rico and the United States of America that is compatible with the Constitution, laws, and the policies of the United States; or the proclamation of “Independence” and the subsequent negotiation of a “Treaty of Friendship and Cooperation” between Puerto Rico and the United States.

FOURTH: The same electronic canvassing system used in the General Election held on November 8, 2016, as provided in Resolution CEE-RS-1 5-21 approved on October 30, 2015, shall be used in this Referendum. Said system shall be capable of

tallying votes easily, securely, and reliably, using security and auditing mechanisms that ensure the transparency of the voting process.

FIFTH: In accordance with the provisions of the Election Act, the presentation of the Voter Identification Card and the inking of a finger shall be required to vote. Likewise, every Voter Identification Card issued by the date of this Referendum shall be valid, regardless of the expiration date thereof.

SIXTH: In accordance with the Election Act, the Commission shall guarantee the right to request an Absentee Ballot and Early Ballot to all voters domiciled in Puerto Rico who qualify therefor and have made such request on or before August 21, 2017, as provided in this Act for qualified voters.

SEVENTH: The State Election Commission shall prescribe measures or remedies as are necessary to guarantee the right to vote of any voter who, by reasons beyond his control, was unduly omitted from the General Voter Registry.

EIGHTH: In accordance with Section 6.001 of the Election Act, no public or private employer shall prevent employees from exercising their right to vote; and the “Dry Law” shall only apply from eight o’ clock in the morning (8:00 a.m.) to three o’clock in the afternoon (3:00 p.m.) on October 8, 2017, as provided in Section 12.021 of the Election Act.

NINTH: As part of the efforts to educate and inform citizens and voters on the scope of this Act and the election processes related to this Proclamation, beginning on February 21, 2017, the Commission shall provide a space on its webpage ([www.ceepur.org](http://www.ceepur.org)) entitled “Puerto Rico Immediate Decolonization Act of 2017”; and the Office of the Election Comptroller shall follow suit.

## Section 2.- Referendum: Status Options

(a) Two (2) status options shall be presented to voters, namely “Free Association or Independence,” which are final, permanent, non-territorial, and non-colonial, and outside of the scope of any modality or method of judicial interpretation

of the “Territory Clause” (colonial) of the Constitution of the United States (Article IV, Section 3, clause 2), and consistent with provisions of Public Law 113-76 (2014), and the requirements provided for in the “Report of the Committee on Appropriations (2014)” related to said Federal Law:

i. Libre Asociación

Con mi voto, reitero la petición al Gobierno Federal para comenzar el proceso de descolonización a través de: (1) “Libre Asociación”: prefiero que Puerto Rico adopte un estatus fuera de la cláusula territorial de la Constitución de los Estados Unidos, que reconozca la soberanía del pueblo de Puerto Rico. La Libre Asociación se basaría en una asociación política libre y voluntaria, cuyos términos específicos se acordarían entre Estados Unidos y Puerto Rico como naciones soberanas. Dicho acuerdo dispondría el alcance de los poderes jurisdiccionales que el pueblo de Puerto Rico autorice dejar en manos de Estados Unidos y retendría los restantes poderes o autoridades jurisdiccionales. Bajo esta opción la ciudadanía americana estaría sujeta a negociación con el Gobierno de los Estados Unidos;

Free Association

With my vote, I reiterate my request to the Federal Government to begin the process of the decolonization with: (1) “Free Association”: Puerto Rico should adopt a status outside of the Territory Clause of the Constitution of the United States that recognizes the sovereignty of the People of Puerto Rico. The Free Association would be based on a free and voluntary political association, the specific terms of which shall be agreed upon between the United States and Puerto Rico as sovereign nations. Such agreement would provide the scope of the jurisdictional powers that the People of Puerto Rico agree to confer to the United States and retain all other jurisdictional powers and authorities. Under this option the American citizenship would be subject to negotiation with the United States Government;

ii. Independencia

Con mi voto, reitero mi apoyo a la descolonización de Puerto Rico con la proclamación de la Independencia. Demando al Gobierno de los Estados Unidos que, en el ejercicio de su poder para disponer del territorio, reconozca la soberanía nacional de Puerto Rico como una nación totalmente independiente y que el Congreso Federal promulgue la legislación necesaria para iniciar la negociación y la transición hacia la nación independiente de Puerto Rico. Mi voto por la Independencia representa, además, mi reclamo de los derechos, deberes, poderes y prerrogativas de las repúblicas independientes y democráticas; mi apoyo a la ciudadanía puertorriqueña; y a un “Tratado de Amistad y Cooperación” entre Puerto Rico y los Estados Unidos con posterioridad al proceso de transición.

Independence

With my vote, I reiterate my support for the decolonization of Puerto Rico with the proclamation of Independence. I demand that the US Government, in the exercise of its power to dispose the territory, recognize the national sovereignty of Puerto Rico as a completely independent nation and that the United States Congress enact the necessary legislation to initiate the negotiation and transition to the independent nation of Puerto Rico. My vote for Independence also represents my claim to the rights, duties, powers, and prerogatives of independent and democratic republics, my support of Puerto Rican citizenship, and a “Treaty of Friendship and Cooperation” between Puerto Rico and the United States after the transition process.

Section 3.- Referendum: Implementation of Status Options

The claim made by the People of Puerto Rico to the Federal Government upon casting a majority vote for one of the two (2) options described in Section 2(a)(i)(ii) of this Article shall constitute their legitimate expression of self-determination, reasserting their rejection to the current territorial and colonial condition.

Upon certification of the results of this Referendum, and not later than fifteen (15) days as of the official certification of a majority vote in favor of “Free Association” or “Independence,” the Governor shall appoint a “Transition Commission” composed of seven (7) members, to wit: three (3) officials of the Government of Puerto Rico, the Resident Commissioner in Washington, D.C., and three (3) members to be certified by the State Election Commission as “main representatives” of the winning option. This Transition Commission shall be the sole representative of Puerto Rico in all matters and negotiations pertaining to the “Transition Plan” as proposed by the Federal Government. If there were no party, citizen group, or political action committee certified to represent the option that polled the most valid votes, then the three (3) officials of the Government of Puerto Rico appointed by the Governor, together with the Resident Commissioner in Washington, D.C. shall constitute the “Transition Commission.” Not later than thirty (30) days after the “Transition Commission” is fully constituted, the Commission shall draft a “Transition Plan” and present it to the Governor together with an appropriate timetable for the implementation of the democratic expression of self-determination of the majority. This Plan shall be approved by the Governor who may, in turn, amend, approve, or reject it. Once the Governor approves the Plan, the same shall be submitted to the Congress leaders of both national political parties and to the President of the United States, for the purpose of implementing the transition process as promptly as the people of Puerto Rico warrant. If the Federal Government fails to act thereon, the Governor and the Legislative Assembly shall take any civil or legal action as necessary to enforce the self-determination of the U.S. citizens in Puerto Rico.



#### Section 4.- Design of the Referendum Ballot

(a) The State Election Commission shall design, in strict compliance with the provisions of this Act pertaining to the design of the ballot for the June 11, 2017 Plebiscite, a Referendum ballot by adjusting the same to the characteristics thereof and status options defined in Article VI, Section 2(a)(i)(ii).

(b) Such ballot shall be entitled “Referendum on Free Association or Independence.”

(c) In order to avoid confusion among voters regarding the geometric shapes used as emblems in the ballot of the June 11, 2017 Plebiscite, the numbers one (1) or two (2) shall appear at the top of each column of this Referendum ballot in the largest possible font type, as the emblem and order in which they shall appear on the ballot as determined by public drawing.

#### ARTICLE VII: Other Institutional Procedures Prior to the Referendum

##### Section 1.- Procedures of the State Election Commission

Not later than on the dates set forth below, the Commission shall submit to the Secretary of State of Puerto Rico in both English and Spanish, the following:

a) On June 19, 2017: Certified copies of the sample ballots for the Referendum, according to the results of the drawing; copies of the “Puerto Rico Election Act,” as amended, in effect; and copies of the Referendum Proclamation published on June 19, 2017.

b) On June 30, 2017: A certified proposal for the design and the details of the massive voter education campaign on the referendum process, the ballot, and the status options, as defined in Article VI, Section 2(a)(i)(ii) of this Act. The education campaign as well as any printed, radio, television, and other materials shall be strictly educational and nonpartisan, and shall provide all of the status options with equal exposure.

## Section 2.- Procedures of the Secretary of State of Puerto Rico

a) Upon ascertaining that the documents are correct, in accordance with the provisions of Public Law 113-76 (2014), the requirements provided for in the “Report of the Committee on Appropriations (2014)” of said Federal Law, and the provisions of this Act, the Secretary of State of Puerto Rico shall deliver to the U.S. Attorney General, not later than on the dates set forth below, the following:

i. July 10, 2017: Printed copies of the ballot drafts certified by the State Election Commission that shall be used on the Referendum, in accordance with the results of the public drawing and copies of the Plebiscite Proclamation published on said date. The Secretary of State shall also notify the U.S. Attorney General that on a date close to July 17, 2017, the U.S. Attorney General shall also receive the “Total Referendum Expenditures Budget” and the “Proposal for the Voter Education Campaign on the Referendum,” both of which shall be prepared by the State Election Commission.

ii. July 17, 2017: The “Total Referendum Expenditures Budget” and the “Proposal for the Voter Education Campaign on the Referendum” prepared by the State Election Commission.

b) When issuing any of the aforementioned communications to the U. S. Attorney General, the Secretary of State shall always include the following statement:

i. “These documents are submitted as required by the ‘Puerto Rico Immediate Decolonization Act of 2017’; Public Law 113-76 (2014), the procedural requirements provided for in the ‘Report of the Committee on Appropriations (2014)’ related to said Federal law; and so that you may perform your specific official duties of reviewing and certifying that the voter education and information campaign on the status options to be included in the ballot have an unbiased and nonpartisan approach.

ii. In order to safeguard the procedural accuracy; the exercise of the right to self-determination, and of the right protected under the First Amendment to

petition the Federal Government for redress of grievances; and state legal and constitutional terms governing the accuracy of election timetables and events in Puerto Rico, August 1<sup>st</sup>, 2017 is the latest possible date that you may perform the official duty of certifying the status options included on the ballots and any materials related to the voter education campaign, without having an effect on the minimum terms needed for printing all election-related materials, the deadlines set for voters to conduct any transactions in the General Voter Registry, and the education campaign.”

c) If the U.S. Attorney General does not perform the official duty of issuing a final certification on or before August 1<sup>st</sup>, 2017, and in order to guarantee the rights of voters and the accuracy of the election processes herein legislated, the U.S. citizens of Puerto Rico and this Legislative Assembly shall deem the contents of the definitions of the status options, of the voter education campaign, and the voting process to be acceptable for the Federal Government. Furthermore, in this case, the Director of the Office of Management and Budget and the Secretary of the Treasury are hereby empowered to transfer to the State Election Commission, from any available funds, such amounts as are necessary to hold the referendum in absence of the Federal funds provided for in Public Law 113-76 (2014).

d) The Secretary of State shall follow up on the timely completion of the transactions herein provided and shall keep the Governor of Puerto Rico, the Resident Commissioner in Washington, D.C., and the Presiding Officers of the Legislative Assembly up to date on the status of such transactions.

e) The Secretary of State of Puerto Rico may allocate additional resources from any available fund not to exceed the amount of five hundred thousand dollars (\$500,000), in order to disseminate information on Puerto Rico’s decolonization process through state, national, and international media and forums.

#### ARTICLE VIII: Voter Eligibility Requirements

Section 1.- Citizens who have a legal residence in Puerto Rico and are duly qualified as voters under the Election Act in effect and the provisions of this Act shall be entitled to vote in both the Referendum and the Plebiscite.

Section 2.- In order to broaden and render the voting process more democratic, all citizens who are qualified voters and who have, therefore, a legal residence in Puerto Rico shall be entitled to “Absentee Voting” if on the date of the Referendum or the Plebiscite as provided in this Act said voter is able to show to the Commission, upon presenting evidence of the purchase of travel tickets, whether by air or sea, hotel reservations, or a statement form signed by the voter and to be provided by the Commission whereby the voter shall state that on the election day he shall not be physically present in Puerto Rico for any reason. Requests for Absentee Ballot submitted by voters in accordance with this Act whose name do not appear in the General Voter Registry, shall be recognized as an application for registration and such voters shall be entitled to receive a ballot and cast a vote just as they would on the Federal ballot for candidates for Resident Commissioner in a general election, given the Federal impact of the Plebiscite and, if necessary, the Referendum, provided for herein to uphold the right of the citizens of Puerto Rico under the First Amendment to the Constitution of the United States and Public Law 113-76 (2014). Likewise, a request for Absentee Ballot submitted by inactive voters shall also constitute a request for restoration of their status; therefore, such voters’ status shall be restored to active in the General Voter Registry in order to exercise their right to vote. The State Election Commission (CEE) shall take any actions as are necessary in order to allow such voters to exercise their right to vote through the United States Postal Service and from their residences in Puerto Rico on the same dates on which the “Absentee Voting” is conducted for other voters who due to work or study reasons are outside of Puerto Rico. The deadlines for requesting “Absentee Ballot” shall be the same as those of the

General Voter Registry Closing for the Plebiscite or the Referendum, as the case may be, provided for in this Act.

Section 3.- In order to vote in the Plebiscite and the Referendum, citizens shall register and take any actions as are necessary to update their status in the General Voter Registry on or before the closing dates provided in this Act.

Section 4.- Accessible Polling Place at Home

(a) Voters with mobility disabilities or bedridden due to any medical condition that prevents them from attending a polling place shall be entitled to vote voluntarily through the Accessible Polling Place at Home process. The Local Commission shall be responsible for verifying and certifying that the request is duly completed.

(b) Members of the Permanent Registration Boards shall record said request as an Accessible transaction.

(c) In order to request Accessible Polling Place at Home, the Commission shall provide a form to be used by physicians authorized to practice medicine in Puerto Rico holding a valid license as of the date of the certification, whereby such physicians shall certify that a voter has a mobility impairment or is bedridden. The decision of the physician who issued the certification shall not be challenged under any circumstances.

(d) The Commission shall be responsible for regulating the manner in which the process to be followed to guarantee the Accessible Polling Place at Home shall be established. During this process, voting shall be treated as early voting under the supervision of the Absentee Voting Administrative Board (JAVA, Spanish acronym) and coordinated by the appropriate Local Board.

(e) Said early voting process shall begin on Tuesday, June 6, 2017, and shall end on June 10, 2017, the day before the Plebiscite, at three o'clock in the afternoon (3:00 p.m.). Polling Place Boards shall be established under the supervision of the Local Commission Board.

(f) Polling Place Boards shall guarantee the voter's identity, that ballots be blank when handed over, and that every voter casts his vote independently.

(g) The Polling Place Board shall be responsible for guaranteeing that the voter has the capacity to consent and that he casts his vote secretly. The capacity to consent is the voter being able to communicate individually and voluntarily through any of the following mechanisms: orally, in writing, affirmative body gestures or signs equal or similar to those used by people with speech, hearing, and vision impairments. It shall also imply that the voter casts his vote freely, independently, and secretly and without coercion. Any member of the Polling Place Board who believes that the conditions described above were not guaranteed during the voting process may challenge the vote in accordance with the process established by the CEE. No challenge may be based on the grounds of the medical condition of the voter.

#### Section 5.- Right to Vote of Inmates in Penal or Juvenile Institutions

(a) Early Voting of Inmates: shall be administered by the Commission through the Absentee Voting Administrative Board (JAVA). Inmates in penal and juvenile institutions of Puerto Rico who, on the dates provided in this Act for the Plebiscite and/or the Referendum, are duly qualified voters, shall be entitled to cast their vote voluntarily through the early voting process. They may exercise their right to vote through the electronic voting system to be used in every polling place, as regulated. This early voting process shall be administered by a Political Party Balance Board, which shall guarantee the voter's identity, that ballots be blank when handed over, and that every voter casts his vote independently and secretly.

(b) Inmates Absentee Voting: shall be administered by the Commission through the Absentee Voting Administrative Board (JAVA). Inmates in penal institutions located in any of the 50 states of the United States of America and whose legal residence was Puerto Rico at the time of their sentencing shall be entitled to vote.

#### ARTICLE IX: Certification to Represent

##### Section 1.- Certification

(a) The State Election Commission shall only certify one or more political parties, major political parties or parties by petition, citizen groups, or political action committees to represent one of the status options included in the ballots provided in this Act.

(b) However, none of the provisions of this Act shall prevent political parties, citizen groups, or political action committees to form internal alliances or coalitions to represent the same status option; provided, that they meet the requirements established in this Act.

(c) The State Election Commission shall adopt the rules that shall govern all that pertains to the requests, forms, and procedures that shall be followed upon implementing the provisions of this Act.

(d) Any political party that had been certified by the State Election Commission in the general election of November 8, 2016, and that meets the requirements of this Act shall be recognized as the “main representative” of the status option, whose governing body has chosen to represent and, therefore, shall lead any alliances or coalitions related to said option. However, on the June 11, 2017 Plebiscite, if more than one of the political parties certified in the general election of November 8, 2016, chooses to represent the “Free Association or Independence” options, such parties shall specify their intention to become the “main representatives” of either the “Free Association” or the “Independence” option and the State Election Commission shall certify it.

(e) Any political party that fails to meet the requirements to have priority as a status option representative within thirty (30) days after the approval of this Act shall not be entitled to be considered as “main representative.” In this case, the citizen group or political action committee that, on the earliest date, has fulfilled in the State Election Commission all the requirements for representing one of the status options printed on the ballot of the plebiscite or the referendum, as the case may be, shall be considered “main representative.” On the June 11, 2017 Plebiscite, if more than one citizen group or political action committee choose to represent the “Free Association or Independence” option, such citizen groups or political action committees shall specify their intention to become the “main representatives” of either the “Free Association” or the “Independence” option and the State Election Commission shall certify it.

(f) No party, major party, party by petition, citizen group or political action committee, alliance, or coalition may represent more than one of the status options in the Plebiscite or the Referendum, as the case may be, as provided in this Act.

(g) Any political party, citizen group, or political action committee that is not interested in being certified to represent any of the status options printed on the ballot of the Plebiscite or the Referendum, but has raised funds, received donations, and/or incurred expenses in connection with media campaign or any other type of activity to oppose any of the status options printed on the ballot, or to promote abstention, any type of voting expression modality, or any other status option shall meet the certification requirements provided in this Section.

(h) No political party, citizen group or political action committee that has failed to meet the certification requirements may assign, donate, and/or lend financial resources, or in kind, to any certified political party, citizen group or political action committee.



(i) In the June 11, 2017 Plebiscite, the “Statehood” option shall be entitled to three (3) election officials at each polling place, and the “Free Association/Independence” option shall be entitled to the same number of election officials. There can never be more than six (6) officials per polling place. The political party, citizen group or political action committee that has been certified by the State Election Commission as the “main representative” of each one of the two status options (ballot columns) shall be called to coordinate the distribution of election officials among their respective alliances or coalitions, and notify so in writing to the State Election Commission not later than sixty (60) days prior to the voting event. If more than one political party, citizen group or political action committee has been certified as “main representative” of the “Sovereignty Separate from the United States” option, that is, one (1) for the Free Association and one (1) for Independence, such political party, citizen group or political action committee shall coordinate between them their representation at such polling place up to a maximum of three (3) officials between the two options, and notify so in writing to the State Election Commission not later than sixty (60) days prior to the voting event. The direction of each Polling Place shall be the following: “Statehood” representatives shall direct polling places identified with “odd” numbers at each election unit; and “Free Association/Independent” representatives shall direct polling places identified with “even” numbers.

(j) In the October 8, 2017 Referendum, each “main representative” certified by the State Election Commission for the “Independence” and the “Free Association” options shall have a maximum of three (3) officials at each polling place to be distributed among their respective alliances and coalitions, if any. “Independence” representatives shall direct the polling places identified with “odd” numbers, and “Free Association” representatives shall direct polling places identified with “even” numbers.

(k) All other electoral bodies provided for by the State Election Commission, at any level, for this voting event shall guarantee equal and well-balanced representation for each status option; provided, that said well-balanced and equal distribution shall always be made taking into account the number of columns printed on the ballot, rather than the different ideologies or beliefs included within each column.

#### Section 2.- General Certification Requirements

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

(b) Any such political party, citizen group or political action committee shall also notify the State Election Commission in its request for certification: the names, addresses, personal information, and positions of all the members of the governing body of the organization; if the organization existed prior to the approval of this Act and had a proven track record advocating for the status option it is interested in representing, or if the central governing body thereof is composed of persons enrolled in a political party or group, organization or entities that existed prior to the request and had a proven track record advocating for the status option it is promoting; or that even if it had not existed prior to the effective date of this Act or as of the filing date of the request for certification, a substantial number of the members thereof has a proven track record advocating for the status option it intends to represent in the election event. Upon filing its request, it shall also notify the Commission whether it intends to represent said option individually or as an organization, or shall identify the alliance or coalition under which it is participating. Moreover, it shall also notify whether the only purpose of the certification is to oppose any of the status options

printed on the ballots, or to promote abstention, any type of voting expression modality, or any other status option.

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

(d) Any person who knowingly and deceitfully violates any of the provisions of this Section or who being duty bound hereunder voluntarily fails or refuses to comply therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment for a term not to exceed two (2) years or by a fine not to exceed ten thousand dollars (\$10,000) for every violation, or both penalties, at the discretion of the Court.

## ARTICLE X: Powers and Duties of the State Election Commission

### Section 1.- General.

(a) Shall have powers and responsibilities to organize, direct, implement, supervise, and issue certifications on the Plebiscite or the Referendum, as the case may be, provided for in this Act as well as any other duty conferred thereto under this Act or necessary to attain the purposes thereof. With regard to processes related to this Act, the provisions of Section 11.009 of Act No. 78-2011, as amended shall not apply.

(b) Shall be empowered to adopt rules or resolutions as are necessary to attain the purposes of this Act efficiently and equitably.

(c) Shall adopt the regulations that shall govern the Plebiscite or the Referendum, as the case may be, not later than March 7, 2017. The adoption of, and amendments to its regulations, if necessary, shall be made in accordance with the Election Act.

(d) A “Special Polling Place for Provisional Voting” shall be established in every Electoral Unit or polling center for voters who have not been included in the voters’ lists and claim their right to vote. The Commission shall prescribe by

regulations the requirements and procedures for this special polling place where voters shall be able to claim that they do not appear on the voters' list of their polling center due to administrative errors attributable to the Commission.

(e) An Accessible Polling Place shall be established in every Electoral Unit or polling center to facilitate the voting process for voters with disabilities.

(f) Voters who are hospitalized on the Saturday immediately preceding the Sunday in which the plebiscites or the referendum, as the case may be, provided for in this Act is to be held, and who shall remain hospitalized on the plebiscite day shall have the option to vote, upon being added to the provisional voters list to be provided. The Local Commission shall constitute Voting Boards as are necessary to handle voting in hospitals. Votes thus cast shall be adjudicated during the General Canvass, following the provisional voting process.

(g) Vote-by-Telephone - The Commission shall provide each polling center, residence, or both, an accessible voting system for voters with disabilities, so that said voters may cast their votes secretly and independently. The system shall have the same notification functions as the Electronic Canvassing system.

(h) A "Special Polling Place for Provisional Voting" and an "Accessible Polling Place" shall be established in every Electoral Unit or polling center.

(i) Regulations to be adopted shall strictly comply with the provisions, terms, and definitions of this Act, including the design of the tally sheets for polling places and the Electoral Unit and Precinct Boards, arranging the different types of ballots into groups, as defined in Article II of this Act.

(j) If no unanimity is reached by the members of the Commission regarding the design of the ballots and the execution of the voter education campaign, the adoption of regulations or any other matter that falls within its powers or duties under this Act and the "Puerto Rico Election Act" in effect, the Chair of the Commission

shall make such decisions in accordance with the provisions of this Act and the federal laws mentioned in this Act.

(k) Keep all ballots and tally sheets of the Plebiscite and the Referendum, as the case may be, for a term of not less than twelve (12) months, after the certification of the results of the October 8, 2017 Referendum, or in its default, as of the certification of the results of the June 11, 2017 Plebiscite. Once said term elapses, ballots and tally sheets may be destroyed unless any judicial or administrative proceeding is pending, in which case, said ballots and tally sheets shall be kept until said proceeding concludes or until the Court's decision becomes final and binding.

(l) The Commission shall be required to strictly comply with all dates and the timetable provided in this Act, including when the obligation of another official depends on documents or transactions to be ascertained by the Commission.

(m) Prior to holding the plebiscite and referendum provided in this Act, the Commission shall conduct a General Voter Registry purging process, taking into account, deceased voters, duplicate voters, and the judgment of the United States Circuit Court of Appeals for the First Circuit of Boston in *Colón-Marrero v. García-Vélez*, CEE (2016); and the "Help America Vote Act, (HAVA)" of 2002. Said purging process shall be conducted as follows:

i. Not later than March 3, 2017, the Commission should have completed the purge of the General Voter Registry, including the identification and "inactivation" of deceased and duplicate voters as well as of active and duly qualified voters, who did not vote in two consecutive general elections (2012 and 2016).

ii. Not later than March 11, 2017, the Commission shall resume operations of the Permanent Registration Boards in every election precinct and municipality of Puerto Rico so that voters may conduct election-related transactions.

iii. Not later than March 17, 2017, the Commission should have finished sending notices to “inactive” voters who were removed from the General Voter Registry during the purging process for having failed to vote in two consecutive elections, stating the reasons for their inactivation pursuant to the provisions of this Act and the federal statute, HAVA. This notice shall be made through the United States Postal Service, using the voter’s mailing address that appears on the General Voter Registry.

iv. In addition, the notice to inactive voters shall indicate that voters shall have until April 28, 2017, to restore their voter registration if they are interested in voting in the Plebiscite on Puerto Rico’s Immediate Decolonization to be held on Sunday, June 11, 2017, by attending the Commission’s Permanent Registration Board of their election precinct or municipality.

v. The notice shall state that, in order to restore their voter registration and vote in the aforementioned Plebiscite, voters shall meet the following requirements as provided in the Puerto Rico Election Act: to wit, be a citizen of the United States and of Puerto Rico; have a legal residence in the jurisdiction of Puerto Rico; be eighteen (18) years of age by the date of the Plebiscite; be duly qualified as such before the holding thereof; and have not been declared mentally incompetent by a Court.

## Section 2.- Education Campaign.

(a) The Commission shall design and execute a strictly objective and nonpartisan education campaign, providing voters, via mass communication, with information regarding the content of the status options, as provided in this Act and in the Plebiscite or the Referendum thereunder, as the case may be, encouraging voters to register and participate in the same, and on the manner in which voters shall mark the ballot to cast a valid vote.

(b) For such campaign, the State Election Commission shall employ all communications media and any available public broadcasting techniques, including electronic media. The education campaign shall begin within not less than forty-eight (48) days before the date on which the plebiscite or referendum, as the case may be, is to be held.

(c) For this education campaign, sample ballots shall be printed and distributed, and the definitions of the status options corresponding to the Plebiscite or the Referendum, as the case may be, shall be disclosed throughout the mass media, verbatim, providing each of the options with equal exposure, and in the order in which they shall appear as determined by public drawing; provided, that the Education Campaign of the June 11, 2017 Plebiscite shall include the content and the sample ballots of each voting event, that is, the aforementioned Plebiscite and the possible October 8, 2017 Referendum.

(d) Before eight o'clock in the morning (8:00 am) on the date of the Plebiscite or the Referendum, as the case may be, posters of sample ballots of the largest possible size shall be posted in all polling centers readily visible and accessible, but outside of the polling places.

(e) On April 21, 2017: As part of the education campaign and for the purpose of helping voters understand the scope of their votes in June's Plebiscite, and in the possible October 8, 2017 Referendum, the Commission shall publish simultaneously, in three (3) newspapers of general circulation in Puerto Rico, the sample ballots to be used in the June 11, 2017 Plebiscite and in the October 8, 2017 Referendum; always stating prominently on the advertisement that: "The October 8, 2017 Referendum shall only be held in the event that the "Free Association/Independence" option is favored by a majority of the votes cast at the June 11, 2017 Plebiscite. Therefore, if the Statehood option is favored by a majority of the votes cast in the June 11, 2017

Plebiscite, the October 8, 2017 Referendum shall not be held for the transition into Statehood provided in the “Puerto Rico Immediate Decolonization Act” shall begin.

(f) May 29, 2017: The Commission shall publish the ballots, a second time, in accordance with the provisions of the preceding subsection (e).

(g) June 6, 2017: The Commission shall publish the ballots, a third time, in accordance with the provisions of the preceding two subsections.

(h) The aforementioned dates for publishing the ballots constitute a minimum of publications and shall not be construed as to limit the Commission to publish said advertisements as many times as it deems appropriate.

(i) Every time the two ballots are published, should the U.S. Attorney General had certified the ballots and the contents thereof, the Commission shall also state such fact prominently on said publications: “These ballots, their contents, and the definition of each one of the status options have been certified as correct and authorized by the United States Attorney General.”

### Section 3.- Certification of the Plebiscite or the Referendum Results.

(a) The certifications of the results of the Plebiscite or the Referendum, as the case may be, shall only be those issued by the State Election Commission.

(b) Said certifications and the disclosure of the results shall only be issued in accordance with this Act, and their definitions for the different types of ballots, and the applicable case law of the Supreme Court of Puerto Rico; provided, that the ballots defined under this Act as “Ballots with no Adjudication Value,” may only be counted as a group on the appropriate boxes printed on the tally sheets for tallying purposes in all polling places and not as part of the certification of the results of the Plebiscite or the Referendum, as the case may be. Said “Ballots with no Adjudication Value,” without a valid expression of the voter’s intent: “in no way may be counted for purposes of influencing or affecting the results of an election, referendum, or



Plebiscite, among other voting events” *Suarez-Cáceres v. Com. Estatal Elecciones*, 176 DPR 31, 73-74 (2009).

(c) Only “Adjudicated Ballots” with a “Valid Mark” inside the box or rectangle of only one of the status options printed thereon may be considered as part of the certification of the results along with an itemization of valid and adjudicated votes that each one of the status options has polled.

(d) The status option printed on the ballot that is favored by a majority of one hundred percent (100%) of the votes defined as “Adjudicated Ballots” shall be certified by the Commission as the winning option. Upon issuing the final certification of the results of each voting event, in Spanish and English, including the number of votes, the percentage obtained, and the definitions of each one of the status options included in the ballot, the State Election Commission shall include the following preamble: “These results constitute the legitimate expression of self-determination of a majority of United States citizens of Puerto Rico for the immediate, final, permanent, non-territorial, and non-colonial solution to their current territorial and colonial political status. It also constitutes the claim of a majority of voters, protected by the First Amendment to the Constitution of the United States, to petition Congress and the President for redress of grievances entailed by the present territorial and colonial condition established 119 years ago, excluding Puerto Rico from the scope of any modality or method of judicial interpretation of the “territory clause” of the Constitution of the United States (Article IV, Section 3, clause 2). Furthermore, these results meet the conditions imposed by the Congress and the President of the United States upon the approval of Public Law 113-76, “Consolidated Appropriations Act, 2014”; and the corresponding Congressional report on said Federal law. Any other interpretation of these results would be contrary to the rights of a majority of United States citizens of Puerto Rico who cast a valid vote in accordance with the law, and the case law of the Supreme Court of Puerto Rico.” If the “Statehood” option is

favored in the June 11, 2017 Plebiscite, the following shall be added to the certification: "Therefore, it is the legitimate expression of a majority of United States citizens of Puerto Rico that a process of transition into, and proclamation of Statehood immediately begins." If the "Free Association/Independence" option is favored in the June 11, 2017 Plebiscite, the following shall be added to the certification: "Therefore, these results constitute the first claim of the United States citizens of Puerto Rico to initiate a process toward the proclamation of a voluntary treaty of "Free Association" between Puerto Rico and the United States of America or the proclamation of "Independence" and the automatic call for a Referendum on October 8, 2017, the results of which shall define the preference between a voluntary treaty of Free Association between Puerto Rico and the United States, or the Independence." Should the holding of the October 8, 2017 Referendum be necessary, the certification of the results thereof shall follow the same format provided herein for Statehood in the June 11, 2017 Plebiscite.

(e) Not later than forty-eight (48) hours after completing the canvass of the Plebiscite or the Referendum, as the case may be, the Chair of the State Election Commission shall send a certification of the results of each event to the Governor, the Resident Commissioner in Washington, D.C., the Legislative Assembly, and the Secretary of State of Puerto Rico.

(f) The Secretary of State, in turn, shall send the results to the President, each member of Congress, and the Attorney General. The communication of the Secretary of State shall read: "Exercising their democratic, universal, and inalienable right to 'self-determination,' and their right under the First Amendment to the Constitution of the United States, to petition the Federal Government for redress of the territorial and colonial grievances imposed on the United States citizens of Puerto Rico for 119 years, the United States citizens of Puerto Rico have expressed themselves at the voting

booths regarding their political status, and the results thereof are included in the Certification of the State Election Commission of Puerto Rico hereto attached.”

(g) The full English text of the certification of results forwarded to the aforementioned federal officials shall be published also by the Secretary of State of Puerto Rico in a newspaper of national circulation in the United States.

#### ARTICLE XI: Fundraisers and Campaign Expenditures.-

Section 1.- Every political party, citizen group or political action committee that decides to participate in the Plebiscite or the Referendum, as the case may be, provided in this Act shall defray campaign expenditures, in support of or against any status option, from their own financial resources.

Section 2.- In the absence of public campaign funding, the limitations on donations, income, and expenditures provided by law for primaries, general elections, and other similar voting events shall not apply to any political party, citizen group, or political action committee, except for limitations or conditions that may arise from applicable federal and state case law.

Section 3.- In the event that fundraising events or campaign expenditures are made to support or oppose any of the status options —whether because it holds a certification to represent any status option as an individual, as an organization, or through an alliance or coalition— such fundraising events or campaign expenditures shall meet, without exceptions, the same requirements imposed on political parties under Act No. 222-2011, known as the “Puerto Rico Political Campaign Financing Oversight Act,” for purposes of donations, income, and expenditures reports of political campaigns in general elections; including negative reports when there have been no donations, income, or expenditures.

Section 4.- Not later than twenty (20) days after the approval of this Act, the Office of the Election Comptroller of Puerto Rico shall draft and adopt regulations, documents, and forms as are necessary for the implementation of the provisions of this Article.

#### ARTICLE XII: Fund Appropriation

Section 1.- Taking into account the allocation of funds described in Article V, Section 1, the total sum of which is five million dollars (\$5,000,000), the sum of two million five hundred thousand dollars (\$2,500,000) is hereby appropriated to the State Election Commission chargeable to the General Fund of Puerto Rico to defray the expenses of the June 11, 2017 Plebiscite. The remaining two million five hundred thousand dollars (\$2,500,000) shall derive from the federal funds appropriated for such purposes under Public Law 113-76, "Consolidated Appropriations Act, 2014."

Section 2.- The Secretary of the Treasury and the Executive Director of the Office of Management and Budget shall be required to earmark the source of the state funds appropriated hereunder and complete the transfer thereof to the State Election Commission not later than seventy-five (75) days prior to the date on which the Plebiscite is to be held. However, a lower amount of funds may be advanced before said term in order to implement the provisions of this Act and guarantee the accuracy of all processes.

Section 3.- The Government of Puerto Rico may advance to the State Election Commission, from any available state fund, the allocation of said federal funding while the transfer thereof is processed.

#### ARTICLE XIII: General Provisions

##### Section 1.- Offenses and Prohibitions.-

(a) Prohibitions and offenses relating to the holding of the plebiscite or referendum, as the case may be, shall be governed by the provisions of Act No. 78-2011, as amended, known as the "Puerto Rico Election Act," and Act No. 222-2011,

known as the “Puerto Rico Political Campaign Financing Oversight Act,” unless said provisions are incompatible or inconsistent with the provisions of this Act or a specific offense or penalty is provided for in this Act.

#### Section 2.- Lawsuits.-

The decisions of the Commission or the Chair thereof are subject to expedited judicial review in accordance with the provisions of the “Election Act.” A mere petition for review shall not preclude compliance with the education campaign or any other process or timetable provided in this Act. An interlocutory order issued by a Court may stay the enforcement of the provisions of this Act, except for a final order issued by the Court and on the merits of the case.

#### Section 3.- Dates

All dates provided in Article V of this Act, relating to certain duties of the State Election Commission and the Secretary of State of Puerto Rico constitute deadlines, which may be met on an earlier date, but never later.

Section 4.- Defense of Self-determination of the United States Citizens of Puerto Rico.

The democratic expression of the United States citizens of Puerto Rico through their vote constitutes one of the highest public policy priorities of our Constitution and our Government. Furthermore, the consequences of our century-old territorial and colonial condition has left our society and our government in a state of emergency that requires an urgent solution. The Executive and Legislative Branches of the Government of Puerto Rico are hereby compelled and authorized to take any actions they deem appropriate, and to allocate and use any resources as are necessary to implement and enforce the purposes of this Act and the immediate decolonization of Puerto Rico, including the holding of the Plebiscite or the Referendum, as the case may be, provided herein and the swift implementation of the results thereof. All of the foregoing includes actions and resources inside and outside of the jurisdiction of

Puerto Rico. Any resources used to fulfill this obligation and authorization are hereby fully excluded from the scope of Public Law 114-187, 2016, “Puerto Rico Oversight, Management, and Economic Stability Act” (PROMESA) as provided in:

Section 402.- Right of Puerto Rico to determine its future political status.- Nothing in this Act shall be interpreted to restrict Puerto Rico’s right to determine its future political status, including by conducting the plebiscite as authorized by Public Law 113-76, 2014.

ARTICLE XIV.-Severability Clause.-

If any clause, paragraph, article, or part of this Act were held to be unconstitutional by a competent Court, the holding issued to such effect shall not impair or invalidate the other provisions of this Act. The effect of such holding shall be limited to the clause, paragraph, article, or part of this Act thus held to be unconstitutional.

ARTICLE XV.- Disclosure.-

The Speaker of the House of Representatives and the President of the Senate of Puerto Rico are hereby directed to coordinate the disclosure and publication of the text of this Act or any of the parts thereof to the fullest extent possible in state, national, and international media, including the translation thereof into various languages. Furthermore, a copy of this Act shall be delivered by the Secretary of State to the United States President and all members of Congress, including the Resident Commissioner.

ARTICLE XVI.- This Act shall take effect immediately after its approval.