

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin No. OE-2024-016

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, THE HON. PEDRO R. PIERLUISI, TO CALL A BALLOT MEASURE ELECTION TO IMPLEMENT THE PETITION FOR STATEHOOD OF THE 2020 PLEBISCITE

WHEREAS: Act No. 51-2020, as amended, known as the “Act to Define Puerto Rico’s Ultimate Political Status” (“Act No. 51”), established the rules for the holding of a plebiscite to resolve the century-old issue of Puerto Rico’s status as a territory of the United States of America (the “United States”). In doing so, the U.S. citizens of Puerto Rico were guaranteed the exercise and reassertion of their right to self-determination, through a direct vote and without intermediaries, and their right to demand the federal government for redress of grievances.

WHEREAS: Said statute captured the will of the voters expressed by a majority of the U.S. citizens of Puerto Rico, which is still current: (i) a direct demand for equal rights and obligations through statehood and permanent union to the United States; (ii) a direct rejection of the current territorial and colonial status, as well as (iii) the rejection of the option of independence with a treaty of free association or full independence. Such expression stemmed from the plebiscite held in Puerto Rico on November 6, 2012, which was reasserted by voters in the plebiscite of June 11, 2017.

WHEREAS: After statehood became the decolonization option that polled a majority support from voters in the plebiscites of 2012 and 2017, the Legislative Assembly of Puerto Rico —through Act No. 51-2020— directed the holding of a third plebiscite on November 3, 2020, to express to the Congress of the United States of America an unequivocal claim for statehood, with “Yes” or “No” options, through the application of the same final voting mechanism that former territories employed, after various voting events, to ultimately become states of the Union, including Alaska and Hawaii, the most recent states to have been admitted. On November 3, 2020, 52.52% of voters, an absolute majority of the voting U.S. citizens in Puerto Rico who went to the polls, exercised their direct, free, and voluntary consent to statehood by choosing the “Yes” option. It is evident that, in each of the



plebiscites held, the support for decolonization has increased, thus prevailing the option for equality through statehood.

WHEREAS:

The Supreme Court of Puerto Rico expressed in *Aponte Rosario et al. v. Pres. CEE II*, 205 DPR 407 (2020), that the claim for self-determination and the will for change expressed by our people in 2012 and 2017 must be upheld just as in 1967, 1993, and 1998. Likewise, the Supreme Court of Puerto Rico validated the public purpose of the plebiscite of November 3, 2020, based on the existence of a people's mandate at the polls, as evidenced in the previous plebiscites.

WHEREAS:

The direct vote rejecting our current territory status said plebiscites, also constituted a revocation of the consent to the territory status supposedly granted by the U.S. citizens of Puerto Rico to the government of the United States of America in the Referendum for Public Law 81-600 on June 4, 1951.

WHEREAS:

Act No. 165-2020, known as the "Act to Implement the 2020 Plebiscite Petition for Statehood" ("Act No. 165-2020"), was enacted to set forth the public policy of the Government of Puerto Rico on the implementation of the petition for statehood. In Section 2.1 of said Act, the Legislative Assembly of Puerto Rico empowered the Governor of Puerto Rico to call —through an Executive Order— when deemed necessary:

- a. A voting or electoral process to enforce the will of an absolute majority of U.S. citizens of Puerto Rico in favor of statehood, according to the results of the November 3, 2020 Plebiscite.
- b. The Governor may also exercise this authority to call and coordinate a voting when any electoral petition, proposal, response, or ratification related to the political status of Puerto Rico is presented or requested by one or the two legislative houses of Congress, the President of the United States of America, or both.
- c. The Governor may hold a ballot measure election with a ballot authorized by the U.S. Department of Justice as provided in P.L. 113-76.
- d. A ballot measure election to ratify the will of the People of Puerto Rico.
- e. A voting to resolve the future political status of Puerto Rico.

The voting called by the Governor pursuant to Act No. 165-2020 may coincide with voting events called pursuant to other laws and even with the General Election. To hold such event together with the General Election promotes a greater voter turnout, renders the process more economic, and encourages fiscal responsibility by avoiding additional spending charged to the public treasury.

WHEREAS:

It should be noted that in *Aponte Rosario et al. v. Pres. CEE II, supra*, the Supreme Court explained that the decisions of the political branches of conducting plebiscites warrant deference. *Id.*, p. 436. Along these lines, it reasserted that the Judicial Branch does not intervene in legislative decisions regarding public policy nor in the manner in which the Legislative Assembly enforces the voters' mandate. *Id.*, pp. 421 and 440. In the exercise of said legislative discretion that warrants deference, the Legislative Assembly delegated to the Executive Branch the power to call a plebiscite and established appropriate guidelines to exercise said power. See, *Domínguez Castro v. E.L.A.*, 178 DPR 1, 90-100 (2010).

WHEREAS:

Section 402 of PROMESA sets forth that “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 [...]”

WHEREAS:

On July 15, 2022, H.R. 8393 known as the “Puerto Rico Status Act,” was filed with the United States House of Representatives to enable the people of Puerto Rico to exercise their right to self-determination and choose a permanent and nonterritorial political status for Puerto Rico and to provide for a transition to the alternative favored by voters. It shall be a plebiscite binding on the United States Congress, which shall include the following options:

- Statehood
- Independence
- Sovereignty in Free Association with the United States

At a historical voting, the federal House approved the measure. On the one hand, the full delegation of the Democratic Party — two hundred fifteen (215) congressmen and women— and sixteen (16) Republican congressmen and women voted in favor of the measure. On the other hand, one hundred ninety-one



(191) Republican congressmen and women voted against it. However, because it was approved at the end of the legislative session, the federal Senate did not have enough time to bring the measure to the floor to consider and vote upon it.

The approval of the "Puerto Rico Status Act" is a historical achievement for it is the first time that one of the houses of the United States Congress passes a measure for a self-executing solution to our status that recognizes the right of Puerto Ricans to become a state, binding it to the Union.

It should be noted that, after the last transaction of the legislative process of H.R. 8393, the bill was once again filed with the U.S. House of Representative as H.R. 2757 and an equal version was filed with the Senate as S.3231, for the pertinent legislative process. The Senate bill has the support of twenty-seven (27) federal Democrat congressmen and women as cosponsors.

WHEREAS:

On December 15, 2022, the President of the United States of America, Joseph R. Biden Jr., published a Statement of Administration Policy, showing his Administration's support to the passage of H.R. 8393. In his statement, the President called on Congress to act swiftly to put the future of Puerto Rico's political status in the hands of Puerto Ricans, where it belongs.

WHEREAS:

The success of the "Puerto Rico Status Act," a bill for a binding plebiscite without colonial options, in the United States House of Representatives constitutes a milestone in the fight for the self-determination of Puerto Rico. As the late Associate Justice of the Supreme Court of the United States, the Hon. Ruth Bader Ginsburg, once said "real change, enduring change, happens one step at a time." With this in mind, our commitment to Puerto Rico is to take all the necessary steps to vindicate their civil rights, starting with achieving its decolonization and equal rights as U. S. citizens.

WHEREAS:

The status is the direct cause of the inequality between the U. S. citizens who live in Puerto Rico and those who live in the states. We cannot endorse nor perpetuate said inequality. To delay equality is to perpetuate inequality. Our commitment to the people on the past elections was to fight for statehood and it was thus supported by the people upon casting their vote demanding a change of status. We have made significant progress in Congress, and with this Executive Order, we shall continue to moving forward in that direction.



WHEREAS:

Abraham Lincoln once said that the elections belong to the people. Hence, the people do not need permission from the United States Congress to go to the polls; its will is enough. A similar message prompted a significant step at the federal level with H.R. 8393 and we will not cease in our fight. In close attention to the will of the people expressed in the past plebiscites, we are compelled to continue our journey and keep raising our voice until our claim is heard and validated. “Power concedes nothing without a demand. It never has and it never will.” Frederick Douglas (1857). We believe that Act No. 165-2020 provides us with a legitimate mechanism to demand the decolonization of Puerto Rico and we shall use any tools available to further our cause and put an end to our territorial, colonial, and undignified relationship. This is the public policy of our Government.

THEREFORE:

I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority conferred unto me by the Constitution and the laws of Puerto Rico, hereby decree and order the following:

SECTION 1:

PLEBISCITE. In order to enforce the will of the voters expressed in the 2020 Plebiscite, I deemed it necessary to call a ballot measure election in accordance with the grounds set forth in Section 2.1 of Act No. 165-2020. Hence, I hereby order the holding of a plebiscite pursuant to the provisions of said statute. The voting event for this plebiscite shall be held on the day of the General Election, on November 5, 2024. The rules for this plebiscite are established in this Executive Order. Given that Election Day is already considered a holiday, the rules established in the act shall be followed with respect to the opening of commercial establishments.

SECTION 2:

PROCLAMATION. The plebiscite ordered hereby shall be called through a Proclamation of the Governor to be published in accordance with the provisions of Act No. 165-2020. The proclamation shall be published—in its entirety and as signed—in at least two (2) newspapers of general circulation in Puerto Rico in both Spanish and English. It shall include, in addition to the seal of the Governor in the header of the proclamation, the date and the title: “Act to Implement the 2020 Plebiscite Petition for Statehood.”



The content of the proclamation —as required verbatim by the Act— is the following:

The Legislative Assembly and the Governor of Puerto Rico approved Act No. 165-2020, known as an “Act to Implement the 2020 Plebiscite Petition for Statehood,” which provides for the holding of a voting in order to enforce the will of an absolute majority of voters as expressed in the November 3, 2020 Plebiscite, including such voting as are necessary arising from any electoral petition, proposal, response or ratification related to the political status of Puerto Rico presented or requested by one or the two houses of Congress, the United States President or both.

Act No. 165-2020 provides that all citizens who meet the requirements of this Act and the Puerto Rico Election Code shall be considered qualified voters, to wit: be a citizen of the United States of America and legally domiciled in the jurisdiction of Puerto Rico; be eighteen (18) years of age by the date of this voting; be duly qualified as such before the holding of the voting, and not have been declared mentally incompetent by a Court. Interested citizens, including new voters, who need to carry out any transaction in the General Voter Registry before the registration deadline, shall have up to fifty (50) days before the holding of the voting to update their status, restore their registration, or register to vote. In addition, if necessary, the aforementioned date shall serve as the deadline for voters to request transfers or relocations, as well as request Early Voting and Voting at an Accessible Polling Place. Voters eligible for Absentee Voting shall have up to forty-five (45) days before the holding of the voting to request Absentee Voting. The Permanent Registration Boards (JIP) of the State Election Commission shall be open to the public to conduct all of these transactions during regular business hours.

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

FIRST: Voting Date

On Tuesday, November 5, 2024, a voting authorized under Act No. 165-2020, known as the “Act to Implement the 2020 Plebiscite Petition for Statehood” shall be held in every election precinct of Puerto Rico, and all qualified voters are hereby called to participate therein.

SECOND: Voting Hours

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

THIRD: Options to be Presented in the Voting

The plebiscite shall offer eligible voters the opportunity to choose one (1) of the options included in the “Puerto Rico Status Act,” HR 8393. Hence, the following options shall be included in the ballot:

- (A) Statehood.
- (B) Independence.
- (C) Sovereignty in Free Association with the United States



FOURTH: Meaning of the Options

The ballot shall include the following explanation of the options:

A. **Statehood:**

1. The State of Puerto Rico is admitted into the Union on an equal footing with the other States in all respects whatever and is a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States and reserved to the State of Puerto Rico or to its residents.
2. The residents of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect in Puerto Rico as in the other States of the Union.
3. United States citizenship of those born in Puerto Rico is recognized, protected, and secured under the United States Constitution in the same way such citizenship is for all United States citizens born in the other States.
4. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. Instead, the State of Puerto Rico will become a State on equal footing with each of the current 50 States in the United States of America. Individuals and businesses resident in the State of Puerto Rico will be subject to United States Federal tax laws as well as applicable State tax laws.

B. **Independence:**

1. Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.
2. Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations.
3. Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who have such United States citizenship have a right to retain United States nationality and citizenship for life, by entitlement or election as provided by Federal law.
4. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the



controlling factor in the taxation of Puerto Rican taxpayers.

5. The Constitution and laws of the United States no longer apply in Puerto Rico and United States sovereignty in Puerto Rico is ended.

C. Sovereignty in Free Association with the United States:

1. Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.
2. Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, except as otherwise provided for in the Articles of Free Association to be negotiated by Puerto Rico and the United States.
3. Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and persons who have United States citizenship have a right to retain United States nationality and citizenship for life by entitlement or election as provided by Federal law.
4. Birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship. Individuals born in Puerto Rico to at least one parent who is a citizen of the United States shall be United States citizens at birth, consistent with the immigration laws of the United States, for the duration of the first agreement of the Articles of Free Association.
5. Puerto Rico enters into Articles of Free Association with the United States, with such devolution and reservation of governmental functions and other bilateral arrangements as may be agreed to by both Parties under the Articles, which shall be terminable at will by either the United States or Puerto Rico at any time.
6. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers. In addition, Puerto Rico will enter into an agreement with the United States to provide "Sovereignty in Free Association" between the two nations. This agreement may modify the otherwise applicable tax rules, subject to negotiation and ratification by the two nations.
7. The Constitution of the United States no longer applies in Puerto Rico, the laws of the United States no longer apply in Puerto Rico except as otherwise provided in the Articles of Free Association, and United States sovereignty in Puerto Rico is ended.
8. All matters pertaining to the government-to-government relationship between Puerto Rico and the United States, which may include foreign affairs, trade, finance, taxation,

currency, economic assistance, security and defense, dispute resolution and termination, shall be provided for in the Articles of Free Association.

FIFTH: Certification of Results

The counting of ballots and the certification of the results by the State Election Commission shall only be carried out pursuant to the holding of the Supreme Court of Puerto Rico in *Suárez-Cáceres v. Com. Estatal Elecciones*, 176 DPR 31, 73-74 (2009). A vote not cast and any blank ballot cast and lacking a clear expression of the voter's intent "in no way may be counted for purposes of influencing or affecting the results of an election, referendum, or Plebiscite, among other voting events." Therefore, any interpretation of the results of this voting shall be subject to a valid vote for one of the options printed on the ballot. The absence of voters in the election or void or blank ballots cast shall never be used to suppress the intent of voters who democratically, voluntarily and validly exercised their right.

SIXTH: Vote Counting System

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

SEVENTH: Voter Identification

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

EIGHTH: Absentee and Early Voting

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

NINTH: Right to Vote Guaranteed

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

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

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

TENTH: Education and Disclosure

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

contents of this Act, this Proclamation, and any official material and information pertaining to this and other related voting.

ELEVENTH: Supplemental Laws

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

SECTION 3:

INITIAL COORDINATION WITH THE CHAIR OF THE STATE ELECTION COMMISSION. Not later than fifteen (15) days after the publication of the proclamation by the Governor for a voting related to the purposes of Act No. 165-2020, the Alternate Chair of the State Election Commission (“CEE,” Spanish acronym or the “Commission”) shall submit to the Governor:

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

SECTION 4:

REPRESENTATION OF OPTIONS ON THE BALLOT; FUNDRAISING, CAMPAIGN EXPENSES, AND RULEMAKING. The Commission shall certify as representative of each option printed on the voting ballot the political parties, citizen groups, and political action committees.

Certification Requirements for Representing an Option:

- a. Prior to the Commission’s certification, every political party, party by petition, citizen group, or political action committee shall provide proof of registration as required by Act No. 222-2011, as amended, known as the “Puerto Rico Political Campaign Financing Oversight Act,” regardless of whether these shall participate individually, as an alliance, or as a coalition.
- b. Any such political party, party by petition, citizen group, or political action committee shall also notify the Commission, in its request for certification: the names,

addresses, personal information, and positions of all the members of the governing body of the organization; if the organization existed prior to the approval of Act No. 165-2020 and had a proven track record advocating for the option it is interested in representing, or if the central governing body thereof is composed of persons affiliated with a political party, group, organization, or entities that existed prior to the request and had a proven track record advocating for the status option they are promoting; or that even if it had not existed prior to the effective date of Act No. 165-2020 or as of the filing date of the request for certification, a substantial number of the members thereof has a proven track record advocating for the option it intends to represent in the voting. Upon filing its request, it shall also notify the Commission whether it intends to represent said option individually as an organization, or shall identify the alliance or coalition under which it shall be participating. Moreover, it shall also notify whether the only purpose of the certification is to favor or oppose any of the options printed on the ballots, or to promote abstention, any type of voting expression modality, or any other option.

- c. The names of the members of the governing body of the political party, group, or committee that is ultimately certified, shall appear on the certification to be issued by the Commission, if approved.
- d. In accordance with Section 6.2 of Act No. 165-2020, any natural or juridical person who fraudulently violates any of the provisions of said section or who being duly required hereunder, voluntarily fails or refuses to comply therewith, shall be guilty of an election offense and, upon conviction, shall be punished by imprisonment for a term not to exceed two (2) years, or by a fine not to exceed ten thousand dollars (\$10,000) for every violation, or both penalties, at the discretion of the Court.

Certification to Represent an Option:

- a. No organization that has failed to meet the requirements of Act No. 165-2020, the Commission, and Act No. 222-2011, as amended, known as the "Puerto Rico Political



Campaign Financing Oversight Act," shall be certified as representative of an option.

- b. The State Election Commission shall certify as representative of each option printed on the voting ballot the political parties, parties by petition, citizen groups, or political action committees that so request and meet the requirements of Act No. 165-2020.
- c. Nothing shall prevent political parties, parties by petition, citizen groups, or political action committees from forming alliances or coalitions to represent the same political status option; provided, that they all meet the requirements of Act No. 165-2020.
- d. Without prejudice to the provisions of Act No. 165-2020, the Commission and the Office of the Election Comptroller shall adopt the rules that shall govern all that pertains to the requests, forms, and procedures to be followed to implement all that pertains to the certification as representative, including alliances or coalitions.
- e. No political party, party by petition, citizen group, political action committee, alliance, or coalition may represent more than one (1) option in these voting events.
- f. Any political party, party by petition, citizen group, political action committee, and natural or juridical person, that is certified as representative of any of the options printed on the ballot, which receives or uses contributions, engages in fundraising activities, and/or incurs campaign advertising expenditures or any kind of canvassing activity in support or against any of the options, including, to promote abstention, any type of voting expression modality, or any other status option shall meet the registration and certification requirements in the Office of the Election Comptroller, as a prerequisite to engage in canvassing activities or to its certification in the Commission.
- g. No political party, party by petition, citizen group, or political action committee that has failed to meet the certification and reporting requirements provided in above subsection (f) may assign, contribute, and/or lend financial or in-kind resources to any political party, party



by petition, citizen group, or political action committee certified as representative or that is part of an alliance.

- h. In accordance with Section 6.1 of Act No. 165-2020, any natural or juridical person that fraudulently violates any of the provisions of this Section or that, being required hereunder, voluntarily fails or refuses to comply therewith, shall be guilty of an election offense and, upon conviction, shall be punished by imprisonment for a term not to exceed two (2) years or by a fine not to exceed ten thousand dollars (\$10,000) for every violation, or both penalties, at the discretion of the Court.

Electoral Balance Representation in Polling Place Boards, Electoral Unit Boards, Precinct Local Commission, and the Absentee and Early Voting Administrative Board (JAVAA, Spanish acronym):

- a. At the voting authorized by Act No. 165-2020 and call through this Order, the number of election officials at all Electoral Balance levels shall always be equal for each option, regardless of the number of parties, groups or individuals that support them, including alliances or coalitions.
- b. Polling place boards, electoral unit boards, and local commissions shall be composed of election officials of each political party or group certified by the Commission.
- c. This Electoral Balance mechanism shall also be used by the Absentee and Early Voting Administrative Board (JAVAA) during the voting cycles authorized by Act No. 165-2020. The number of election officials at all JAVAA levels shall always be equal for each option, regardless of the number of parties, groups, or individuals that support them, including alliances or coalitions.
- d. The Commission shall prescribe by regulations the number of election officials needed at each Electoral Balance level for each one of the voting options as well as their duties.
- e. Not later than forty-five (45) days before the voting, political parties, parties by petition, citizen groups, or political action committees that are certified as representatives of an option shall notify the Commission in writing and in the forms provided by the latter, the



information about their respective officials and their location by precinct, electoral unit, and polling place.

Lack of Public Funding and Obligations:

- a. Every political party, party by petition, citizen group, political action committee, and natural or juridical person that engages in canvassing activities during the campaign of any of the voting events authorized by Act No. 165-2020, shall defray campaign expenditures from their own financial resources. However, if any of the foregoing solicits, receives or uses contributions, engages in fundraising activities, and/or incurs campaign advertising expenditures or in any kind of canvassing activity to favor or oppose any of the options on the ballot, including, to promote abstention, any type of voting expression modality, or any other option, they shall meet the financial reporting requirements set forth by the Office of the Election Comptroller by virtue of Act No. 165-2020, and Act No. 222-2011, as amended, known as the "Puerto Rico Political Campaign Financing Oversight Act." Notwithstanding the foregoing, in the case of nonprofit entities organized under Section 501 of the U.S. Internal Revenue Code, which are required to submit registration and operations documents and reports to the U.S. Internal Revenue Service (IRS), they may only be required to register with the Office of the Election Comptroller for the sole purpose of reporting expenditures specifically related to any plebiscite or ballot measure called under the "Act to Implement the 2020 Plebiscite Petition for Statehood," but shall not be required to disclose their membership or the contributions received, as ordinarily required by Act No. 222-2011, as amended. Furthermore, said entities shall neither be required to report to the Election Comptroller expenditures or disbursements of any other nature that are not related to said ballot measures or plebiscites under Act No. 165-2020.
- b. In the absence of public campaign funding, the limitations on expenditures provided by law for primaries, General Elections, and other similar voting events shall not apply, except for the limitations or conditions that may arise from applicable federal and state case law.



Rulemaking Authority

Not later than twenty (20) days after the approval of this Order, the Office of the Election Comptroller shall draft and adopt regulations, documents, and forms as are necessary for the implementation of the provisions of Act No. 165-2020 and this Order on fundraising and campaign expenditures.

SECTION 5:

BUDGET. In accordance with Section 1.3 of Act No. 165-2020, as well as the holding in *Aponte Rosario et al. v. Pres. CEE II, supra*, conducting this plebiscite constitutes a valid public interest based on the existence of a mandate of the people set forth in previous plebiscites. With this in mind, and by virtue of Section 1.7 of Act No. 165-2020, the Executive Director of the Office of Management and Budget (OMB), the Secretary of the Treasury, and the Executive Director of Fiscal Agency and Financial Advisory Authority (FAFAA) are hereby directed to prioritize, identify, and make financial resources available as necessary to comply with this Order.

In accordance with Section 3.1 of Act No. 165-2020, within fifteen (15) days after the publication of the proclamation issued by the Governor, the Alternate Chair of the CEE shall submit to the Governor a draft of a budget plan for the voting expenditures, including the voter education campaign. The final budget shall be approved by the Governor, with the consent of the OMB, FAFAA, and the Department of the Treasury, and shall become, for all fiscal and legal purposes, the budget request that shall govern the financial allocations needed to fulfill the purposes of Act No. 165-2020 and this Executive Order. Said final budget shall be approved based on the proposed budget plan for voting expenses, always considering fiscal responsibility factors, including available budgetary resources, the use of technology, coordination of existing resources, and administrative efficiencies. The disbursement of budget transfers and fund allocations shall be made within a maximum period of thirty (30) calendar days, counted from the filing date of the budget request for such purposes.

No provision of general or special law, regulation, executive or administrative order, or any plan may be invoked to alter or postpone the budget transfers and fund allocations as necessary for the Governor, the Commission, and other officials to fulfill the voting events called and authorized by Act No. 165-2020, as



these are related to the right to self-determination of the U. S. citizens of Puerto Rico. These transfers and allocations must remain within the parameters of the applicable certified budget.

All matters and allocations of public funds in connection with Act No. 165-2020 are unequivocally related to the right of the U. S. citizens of Puerto Rico to determine their political status. Therefore, as expressly provided in Section 402 of Public Law 114-187, 2016, "Puerto Rico Oversight, Management, and Economic Stability Act" ("PROMESA"), and consistent with the determinations of the of the Financial Oversight and Management Board ("FOMB") of not intervening with Puerto Rico's right to self-determination of their political status, no matter or allocation of funds related to this plebiscite shall require to be submitted to the consideration nor consent of the FOMB for the latter lacks jurisdiction and authority therefor.

SECTION 6:

RESULTS. Not later than forty-eight (48) hours after the conclusion of the general canvass, the Alternate Chair of the State Elections Commission (CEE) shall deliver the certification of the results to the Governor, the Resident Commissioner of Puerto Rico in Washington, D.C., the presiding officers of the Legislative Assembly, the U.S. President, the presiding officers of Congress, and the U.S. Attorney General. Not later than five (5) days from the certification of the results of the voting, the Governor shall deliver a copy of the certification to each member of Congress.

SECTION 7:

INTERPRETATION. The mandate of the people at the polls as well as the voters' intent are the pillars of our democracy. Therefore, in addition to the aforementioned laws, the options to be presented at the voting event ordered in this Executive Order shall be interpreted in accordance with the purposes and definitions included in H.R. 8393, known as the "Puerto Rico Status Act," as approved by the United States House and Representatives.

Furthermore, in order to implement the provisions of this Order, the provisions of Act No. 51-2020, known as the "Act to Define Puerto Rico's Ultimate Political Status," Act No. 30-2017, known as an "Act for Equality and Congressional Representation of the United States Citizens of Puerto Rico," Act No. 58-2020, known as the "Puerto Rico Election Code of 2020," and Act No. 222-2011, as amended, known as the "Puerto Rico Political



Campaign Financing Oversight Act,” shall be supplemental thereto, in those matters that are not preempted by, or inconsistent with Act No. 165-2020.

SECTION 8: **PREVAILING LANGUAGE.** This Executive Order shall be adopted and published in the two official languages of Puerto Rico, Spanish and English. Should a conflict arise between the English and Spanish text in the interpretation or application of this Executive Order, the English text shall prevail.

SECTION 9: **REPEAL AND EFFECTIVENESS.** This Executive Order shall render without effect any other Executive Order that is, whether in whole or in part, inconsistent therewith to the extent of such inconsistency. This Executive Order shall take effect immediately upon its approval.

SECTION 10: **SEVERABILITY.** The provisions of this Executive Order are separate and independent from each other, and if any part, section, provision, or sentence of this Executive Order is held to be unconstitutional, void, or invalid by a court with competent jurisdiction, such holding shall not affect the validity of the remaining provisions, which shall remain in full force.

SECTION 11: **PUBLICATION.** This Executive Order shall be filed immediately with the Department of State, and the broadest publication thereof is hereby ordered.



IN WITNESS WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 1st day of July 2024.

**PEDRO R. PIERLUISI
GOVERNOR**

Promulgated in accordance with the law, on this 1st day of July 2024.

**OMAR J. MARRERO
SECRETARY OF STATE**



PROCLAMATION OF THE GOVERNOR
OF PUERTO RICO

Holding of a Ballot Measure Election
"Act to Implement the 2020 Plebiscite Petition for Statehood"
November 5, 2024

Administrative Bulletin No.: P-2024-277

WHEREAS: The Legislative Assembly and the Governor of Puerto Rico approved Act No. 165-2020, known as an "Act to Implement the 2020 Plebiscite Petition for Statehood," which provides for the holding of a voting in order to enforce the will of an absolute majority of voters as expressed in the November 3, 2020 Plebiscite, including such voting as are necessary arising from any electoral petition, proposal, response or ratification related to the political status of Puerto Rico presented or requested by one or the two houses of Congress, the United States President or both.

WHEREAS: Act No. 165-2020, provides that all citizens who meet the requirements of this Act and the Puerto Rico Election Code shall be considered qualified voters, to wit: be a citizen of the United States of America and legally domiciled in the jurisdiction of Puerto Rico; be eighteen (18) years of age by the date of this voting; be duly qualified as such before the holding of the voting, and not have been declared mentally incompetent by a Court. Interested citizens, including new voters, who need to carry out any transaction in the General Voter Registry before the registration deadline, shall have up to fifty (50) days before the holding of the voting to update their status, restore their registration, or register to vote. In addition, if necessary, the aforementioned date shall serve as the deadline for voters to request transfers or relocations, as well as request Early Voting and Voting at an Accessible Polling Place. Voters eligible for Absentee Voting shall have up to forty-five (45) days before the holding of the voting to request Absentee Voting. The Permanent Registration Boards (JIP) of the State Election Commission shall be open to the public to conduct all of these transactions during regular business hours.

THEREFORE: I, PEDRO R. PIERLUISI, Governor of Puerto Rico, in the exercise of the powers and duties conferred to me by Act No. 165-2020, hereby proclaim that:

FIRST: Voting Date

On Tuesday, November 5, 2024, a voting authorized under Act No. 165-2020, known as the "Act to Implement the 2020 Plebiscite Petition for Statehood," shall be held in every election precinct of Puerto Rico, and all qualified voters are hereby called to participate therein.

SECOND: Voting Hours

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

THIRD: Options to be Presented in the Voting

The plebiscite shall offer eligible voters the opportunity to choose one (1) of the options included in the "Puerto Rico Status Act," HR 8393. Hence, the following options shall be included in the ballot:

- (A) Statehood.
- (B) Independence.
- (C) Sovereignty in Free Association with the United States.

FOURTH: Meaning of the Options

The ballot shall include the following explanation of the options:

A. Statehood:

1. The State of Puerto Rico is admitted into the Union on an equal footing with the other States in all respects whatever and is a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States and reserved to the State of Puerto Rico or to its residents.
2. The residents of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect in Puerto Rico as in the other States of the Union.
3. United States citizenship of those born in Puerto Rico is recognized, protected, and secured under the United States Constitution in the same way such citizenship is for all United States citizens born in the other States.
4. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. Instead, the State of Puerto Rico will become a State on equal footing with each of the current 50 States in the United States of America. Individuals and businesses resident in



the State of Puerto Rico will be subject to United States Federal tax laws as well as applicable State tax laws.

B. Independence:

1. Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.
2. Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations.
3. Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who have such United States citizenship have a right to retain United States nationality and citizenship for life, by entitlement or election as provided by Federal law.
4. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers.
5. The Constitution and laws of the United States no longer apply in Puerto Rico and United States sovereignty in Puerto Rico is ended.

C. Sovereignty in Free Association with the United States:

1. Puerto Rico is a sovereign nation that has full authority and responsibility over its territory and population under a constitution of its own adoption which shall be the supreme law of the nation.
2. Puerto Rico is vested with full powers and responsibilities consistent with the rights and responsibilities that devolve upon a sovereign nation under international law, including its own fiscal and monetary policy, immigration, trade,



and the conduct in its own name and right of relations with other nations and international organizations, except as otherwise provided for in the Articles of Free Association to be negotiated by Puerto Rico and the United States.

3. Puerto Rico has full authority and responsibility over its citizenship and immigration laws, and persons who have United States citizenship have a right to retain United States nationality and citizenship for life by entitlement or election as provided by Federal law.
4. Birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship. Individuals born in Puerto Rico to at least one parent who is a citizen of the United States shall be United States citizens at birth, consistent with the immigration laws of the United States, for the duration of the first agreement of the Articles of Free Association.
5. Puerto Rico enters into Articles of Free Association with the United States, with such devolution and reservation of governmental functions and other bilateral arrangements as may be agreed to by both Parties under the Articles, which shall be terminable at will by either the United States or Puerto Rico at any time.
6. Puerto Rico will no longer be a possession of the United States for purposes of the Internal Revenue Code. In general, United States citizens and United States businesses in the nation of Puerto Rico will be subject to United States Federal tax laws (as is the case with any other United States citizen or United States business abroad) and to Puerto Rican tax laws. Puerto Rico's status as an independent, sovereign nation will be the controlling factor in the taxation of Puerto Rican taxpayers. In addition, Puerto Rico will enter into an agreement with the United States to provide "Sovereignty in Free Association" between the two nations. This agreement may modify the otherwise applicable tax rules, subject to negotiation and ratification by the two nations.
7. The Constitution of the United States no longer applies in Puerto Rico, the laws of the United States no longer apply in Puerto Rico except as otherwise provided in the Articles of Free Association, and United States sovereignty in Puerto Rico is ended.
8. All matters pertaining to the government-to-government relationship between Puerto Rico and the United States, which may include foreign affairs, trade, finance, taxation, currency,



economic assistance, security and defense, dispute resolution and termination, shall be provided for in the Articles of Free Association.

FIFTH: Certification of Results

The counting of ballots and the certification of the results by the State Election Commission shall only be carried out pursuant to the holding of the Supreme Court of Puerto Rico in *Suárez-Cáceres v. Com. Estatal Elecciones*, 176 DPR 31, 73-74 (2009). A vote not cast and any blank ballot cast and lacking a clear expression of the voter's intent "in no way may be counted for purposes of influencing or affecting the results of an election, referendum, or Plebiscite, among other voting events." Therefore, any interpretation of the results of this voting shall be subject to a valid vote for one of the options printed on the ballot. The absence of voters in the election or void or blank ballots cast shall never be used to suppress the intent of voters who democratically, voluntarily and validly exercised their right.

SIXTH: Vote Counting System

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

SEVENTH: Voter Identification

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

EIGHTH: Absentee and Early Voting

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

NINTH: Right to Vote Guaranteed

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

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

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



TENTH: Education and Disclosure

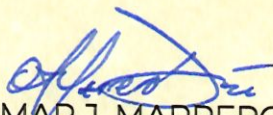
As part of the continuous efforts to educate and inform citizens and voters of the scope of the Act enabling this voting and the electoral processes related to this Proclamation, not later than fifteen (15) days from the call for this voting, the Chair of the Commission shall publish and continually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


ELEVENTH: Supplemental Laws

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

IN WITNESS WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed in San Juan, Puerto Rico, on this 1st day of July 2024.

Promulgated in accordance with the Law, on this 1st day of July 2024.


OMAR J. MARRERO
Secretary of State


PEDRO R. PIERLUISI
Governor

