

H.B. 2655

(No. 211)

(Approved September 27, 2006)

AN ACT

To amend subsection (g) of Section 5.035 and amend Section 5.037 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” in order to add as persons entitled to vote through the absentee vote those firefighters who are in active service during voting hours and for other related purposes.

STATEMENT OF MOTIVES

The right to vote is of constitutional rank. The Puerto Rico Electoral Act has been a fundamental element for establishing the way and manner in which electoral processes are to be conducted in Puerto Rico. Throughout the years this Act has suffered several amendments directed to ensuring that the voting process be agile and that it guarantees access to all persons with the right to vote. This has been done to try to make sure that the persons elected are the result of a fair and democratic process represented by the greatest number of electors possible.

This legislation seeks to permit those firefighters who are in active service during voting hours to vote through the absentee vote so that they may remain at their post and thus be able to guarantee a rapid response in times of emergency. With this measure we make the electoral process more accessible to those electors who fit into these categories.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Subsection (g) of Section 5.035 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” is hereby amended to read as follows:

“Section 5.053.-Persons Entitled to the Absentee Vote.-The duly qualified electors who are entitled to vote through the absentee voting procedure in their polling places are those who are:

(a) Stationed abroad...

(b) ...

(c) ...

(g) The members of the Puerto Rico Police, for up to a maximum of two thousand five hundred (2,500) electors and the Corps of Custody Officials of the Corrections Administration and the Firefighters Corps of Puerto Rico in active service who during the voting hours on election day are not enjoying regular leave, sick leave or disability leave or who find it impossible to vote in their respective polling places due to their work. The application must be accompanied by a certificate from their superior officer attesting to their being members of the corresponding Corps and by their badge number.

(h) ...

(i)”

Section 2.-The sixth paragraph of Section 5.037 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” is hereby amended to read as follows:

“Section 5.037.-Absentee Vote.-Any elector entitled to vote as an absentee voter in a specific election, as established in Section 5.035, who

is unable to be in his/her polling place on the date the same is held, shall cast his/her vote according to the following procedure:

...

...

...

...

For the vote of the members of the Police, of the Officials of the Commonwealth Election Commission and the Local Election Commissions, of the Custody Officials of the Corrections Administration and of the members of the Firefighter Corps, the Commission shall send to the Local Commissions the envelopes of the applicants corresponding to a precinct so that they may receive their voting materials in person and vote before the Local Commission during the hours fixed by regulations according to the provisions of this Act.

....”

Section 3.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 211 (H.B. 2655) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsection (g) of Section 5.035 and amend Section 5.037 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” in order to add as persons entitled to vote through the absentee vote those firefighters who are in active service during voting hours and for other related purposes,

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

In San Juan, Puerto Rico, today 27th of November of 2006.

Francisco J. Domenech
Director