

**TEXT APPROVED IN FINAL VOTE BY THE SENATE
(MAY 13, 2013)**

COMMONWEALTH OF PUERTO RICO

17th Legislative Assembly

1st Regular Session

SENATE OF PUERTO RICO

S. Conc. R. 24

MAY 8, 2013

Introduced by Messrs. *Nadal-Power and Rosa-Rodríguez*

Co-sponsors Messrs. *Fas-Alzamora, Tirado-Rivera, Bhatia-Gautier, Dalmau-Santiago, Torres-Torres*; Mmes. *López-León, González-López*; Messrs. *Nieves-Pérez, Pereira-Castillo, Rivera-Filomeno, Rodríguez-González, Rodríguez-Otero, Rodríguez-Valle, Ruiz-Nieves, Suárez-Cáceres, and Vargas-Morales*.

Referred to the Committee on Rules, Calendar and Internal Affairs

CONCURRENT RESOLUTION

To inform the President and the Congress of the United States about the results of the plebiscite held on November 6, 2012, and support the request of the President of the United States of America for the Congress to appropriate \$2.5 million to the State Elections Commission for a federally-sponsored plebiscite after conducting the appropriate voter education campaign, which incorporates all options, including enhanced Commonwealth, based on the principles of fairness and equality; to authorize the disbursement of funds; and for other purposes.

STATEMENT OF MOTIVES

On November 6, 2012 a plebiscite was held in Puerto Rico along with the general elections. The results of such plebiscite were inconclusive because none of the options on Puerto Rico's political status received a majority of the votes. Said plebiscite consisted of two separate questions, formulated by the preceding government administration, which favored statehood for Puerto Rico, in order to portray a false majority in favor of statehood and prevent such formula from competing against the Commonwealth option that had been favored by the people of Puerto Rico in previously-held plebiscites.

The results were the following: the first question asked voters whether or not Puerto Rico should maintain its current form of political status. Nine hundred seventy thousand nine hundred ten (970,910), that is, fifty-one point seven percent (51.7%) of the people voted "NO"; whereas eight hundred twenty-eight thousand seventy-seven (828,077), that is, forty-four point one percent (44.1%) of the people voted "YES." However, a total of sixty-seven thousand two hundred sixty-seven (67,267) voters cast a blank ballot, which accounted for three point six percent (3.6%) of voters.

The second question asked voters to choose from options that excluded the current political status. Statehood received eight hundred thirty-four thousand one hundred ninety-one (834,191), or forty-four point four percent (44.4%) of the votes cast; sovereign free associated state received four hundred fifty-four thousand seven hundred sixty-eight (454,768), or twenty-four point three percent (24.3%) of the votes cast; and independence received seventy four thousand eight hundred ninety-five (74,895), or four percent (4) of the votes cast. However, such question received a total of four hundred ninety-eight thousand six hundred four blank votes, which accounted for twenty-six point five percent (26.5%) of the votes cast.

These results should not surprise us, since the preceding Legislative Assembly approved the plebiscite disregarding the procedural and substantive consensuses required to legitimize any plebiscite held.

The Party that supported the Commonwealth option, which was the opposition at the time, objected to such process. It stated that the process was contrary to the provisions of H.R. 2499, as amended and approved by the United States House of Representatives, which included the Commonwealth among the options in the second question. Moreover, it stated that the process had been criticized by the White House because it was designed with the intent to conceal the true expression of the people of Puerto Rico.

Supporters of the Commonwealth employed two different methods to express their opposition. On the one hand, the Governing Board of the Party supporting the Commonwealth option adopted a resolution asking voters to cast a blank ballot in protest. On the other hand, a significant number of pro-Commonwealth leaders openly conducted campaigns in favor of the so-called Sovereign Free Associated State option.

There is no doubt that the intent of voters who traditionally spoil their ballots, cast a blank ballot, or vote for a fictional character, is to express their dissatisfaction, whether with the proposals or the candidates presented in the ballot.

If the United States Congress wishes to know the number of Puerto Rican voters who do not favor statehood for Puerto Rico, blank ballots should be taken into account because such votes clearly express the intent of voters against it. Thus, it should be understood that votes cast in favor of statehood did not exceed forty-four point four percent (44.4%), which shows a two percent (2%) decrease in the historical peak it achieved in 1998. In other words, fifty-five point six percent (55.6%) of Puerto Rican voters rejected statehood in the 2012 plebiscite.

Previously, in 1998, the Party that supported statehood had also designed a unilateral and exclusionary plebiscite; nonetheless, voters had the option to vote for “None of the Above.” The “None of the Above” option received fifty point three percent (50.3%) of the votes cast, followed by Statehood and Independence, which received forty-six point five percent (46.5%) and two point five percent (2.5%) of the votes cast, respectively. The results of the 1998 plebiscite were consistent with those of the 1993 plebiscite, in which the Commonwealth option received forty-eight point six percent (48.6%) of the votes cast, whereas statehood and independence received forty-six point three percent (46.3%) and four point four percent (4.4%) of the votes cast, respectively. The only other event of this kind that had been held since the establishment of the Commonwealth of Puerto Rico in 1952, took place in 1967. In the 1967 plebiscite, the Commonwealth received sixty point three percent (60.3%) of votes cast and statehood received thirty-nine percent (39%).

Unfortunately, the preceding government administration in Puerto Rico, whose term ended in December 2012, failed to sponsor a process that would include the recommendations of the Task Force on Puerto Rico’s Status appointed by President Barack Obama. Such Task Force proposed—on a report released in March 2011— various methods to ask Puerto Ricans about their political status in a manner that is fair for the supporters of all options. Furthermore, it also failed to address the issue of Puerto Rico’s political status in an inclusive and responsible manner.

On April 10, 2013, President Barack Obama included a \$2.5 million appropriation in the budget request for fiscal year 2014 for the State Elections Commission to conduct a voter education campaign and a plebiscite that includes all constitutionally viable status options. The action taken by the President of the United States shows that the plebiscite designed by the preceding government

administration lacks legitimacy or credibility before the government of the United States of America.

In light of the history of imposed and exclusionary plebiscites that only attests to our people's division with regard to this issue, it is necessary to inform the President and the Congress of the United States about the true results of the plebiscite held on November 6, 2012.

BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- To inform the President and the Congress of the United States about the results of the plebiscite held on November 6, 2012, and support the request of the President of the United States of America for the Congress to appropriate \$2.5 million to the State Elections Commission for a federally-sponsored plebiscite, after conducting the appropriate voter education campaign, which incorporates all options, including enhanced Commonwealth, based on the principles of fairness and equality; to authorize the disbursement of funds; and for other purposes.

Section 2.- The results of the 2012 plebiscite were the following: in the first question, which asked voters whether or not Puerto Rico should continue to have its current form of political status, the "NO" option received fifty-three point nine percent (53.9%) of the votes cast, whereas the "YES" option received forty-six percent (46%). The results of the second question, which asked voters to choose from the options that did not include the current status, were the following: the statehood option received forty-four point four percent (44.4%) of the votes cast (834,191); the "sovereign free associated state" received twenty-four point three percent (24.3%) of the votes cast (454,768); the independence option received four percent (4%) of the votes cast (74,895), and blank ballots accounted for twenty-six point five percent (26.5%) of the votes cast (498,604).

Section 3.- The foregoing shows that the representations made before the United States Congress stating that the statehood option was favored by the majority of Puerto Ricans, does not accurately reflect the results of the plebiscite on Puerto Rico's status held on November 6, 2012.

Section 4.- A copy of this Concurrent Resolution shall be delivered to the President, the Vice President, and the Secretary of State of the United States, to all the Members of the 113th United States Congress, as well as to all pertinent government and nongovernmental organizations, human rights organizations, and the local, national, and international media, among others.

Section 5.- A certified copy of this Concurrent Resolution shall be translated into English and delivered by the Secretary of the Senate and the Clerk of the House of Representatives of Puerto Rico to the members of the United States Congress.

Section 6.- This Concurrent Resolution shall take effect immediately after its approval.