



## **Frequently Asked Questions - Statehood for Puerto Rico**

### **1.) Was November 3, 2020, the first time that voters in Puerto Rico were asked about their political status?**

- a. No. The U.S. citizens of Puerto Rico have been asked the question regarding the island's status three times in the last decade, with different language, and each time "statehood" has gained the majority of support.

### **2.) What was the voter turnout and results of November 3, 2020 general election plebiscite in Puerto Rico?**

- a. With a 54.72 % participation rate, the final certified results of the plebiscite were 655,505 votes (52.52 %) "Yes" and 592,671 votes (47.48 %) "No," on whether Puerto Rico should join the Union as a state.

### **3.) What was the question presented to voters?**

- a. The plebiscite question derived by the elected representatives of Puerto Rico to voters was "[s]hould Puerto Rico be admitted immediately into the Union as a State? Yes or No."

### **4.) Didn't the U.S. Department of Justice (DOJ) deny Puerto Rico the disbursement of \$2.5 million to resolve the island's future political status?**

- a. While the DOJ denied the disbursements of the \$2.5 million, the DOJ's own disregard of congressional guidelines as to acceptable ballot materials and failure to meet congressional deadlines led to the inability to disburse funds prior to the plebiscite.
  - i. House Report 116-101 (H. Rpt. 116-101) was enacted with the signing of the Consolidated Appropriations Act, 2020 (P.L. 116-93), on December 20, 2019.
  - ii. DOJ was required within 45 days of enactment of P.L. 116-93 "to provide the Committee, as well as the Puerto Rico State Elections Commission, with a report regarding the acceptable versions of voter education materials, plebiscite ballot formats, and related materials that would allow the Department to obligate this funding for a future plebiscite" and to "expeditiously act upon any request for this funding."<sup>1</sup>

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<sup>1</sup> House Report 116-101, Commerce Justice, Science, and Related Agencies Appropriation Bill, 2020, <https://www.congress.gov/congressional-report/116th-congress/house-report/101/1?q=%7B%22search%22%3A%5B%22House+Report+116-101%22%5D%7D&s=1&r=1>

- iii. DOJ disregarded directives to provide acceptable plebiscite materials by the congressional deadlines to the required parties, which caused the delayed and limited timeframe for review. In April 2020, DOJ did publish the delayed report but with very limited guidance.<sup>2</sup>
- iv. Additionally, DOJ demanded that all the status options be included on the ballot, in violation of the directives in H. Rpt. 116-101 which directed that “[t]he current territorial/Commonwealth status should be excluded from any future plebiscite, since it fails to address key inequities.”<sup>3</sup>

## 5.) Since the DOJ did not disburse the funds does that mean the plebiscite was illegitimate?

- a. NO, any controversy about the language of the question was resolved prior to the plebiscite by the Supreme Court of Puerto Rico (“PRSC”).
  - i. On October 5, 2020, the PRSC upheld the constitutionality of the November 3, 2020 plebiscite, determining that it was a constitutionally valid exercise of self-determination and that those who contend the plebiscite is not neutral or is discriminatory fail to notice the legal effects of the 2012 and 2017 plebiscites.<sup>4</sup>
  - ii. Additionally, the PRSC held that there has never been a single or standard process for admission as a state, and the denial by the DOJ was inconsequential since holding the plebiscite only depends on the will of the territory, not on congressional authorization.<sup>5</sup>

## 6.) What are the federal legislative proposals to resolve Puerto Rico’s political status?

- a. In the 117th Congress the legislative proposals introduced to address Puerto Rico’s status are as follows:
  - i. H.R. 1522 and S.780, *Puerto Rico Statehood Admission Act*, introduced by Rep. Darren Soto (D-FL-09), Resident Commissioner Jenniffer González-Colón (R-PR At Large), and Senator Martin Heinrich (D-AZ).
  - ii. H.R. 2070 and S.865, *Puerto Rico Self-Determination Act of 2021*, by Rep. Nydia Velazquez (D-NY-07) and Senator Robert Menendez (D-NJ).

## 7.) What are the main differences between the legislative proposals?

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<sup>2</sup> U.S. Department of Justice, Report Submitted to the House and Senate Committees on Appropriations and the Puerto Rico State Elections Commission as requested by House Report 116-101 accompanying the Consolidated Appropriations Act, 2020.

<sup>3</sup> House Report 116-101, Commerce Justice, Science, and Related Agencies Appropriation Bill, 2020, <https://www.congress.gov/congressional-report/116th-congress/house-report/101/1?q=%7B%22search%22%3A%5B%22House+Report+116-101%22%5D%7D&s=1&r=1>

<sup>4</sup> *Aponte-Rosario, et al., v. President EEC, et al.*, 2020 PRSC 119 (P.R. 2020)

<sup>5</sup> *Id.*

- a. H.R. 1522 and S.780 respect the will of voters in Puerto Rico, by mandating a binding ratification vote on the statehood “Yes” or “No” question previously presented to Puerto Rican voters and establishes the terms of admission as a state into the Union within 12 months if “statehood” is ratified.
- b. H.R. 2070 and S.865 reject and silence the will of voters in Puerto Rico, by disregarding the electoral results and forcing the Legislature of Puerto Rico to establish a non-binding status convention composed of newly elected local delegates, supervised by a federal negotiating commission, to present a potential multitude of status options to voters with no certainty or guarantee that its proposed status option will be accepted by Congress.

**8.) Why are H.R. 1522 and S.780 binding, while H.R. 2070 and S.865 are non-binding?**

- a. H.R.1522 and S.780 are binding because the legislation is self-executing following the direct ratification vote of Puerto Ricans on the island. If statehood is chosen again by the people of Puerto Rico, the President of the United States merely needs to execute the law and proclaim Puerto Rico as a state after 12 months.
- b. H.R. 2070 and S.865 are non-binding because the legislation fails to establish clear timelines for choosing the self-determination option and when a referendum will take place. Also, they are non-binding since no convention can impose a status option upon Congress or mandate the automatic adoption of an unknown future resolution.

**9.) Puerto Rico just held a special election to choose a “Shadow Puerto Rico Congressional Delegation.” What is the purpose, make-up, and term of this delegation?**

- a. On May 16, 2021, Puerto Rico held a special election to choose the Puerto Rico Congressional Delegation (“Delegation”), entrusted with the duty to demand Congress honor the results of the November 3, 2020 plebiscite and admit Puerto Rico as a state.
- b. The Delegation includes two special delegates to the United States Senate and four special delegates to the United States House of Representatives.
- c. The term of the Delegation from is July 1, 2021 to December 31, 2024.

**10.) Opponents of statehood claim that the low voter turnout for the special election of the Delegation invalidates the vote in November. Is this correct?**

- a. No. In the United States we have general elections and special elections with varying levels of voter turnout, and yet we do not disregard those results.
- b. Elections are decided by ballots and votes cast, not by those who fail to vote on an issue.
- c. In a time when we are protecting the right to vote and the integrity of our elections, we must not reverse or disregard the definitive will of U.S. citizens legally voting to choose their future political status.