Puerto Rico’s Political Status and the 2012 Plebiscite: Background and Key Questions

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Summary

For the first time since 1998, voters in Puerto Rico are preparing to reconsider the island’s relationship with the federal government. Voters will be asked to answer two questions: (1) whether they wish to maintain the status quo or pursue a new relationship and (2) regardless of the choice in the first question, whether they prefer statehood, independence, or to be a “sovereign free associated state.” Although the November 2012 status vote, termed a “plebiscite,” is nonbinding, Congress will likely be asked to consider the result and may choose to engage in oversight or legislation on the issue. Regardless of the outcome, the plebiscite is likely to be followed closely in Puerto Rico and Washington. Whether initiated by the Puerto Rican people or Congress, any change in the island’s political status would require congressional action.

Beyond the plebiscite, Congress has broad jurisdiction over territories and routinely monitors status developments. Some Members of Congress—especially those with large Puerto Rican constituencies or personal connections to Puerto Rico—also closely follow the issue. “Political status”—a term of art referring to the relationship between the federal government and a territorial government—is perhaps the defining issue in Puerto Rican politics and the island’s interactions with the mainland.

This report will be updated periodically as events warrant.
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Introduction

Congress has considered Puerto Rico’s “political status”—a term of art referring to the relationship between the federal government and a territorial government—for more than a century. As Figure 1 shows, Puerto Rico lies approximately 1,000 miles southeast of Miami and 1,500 miles from Washington, DC. Despite being far outside the continental United States, the island\(^1\) has played a unique role in American politics and policy since the United States acquired Puerto Rico from Spain in 1898. It is the largest of the five\(^2\) major U.S. territories, hosts the biggest population, features heavy traffic and commerce with the mainland, and has long-standing ties with the U.S. military (both as a strategic location and home to service members).

![Figure 1. Puerto Rico and Surrounding Area](image)

**Source:** CRS figure using data from Map Resources (2012).

Beginning in 1900, Congress delegated authority over most local matters to a civilian territorial government. Over the next 50 years, Congress recognized a delegate to the U.S. House (the Resident Commissioner); granted Puerto Ricans U.S. citizenship; and established a federal-style civilian government, including a popularly elected governor and Legislative Assembly. Whether the island should remain a territory, become a state, or become independent remains unsettled. Status is arguably the dominant issue in Puerto Rican politics, along which parties align and politics is organized.

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\(^1\) Despite consisting of three major islands, Puerto Rico is typically referred to as “the island,” as a reference to the largest island of the same name. Culebra and Vieques are also inhabited. A fourth major island, Mona, primarily serves as a nature preserve.

\(^2\) The other four inhabited territories are American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands.
Puerto Rico’s Political Status and the 2012 Plebiscite: Background and Key Questions

For the first time since 1998, the people of Puerto Rico are preparing to vote in November 2012 on whether to change their status and if so, how. Although the 2012 plebiscite is a territorial initiative rather than a federal one, there could be notable implications for Congress. Most importantly, whether initiated by the Puerto Rican people or Congress, any change in the island’s political status would require congressional action. Beyond the plebiscite, Congress has broad jurisdiction over territories and routinely monitors status developments. Some Members of Congress—especially those with large Puerto Rican constituencies or personal connections to Puerto Rico—also closely follow the issue.

This report provides a foundation for understanding Puerto Rico’s status, why those on the island and in Washington continue to be interested in the issue, and how the 2012 plebiscite provides an opportunity to revisit status. The key issues and questions discussed here may be relevant as the House and Senate follow the status plebiscite and consider their response.

Format and Scope of the Report

This report is designed to emphasize brief, accessible answers to selected key questions and issues about Puerto Rico’s political status and the plebiscite. The discussion below is organized around selected key policy questions, followed by brief answers and additional analysis. The final section highlights issues that may be relevant as Congress considers the plebiscite and interprets the results.

The report is intended to provide a relatively short overview for congressional readers interested in policy and political matters. It is not intended to substitute for a comprehensive analysis of the complex and culturally sensitive issues surrounding Puerto Rico’s more than 100-year affiliation with the United States. Additional policy, political, and historical background appears in other CRS products cited herein. The report also is not intended to be an analysis of the various legal, economic, or other issues that might arise in considering Puerto Rico’s political status or a change in its relationship with the United States.

Background on Political Parties and Status

From the outset, it is important to note that the dominant Democratic and Republican party labels found on the mainland do not necessarily translate to Puerto Rican politics. As discussed below, three major Puerto Rican parties dominate instead. At the federal level, positions on status do not necessarily follow clear partisan patterns. Co-sponsorship of status legislation, for example, may unite liberal Democrats with conservative Republicans on one bill, while creating different alliances on another. For those Members who have firm positions on status, personal preference or constituent issues appear to be key motivations. Particularly in recent years, members of both parties in Congress have generally argued that clear consensus on status is necessary among the Puerto Rican people, regardless of the chosen option.

In Puerto Rico, politics tends to revolve around three status perspectives represented by the three most established political parties:

- The status quo or “pro-commonwealth” position is generally associated with the Popular Democratic Party (PDP/PPD).
- The pro-statehood position is generally associated with the New Progressive Party (NPP/PNP).
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- The independence position is generally associated with the Independence Party (PIP or Independistas).
- Other options that call for modified versions of the current commonwealth status or independence may appeal to members of one or more parties. Typically, the two major perspectives other than the status quo, statehood, or independence are (1) “enhanced commonwealth” and (2) “free association.” As discussed below, the former arguably signals a semi-autonomous status whereas the latter suggests independence with closer ties to the United States than a more traditional independence option.

Views within the three major parties, as well as among other parties and interest groups, are not necessarily uniform. These differences regularly produce active factional groups or officially recognized minor parties. The PDP, NPP, and PIP nonetheless remain the most consistent partisan forces in Puerto Rican politics.

Puerto Rico’s Political Status and the 2012 Plebiscite

What Is Puerto Rico’s Current Political Status?

Brief Answer

Puerto Rico is a U.S. territory subject to congressional authority derived from the Territory Clause of the U.S. Constitution. Congress recognized island authority over matters of internal governance in 1950 through the Federal Relations Act (FRA) and when it approved the island’s Constitution in 1952. Some contend that these laws and other federal action afford Puerto Rico a unique status embodied in the “commonwealth” concept. This perspective remains a topic of debate. Nonetheless, federal law would have to be changed to alter Puerto Rico’s status, which would require congressional and presidential approval through the normal legislative process.

Discussion

Puerto Rico’s political relationship with the United States is shaped by constitutional and statutory authority. The Territory Clause of the U.S. Constitution grants Congress “Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” Congress has enacted various statutes to address specific matters concerning the island’s political status. Puerto Rico’s current political status, as determined by federal statute (or otherwise, as noted), is summarized briefly below.

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3 U.S. Const., Art. IV, Sec. 3, cl. 2. As noted previously, matters of legal and constitutional interpretation are beyond the scope of this report. For background discussion of the Territory Clause, see CRS, The Constitution of the United States of America: Analysis and Interpretation, available on the CRS website under the Quick Link “Constitution Annotated.”

4 See 64 Stat. 319 (popularly known as “P.L. 600” (P.L. 81-600)); and 66 Stat. 327 respectively.

5 U.S. Const., Art. IV, Sec. 3, cl. 2.
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- Spain ceded Puerto Rico (along with Guam and the Philippines) to the United States in 1898 following the Spanish-American War. The U.S. military initially administered the island thereafter.

- Congress established a civilian government in 1900. Among other points, the Foraker Act established an “executive council” consisting of a presidentially appointed civilian governor and various department heads. The new government also included a popularly elected House of Delegates (which shared decision-making power with the executive council) and a U.S.-style judiciary system.

- The Foraker Act also established the Resident Commissioner position to represent island interests in Washington. These duties came to include nonvoting service in the U.S. House of Representatives (the primary role of the Resident Commissioner today). Through the Jones Act (1917), Congress authorized appropriations for legislative staff and franking privileges for the Resident Commissioner.

- Devoted primarily to strengthening Puerto Rico’s civil government, the Jones Act also extended U.S. citizenship to Puerto Ricans and established a bill of rights for the island.

- Congress recognized island authority over matters of internal governance in 1950 through the Federal Relations Act (FRA) and when it approved the island’s Constitution in 1952. No major status changes have occurred since.

After enactment of the FRA and approval of the Constitution, Puerto Rico became known formally as the “Commonwealth of Puerto Rico.” Use of the word “commonwealth” and whether the term carries particular legal or political significance is a topic of substantial historical and scholarly debate—most of which is beyond the scope of this report. A brief summary of the competing major perspectives, however, provides important context for understanding the ongoing status debate.

On one hand, some contend that Puerto Rico’s commonwealth status signifies a unique recognition somewhere between territory and state. This perspective is often called “enhanced commonwealth” or “new commonwealth.” As prominent territories scholar Arnold H. Leibowitz has summarized, those holding this view have argued that more than local self-government was achieved by the 1950-1952 legislation. It contends that a new legal entity was created with a unique status in American law: the Commonwealth, a status which is an internationally recognized non-colonial status... Most important, in this view, Commonwealth is not a “territory” covered by the ‘Territory Clause’

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7 31 Stat. 77.
8 31 Stat. 86.
9 On the Resident Commissioner and evolving duties and parliamentary rights and responsibilities, see CRS Report RL31856, Resident Commissioner from Puerto Rico, by R. Eric Petersen; and CRS Report R40170, Parliamentary Rights of the Delegates and Resident Commissioner From Puerto Rico, by Christopher M. Davis.
12 See 64 Stat. 319 (popularly known as “P.L. 600” (P.L. 81-600)); and 66 Stat. 327 respectively.

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of the Constitution, nor quite obviously is it a state; rather, Commonwealth is sui generis and its judicial bounds are determined by a “compact” which cannot be changed without the consent of both Puerto Rico and the United States.\textsuperscript{13}

Others, however, contend that, at least in the Puerto Rican context, the term “commonwealth” does not hold particular legal or political significance. From this viewpoint, “commonwealth” is a stylistic or historical term of art, such as that used in the formal names of states such as the Commonwealth of Pennsylvania. Some also suggest that commonwealth refers to a form of government, but does not designate a unique non-territorial status. As Leibowitz has observed,

\begin{quote}
From the outset the non-Commonwealth parties in Puerto Rico, seeking either Statehood or independence ... questioned the concept of the Commonwealth. They have argued that although Congress may delegate powers to a territorial government, the broad powers granted to Congress under the Territorial Clause of the Constitution and the implied powers of the national government remain and may be exercised should the need arise. Further they cite the legislative history of Public Law 600 [the FRA] to challenge the compact and Commonwealth concept.\textsuperscript{14}
\end{quote}

Those rejecting the status quo also generally suggest that Puerto Rico’s current status was not intended to be—or perhaps should not be—permanent, and that statehood or independence are natural next steps.

Debate over significance of the “commonwealth” term notwithstanding, action by Congress would be necessary to alter Puerto Rico’s political status. Doing so, of course, would require passage of legislation by Congress and approval by the President.

### What Is the Upcoming Status Plebiscite About?

**Brief Answer**

The November 2012 plebiscite—a non-binding popular vote—will allow voters in Puerto Rico to determine whether they want to maintain their current status relationship with the United States or choose another option. Other options listed on the ballot include (1) statehood, (2) independence, or (3) “sovereign free associated state.” The Puerto Rico Legislative Assembly authorized the plebiscite in 2011.

**Discussion**

Momentum surrounding the current plebiscite has been building for several years. A plebiscite could be federally authorized or initiated within Puerto Rico. In this case, the 111\textsuperscript{th} Congress ultimately declined to enact legislation (H.R. 2499) to authorize a status plebiscite, although the measure passed the House in 2010. Those calling for congressional action had suggested that


\textsuperscript{14} Ibid., p. 164.
federal “buy-in” would increase a plebiscite’s legitimacy and the chances for a resolution to the status issue.15

Efforts to call a plebiscite shifted back to Puerto Rico after H.R. 2499 stalled in Congress. In addition, former Resident Commissioner Luis Fortuño (NPP) had returned to San Juan to assume the governorship in 2009. Governor Fortuño urged the Legislative Assembly to authorize a plebiscite, essentially renewing the debate (but not necessarily the form) surrounding H.R. 2499 and building on similar efforts Fortuño had undertaken while in Congress. Local legislation authorizing the plebiscite was enacted in December 2011.16

The plebiscite will be held on the same day as the November 6, 2012, general election, which will also include three other ballots on races for governor, Resident Commissioner, Legislative Assembly, and municipal offices.17 As Figure 2 below shows, the plebiscite ballot includes two questions:

- Question 1 asks whether voters wish to retain the territorial status quo or not.
- Question 2 asks voters to choose between three “non-territorial options” regardless of their choice on question 1. As listed on the ballot, these options include (1) statehood, (2) independence, and (3) “sovereign free associated state.”

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15 For example, Mr. Pierluisi, the Resident Commissioner, stated during floor debate on H.R. 2499: “[The bill] identifies the valid political status options for Puerto Rico and authorizes a congressionally sanctioned plebiscite process among those options. It shows the highest respect for the people of Puerto Rico by being candid with them about their real status choices.” See Rep. Pedro Pierluisi, “Puerto Rico Democracy Act of 2009,” House debate, Congressional Record, daily edition, vol. 156 (April 29, 2010), p. H3032. The surrounding discussion also provides an overview of arguments for and against the plebiscite and about status generally.

16 Act No. 283 (H.B. 3648), approved December 28, 2011.

17 Votes for Governor and Resident Commissioner are cast on the same ballot.
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Figure 2. 2012 Plebiscite Sample Ballot
Not actual size. See figure notes below.

Haz la selección que considere apropiada.

¿Estás de acuerdo con mantener la condición política territorial actual?
Do you agree that Puerto Rico should continue to have its present form of territorial status?

Sí / Yes  No / No

Instrucciones: Marque la opción de su preferencia. La papeleta con más de una (1) opción marcada en esta sección no será contabilizada.

Instructions: Mark your option of preference. Those ballots with more than one (1) mark in this section shall not be tallied.

¿Qué le gustaría para Puerto Rico?

Instrucciones: Independientemente de su contestación a la primera pregunta, conteste cuál de las siguientes opciones no territoriales usted prefiere.
Instructions: Regardless of your selection in the first question, please mark which of the following non-territorial options would you prefer.

La votación de más de una (1) opción marcada en esta sección no será contabilizada.

These ballots with more than one (1) mark in this section shall not be tallied.

Estadía:

Preferiría que Puerto Rico sea un estado de Estados Unidos de América, para que todos los ciudadanos americanos residentes en Puerto Rico tengan iguales derechos, beneficios y responsabilidades que los demás ciudadanos de los estados de la Unión, incluyendo derecho a la plena representación en el Congreso y participación en las elecciones presidenciales, y que se requiera al Congreso Federal que promulgue la legislación necesaria para iniciar la transición hacia la estadía. Si está de acuerdo marque aquí:

Independencia:

Preferiría que Puerto Rico sea una nación soberana y completamente independiente de Estados Unidos y que se requiera al Congreso Federal que promulgue la legislación necesaria para iniciar la transición hacia la nación independiente de Puerto Rico. Si está de acuerdo marque aquí:

Estado Libre Asociado Soberano:

Preferiría que Puerto Rico adopte un estatus fuera de la Cláusula Territorial de la Constitución de Estados Unidos, que reconocía la soberanía del Pueblo de Puerto Rico. El Estado Libre Asociado Soberano 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 goberna los restantes poderes o autoridades jurisdiccionales. Si está de acuerdo, marque aquí:

Source: Sample November 2012 plebiscite ballot provided to CRS by the Puerto Rico State Elections Commission, September 2012.

Notes: Size and spacing will differ on the actual ballot. Ballot wording and format are as provided in the original document. To fit the image in the space herein, CRS removed some white space on the ballot and at the margins of the original file.
The statehood and independence options are essentially self-explanatory, although instructions listed on the ballot provide descriptions of each option. The “sovereign free associated state” option is not a term of art historically associated with the status issue. The term resembles language used to describe “freely associated” states, such as the relationship the United States maintains with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. As in those areas, the “free associated” option for Puerto Rico would entail, the ballot instructions suggest, independence but ongoing, negotiated ties with the United States. Additional discussion of various ballot options appears in the section of this report titled “Considering the Status Options Presented.”

**Have Other Status Votes Been Held Previously?**

**Brief Answer**

Puerto Rico has held four status plebiscites or referenda previously: in 1998, 1993, 1991, and 1967. Ballot wording and options during each plebiscite or referenda differed. A majority of voters did not choose a clear change in Puerto Rico’s status on any of these occasions.

**Discussion**

None of the previous status votes is exactly comparable to the one authorized for 2012. The votes are also generally not comparable to each other due to varying question wording and order. Most recently, in 1998, a slim majority of voters (50.3%) chose “none of the above” from five status options. The status quo, whether in the form of a “commonwealth” option or another question about whether to revisit status, has received the most votes (but not necessarily a majority) in previous plebiscites or referenda. “Statehood” has been the second-place finisher each of the three times the option has appeared on the ballot. On those occasions, 38.9% (1967) and 46.4% (1993 and 1998) of voters chose statehood.

As these results indicate, voters have been divided on previous status questions. Interpretation of the results has been a topic of debate in Puerto Rico and beyond. The particulars have varied with each popular vote. There have been consistent topics of interest, however, across each vote. Major aspects of debate have been whether the options presented were practically or constitutionally viable, how options were worded and ordered, and how voter turnout may have affected the results.

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18 The U.S. administered these island areas on behalf of the United Nations after World War II.
19 For additional detail, see Table B-1 in CRS Report RL32933, *Political Status of Puerto Rico: Options for Congress*, by R. Sam Garrett, from which information in this section is adapted. Now-retired CRS specialist Keith Alan Bea originally authored the report and cited material. Rounding of the percentages identified in the text differ slightly in some sources.
Potential Issues for Congress

Has Congress Considered Puerto Rico Status Recently?

Brief Answer

Congress has previously considered status legislation occasionally but has not amended Puerto Rico’s status since the 1950-1952 period noted above. Most recently, during the 111th Congress (2009-2011), the House passed H.R. 2499, sponsored by Resident Commissioner Pierluisi. The legislation, which the Senate declined to pass, would have authorized a plebiscite somewhat similar to the one the Puerto Rico Legislative Assembly later authorized for 2012.

Discussion

Congressional activity on status issues has varied over time. As with many policy issues, long stretches of relative quiet may be followed by active consideration of one or more bills. In the 109th Congress (2005-2007), the House and Senate began actively reconsidering status legislation for the first time since 1998. Most of the new legislation proposed authorizing Puerto Ricans to reconsider their political status through a plebiscite, but some measures proposed conventions to draft status proposals.

- Most recently, the House passed (223-169) H.R. 2499 (Pierluisi) on April 29, 2010. The bill would have authorized a two-step plebiscite somewhat similar to the one the Puerto Rico Legislative Assembly authorized for 2012. Similar to question 1 in the 2012 plebiscite, the first plebiscite proposed in H.R. 2499 would have asked voters to choose between a status change and the status quo. If a majority of voters chose change in the first plebiscite, a second plebiscite would have presented a choice between independence, “sovereignty in association with the United States,” or statehood. The version passed by the House, as amended, would have added a fourth question to the second plebiscite, permitting voters to indicate a preference for maintaining commonwealth status. The Senate Committee on Energy and Natural Resources held a hearing on the measure, but it was not the subject of additional action in the chamber.

- The plebiscite approach proposed in H.R. 2499 during the 111th Congress was substantially similar to H.R. 900 (Serrano), proposed in the 110th Congress. Also during the 110th Congress, Senator Salazar introduced S. 1936, which proposed an alternative plebiscite mechanism.

- As an alternative to the plebiscite model, some legislation introduced in recent Congresses has proposed conventions in which Puerto Ricans could develop status proposals rather than choose among predetermined alternatives. During the 110th Congress, the House Committee on Natural Resources included one such bill, H.R. 1230 (Velazquez), in a hearing on status legislation. Convention

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20 In 1998, the House passed by a single vote (209-208) a status bill introduced by Rep. Young (AK). The Senate declined to pass the measure but did pass a resolution (S.Res. 279) sponsored by Sen. Torricelli supporting a popular vote. The Senate resolution passed by unanimous consent.
approaches were also proposed during House floor consideration of H.R. 2499 in the 111th Congress.

Additional legislative history information appears in another CRS product.21

**Does Congress Play a Role in the 2012 Plebiscite?**

**Brief Answer**

Congress did not authorize the plebiscite, nor does it have to do so.

Despite having no direct responsibility for the plebiscite in this case, Congress will likely be asked to consider the results. The plebiscite results are expected to be transmitted to Congress for the House and Senate’s oversight or legislative consideration.

Additional discussion appears in the section below entitled “Which Issues Might be Relevant for Congress?”

**Which Issues Might be Relevant for Congress?**

**Brief Answer**

Results of the plebiscite are non-binding. The plebiscite legislation enacted by the Puerto Rico Legislative Assembly does not provide detail about next steps, although the results will be transmitted to Congress. Particularly if voters choose a change in Puerto Rico’s status, the government of Puerto Rico, political parties, or both, would likely initiate discussions with Congress and the executive branch about how to proceed. The discussion below considers selected issues that might be particularly relevant for Congress.

**Discussion**

This section comments on selected issues that may be relevant as Congress considers the plebiscite, particularly after the results are available. The analysis is divided into two categories: (1) considering the status options presented and (2) interpreting the plebiscite results. Other factors not discussed here could also be relevant, particularly as additional developments occur and additional information becomes available.

**Considering the Status Options Presented**

- The options presented on the ballot have generated controversy in some cases. In particular, because the instructions ask voters to select an option in question 2 regardless of their answer to question 1, some have argued that the options favor statehood, which is

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historically a more popular option than independence or free association. Whether the ballot presents all available options may be subject to debate.

- The statehood and independence options are largely self-explanatory. The “sovereign free associated state” option is somewhat less clear, although the description listed on the ballot provides additional information. Because free association implies independence (but presumably more ongoing connections to the United States than the “independence” option), the final ramifications of this option remain to be seen.

- The ballot provides no option for expressing a preference for the status quo (generally, the “pro-commonwealth” position) other than answering “yes” to question 1. In particular, it is unclear which option—if any—to question 2 would be desirable for those who prefer the status quo (presumably PDP supporters). The legislation authorizing the plebiscite suggests that the “sovereign free associated” language is adapted from PDP platform language, a point that some in the PDP have disputed.

- This report focuses on the plebiscite method because it has been authorized for the 2012 vote. As noted previously, however, some have advocated that if status is to be revisited, an approach such as a convention should be used rather than one that presents pre-determined options. Those opposed to a convention generally suggest that it would not necessarily select from constitutionally viable options.

- The ballot description suggests that the options would not entail “enhanced commonwealth” status—which some (particularly some in the PDP) have previously suggested may be an option for Puerto Rico, and which those favoring the perspective have suggested could afford Puerto Rico a status somewhere between that of a territory and that of a state. Recent White House Task Force reports and many (but not all) in Congress have argued that this option is unconstitutional.22

Interpreting the Plebiscite Results

- In general, statehood and independence advocates appear to be supporting a “no” vote on question 1, whereas the “pro-commonwealth” parties and groups appear to support a “yes” vote on question 1.

- The NPP (generally pro-statehood) appears to be supporting the statehood option in question 2; the PIP (pro-independence) will presumably support the independence option. As of this writing, it appears that no major party is actively supporting the free association option in question 2.

- Given the prominence of the status issue in Puerto Rican political culture, it seems likely that voters will be familiar with the status issue. How the electorate will choose to vote—and what Congress might make of that vote—remains an open question. As of this writing, there appears to be little recent, comprehensive information about public

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22 See, for example, U.S. President’s Task Force on Puerto Rico’s Status, Report by the President’s Task Force on Puerto Rico’s Status (Washington: March 2011), available at http://www.whitehouse.gov/sites/default/files/uploads/Puerto_Rico_Task_Force_Report.pdf. The position that “enhanced commonwealth” was not constitutionally viable also appeared in previous versions of the report issued during the George W. Bush Administration.
attitudes toward the plebiscite. The law authorizing the plebiscite provides $750,000 for a State Elections Commission public education campaign. An additional $1.5 million is allocated for parties, political action committees (PACs), and citizen groups.23

- Congress has generally emphasized the need for a clear choice surrounding status if it is to take legislative action. Particularly if there is not an overwhelming plebiscite result one way or another, debate could ensue about how to interpret the results or whether additional action is warranted.

- The PDP, which supports commonwealth status, has urged supporters to boycott question 2. It remains to be seen whether this will occur.

- Only those registered to vote in Puerto Rico will be permitted to participate in the plebiscite. Some previous proposals to revisit status (e.g., H.R. 900 introduced in the 110th Congress) have proposed that those born on the island but living elsewhere also be permitted to participate.

- How the ballots are tallied could have ramifications for interpreting the results, particularly if no option in question 2 receives a clear majority. Ballots are expected to be tallied to produce the total results for question 1 and question 2. Whether the tally should also correlate answers to question 1 with answers to question 2 appears to be a topic of ongoing debate. For example, some might argue that those who voted to maintain the status quo in question 1 (a “yes” vote) should not answer question 2. Results that indicated the connection between answers in both questions might clarify whether question 2 was boycotted or whether there are indications of “spoiler” votes (e.g., incongruous choices for questions 1 and 2, such as maintaining the status quo but choosing independence). On the other hand, in the absence of additional information, voter intent could still be unclear even with a more detailed count. The Puerto Rico Legislative Assembly, Congress, or both, might or might not be persuaded by one tally method or another.

Conclusion

Congress first began considering Puerto Rico’s political status more than a century ago. Some suggest that voters on the island must now finally take decisive action to signal a desire for change, and that the options presented in the plebiscite are the best consensus options available. Others contend that the status quo is preferred and that the 2012 plebiscite design is weighted in favor of statehood. Whatever the outcome, Congress will likely be asked to consider the results. The issues raised here are by no means exhaustive, but do appear to represent major points of interest surrounding the plebiscite. Updates will be provided as events warrant.

23 See Sec. 13 of Act 283. It should be noted that Puerto Rico’s extensive public financing program for political parties and related groups differs substantially from the private financing system of federal campaigns (except for publicly financed presidential campaigns). For an overview of the latter, see CRS Report R41542, The State of Campaign Finance Policy: Recent Developments and Issues for Congress, by R. Sam Garrett.
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