

PARTIDO DEMÓCRATA DEL ESTADO LIBRE  
ASOCIADO DE PUERTO RICO

OFICINA DEL PRESIDENTE  
EUDALDO BÁEZ-GALIB

October 24, 2000

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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Federal Election Commission  
Office of the General Counsel  
999 E. Street, N.W.  
Washington, D.C. 20463

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**Request for an Advisory Opinion.**

I am the Chair of the Democratic Party of the Commonwealth of Puerto Rico. This local party is the equivalent of a State Party within the Democratic Party of the United States. The Charter and By Laws of the Democratic Party recognizes us and we are duly registered with the Commonwealth of Puerto Rico State Elections Commission.

The Democratic Party of the Commonwealth of Puerto Rico (DPPR) therefore requests this Advisory Opinion.

**Background.**

Neither the DPPR nor the Local Republican Party nominates candidates for public office in Puerto Rico. Local parties, the Popular Democratic Party, the New Progressive Party and the Independence Party are the legal, recognized entities that participate in our general elections. Both national parties, nor their local affiliates, have any participation whatsoever in Commonwealth electoral processes.

Since Puerto Rico is not a State, presidential and vice presidential elections are not held. The only federally related elected official in Puerto Rico is the Resident Commissioner to Congress, and although candidates for that office may identify themselves for Federal Election Commission records as Democrat, Republican or Independent, they are not supported by the local national parties. The above stated Commonwealth parties support them.

**DPPR political activities.**

The only intervention of the DPPR is in the Democratic Party National Convention, the Democratic National Committee (by the Chair, Vice Chair, National Committeewoman and Man) and the Association of State Democratic Chairs (the DPPR Chair).

WJB

### **National Convention.**

Puerto Rico has voting rights in the National Convention for the selection of the Democratic Party presidential and vice presidential candidates. For that purpose the Commonwealth has legislated (Compulsory Presidential Primaries Law). If a local primary is held, it is the Commonwealth who finances said election. If it is not Commonwealth sponsored, then the national parties affiliates must sponsor the primary.

During this election cycle, in DPPR case, neither process was held since there was only one candidate (Mr. Gore). The reorganization process to select the local committee (Chair, Vice Chair, Treasurer, Secretary, Parliamentarian, etc.) was held by convention, and no funds were spent for that purpose.

### **Contributions.**

DPPR has received monetary contributions totaling \$40,000.00. Only individual contributions were accepted. The maximum contributed by single individuals was \$5,000.00. Said contributions need not be reported to the Commonwealth State Election Commission under our Electoral Law since DPPR does not spend for or against candidates or parties in the Commonwealth, nor does it support candidates for Resident Commissioner.

### **Expenditures.**

Other than administrative costs, from those contributions the following expenditures were made: a) air fare, lodging and food for four members to the National Convention in Los Angeles, b) food for various other Delegates to the Convention, c) administrative expenses in Los Angeles, like car rental, photocopier, fax, telephone, office space, etc. Some polo shirts and stickers were printed alluring to the Commonwealth of Puerto Rico.

### **Future expenditures.**

 A legal notice will be promptly published in the printed media in relation to recent legal developments related to presidential voting in Puerto Rico. The U.S. District Court for the District of Puerto Rico decided that citizens in Puerto Rico had the right to vote for an Electoral College, such right deriving from Puerto Ricans' U.S. citizenship. DPPR filed a writ of *mandamus* in the Supreme Court of Puerto Rico for a declaration of unconstitutionality considering that only States, or through a constitutional amendment like the Washington, D.C. amendment, had a right to so vote.

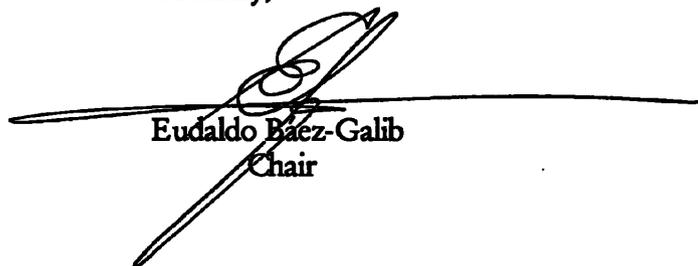
The case was removed to the U.S. District Court and has been remanded. This because the First Circuit Court of Appeals reversed the decision and ordered the District Court to vacate the order. The State Election Commission is going ahead with the voting process and public moneys are being spent. Therefore, the duty of DPPR is to advise the citizenry that such a vote has been termed improper by the Circuit Court. Case expenses and the legal notice will be financed from the aforementioned contributions.

**Advise requested.**

We have been locally advised that since we do not spend in DPPR candidates for office, and since we do not contribute in any way to the presidential campaigns nor to the Democratic Party funds, we do not have to report to the Federal Election Commission the above indicated contributions and expenses. Please advise.

Thank you for your attention.

Cordially,



Eudaldo Báez-Galib  
Chair

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