

IN THE SUPREME COURT OF PUERTO RICO

Pedro Pierluisi-Urrutia

Petitioner

v.

State Election Commission; Juan Ernesto Dávila-Rivera, in his capacity as Chair of the SEC; María Santiago Rodríguez, in her capacity as Election Commissioner for the New Progressive Party, and Lind O. Merle, in his capacity as Election Commissioner for the Popular Democratic Party

Respondents

CT-2020-11

RESOLUTION

San Juan, Puerto Rico, August 10, 2020

Having examined the Urgent Petition for Intrajurisdictional Certification filed, the proceedings in the Court of First Instance related to the case of record are hereby stayed until this Court provides otherwise.

Furthermore, petitioner is granted until 3:00 p.m. today to show to this Court that the summonses for the *Petition for Review on Elections* filed with the trial court and notice of this petition have been served on the parties.

Respondents are likewise granted until 2:00 p.m. tomorrow, Tuesday, August 11, 2020, to state their position regarding the above-referenced petition for certification.

To be notified immediately by telephone and e-mail.

It was so agreed by the Court and certified by the Clerk of the Supreme Court. Justice Estrella Martínez agrees with this decision and made the following pronouncement:

I agree with the decision to act promptly in the case of record considering that the Judicial Branch has a duty to act diligently in matters of great public interest. This being said, petitioner Pedro Pierluisi focuses his argument on questioning an aspect of the agreement reached by the Special Primaries Commission regarding the tallying of votes, despite that the process has not come to an end in all polling places. Which is to say, petitioner does not contest the date set to continue the primaries and other aspects of the agreement reached by the Special Primaries Commission. In this regard, there are other petitioners who have

come before the Judicial Branch questioning additional matters in the aforementioned agreement, for which reason they should have been addressed jointly. Therefore, pursuant to the power to issue a writ of certification on the Court's own motion, I would have issued the certification and consolidated the case of Carmen Damaris Quiñones v. State Election Commission, et al., Civil No: SJ2020CV04145, thus hearing all aspects of the controversy surrounding these primaries and granting appropriate, full and timely relief. Lastly, I hope that the issuance of the writ of certification by this Supreme Court helps bring to a halt the unlawful practice of filtering voting results in the midst of the electoral process, thus eroding the principle of a secret ballot and the equivalent weight that all votes should have, whether from voters in the city or in the mountains, in the north or in the south, whether they did vote and particularly those who were deprived from voting on August 9. To bring to the Judicial Branch the discussion of electoral squabbles is to continue to lay waste to our democratic processes. For this reason I am in agreement with the prompt purging of such a possibility, and certainly a writ of certification is the appropriate vehicle to attempt to redirect efforts to what should be the highest priority of all candidates and election officials: That all voters in precincts where voting equipment bags did not arrive may cast their ballots.

Justice Colón Pérez agrees with this decision and made the following pronouncement:

Justice Colón Pérez agrees with the decision to stay the above-captioned proceeding, but would further order, so as to enforce any subsequent ruling this Court may make, the immediate seizure of all voting equipment bags in possession of the State Election Commission containing ballots pertaining to the primaries held yesterday, Sunday, August 9, 2020.

(illegible signature)

José Ignacio Campos Pérez
Clerk of the Supreme Court