

Supreme Court of Puerto Rico to Decide the Fate of Puerto Rico's Governorship

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An McV Government Affairs Alert

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The following provides an update on developments regarding Puerto Rico's governorship since our August 2 Alert:

- On Friday, August 2nd, at 5:01 pm, Mr. Pedro Pierluisi was sworn in as the Governor of Puerto Rico. He had been nominated as Secretary of State by outgoing Governor Rosselló on July 31st, 2019, three days before Rosselló's announced departure.
- The Constitution of Puerto Rico (Article III, Section 7) states that when there is a vacancy in the office of the Governor by, among other causes, a resignation, the responsibility devolves upon the Secretary of State, who must be confirmed by both legislative chambers, House of Representatives and Senate.
- Both legislative chambers, in accordance with Rosselló's call for an extraordinary session to consider his nominee, commenced an evaluation process of Mr. Pierluisi, as Secretary of State.
- On Thursday, August 1st, the Senate adjourned until Monday, August 5th, 2019.
- On Friday, August 2nd, the House of Representatives voted to confirm the nomination of Mr. Pierluisi as Secretary of State.
- In his first press conference as Governor of Puerto Rico on Friday August 2nd, Mr. Pierluisi acknowledged that the Senate still had to confirm his position as Governor by holding a vote on his nomination as Secretary of State this week.
- On Sunday, August 4th, the Senate of Puerto Rico filed a petition for injunction and declaratory judgment before the Court of First Instance requesting the court to enjoin Mr. Pierluisi from continuing to act as Governor until he receives the advice and consent of the Senate. The Senate further requested a declaratory judgment declaring Act No. 7 of 1952, as amended in 2005, unconstitutional, for which Mr. Pierluisi's swearing-in as Governor, as well as any acts he may have performed as Governor are null and void.
- On Monday morning, the Senate filed an intra-jurisdictional petition for certification before the Supreme Court of Puerto Rico, requesting the Court to bring before it the injunction petition filed by the Senate and resolve the

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case in an expedited manner. The Supreme Court granted the petition and scheduled the filing of briefs by tomorrow Tuesday, August 6th, at noon. The Supreme Court of Puerto Rico stayed the proceedings before the Court of First Instance, indicating that it will decide the merits of the case.

- On Monday afternoon, Mr. Pierluisi reiterated through the press and social media that he would honor the determination of the Senate of Puerto Rico in their consideration of his nomination as Secretary of State.
- Later on Monday, the Senate of Puerto Rico reconvened and subsequently closed the session sine die without voting or considering Mr. Pierluisi's nomination.
- Accordingly, the nomination of Mr. Pierluisi as Secretary of State has not been approved because both legislative chambers need to confirm the nomination and the Senate has not done so.
- Pursuant to Act No. 7 of 1952, as amended, in the absence of a duly approved Secretary of State, the order of succession falls on the Secretary of Justice, Wanda Vazquez-Garced.
- However, Mr. Pierluisi has informed that he intends to wait until the Supreme Court of Puerto Rico rules upon the Senate petition for injunction and declaratory judgement, and thus the validity of his swearing-in as Governor of Puerto Rico.
- Puerto Rico still awaits a final resolution of who will be its Governor, three days after former Governor Rosselló's resignation became effective.

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