

## Puerto Rico Supreme Court declares Succession Law Unconstitutional; Pedro Pierluisi Resigns and Secretary of Justice Wanda Vázquez-Garced Sworn-In as Governor

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### PRACTICE AREAS

- Government Affairs & Public Policy

### An McV Government Affairs Alert

August 7, 2019

- On Friday, August 2<sup>nd</sup>, 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 31<sup>st</sup>, 2019, three days before Rosselló's announced departure. Mr. Pierluisi was confirmed by the House of Representatives on Friday, August 2<sup>nd</sup>; however, the Senate did not confirm his nomination during its session on Monday August 5<sup>th</sup>.
- On Sunday, August 4<sup>th</sup>, the Senate of Puerto Rico filed a petition for injunction and declaratory judgement before the Court of First Instance requesting that Mr. Pierluisi be enjoined from continuing to act as Governor until he received the advice and consent of the Senate, and that Act No. 7 of 1952, as amended in 2005 ("Law 7"), commonly referred to as the Succession Law, be declared unconstitutional. The Senate's petition was then brought to the Supreme Court pursuant to a petition for certification.
- The amendment to Law 7 intended to exclude the Secretary of State from the constitutional requirement of approval by both legislative chambers in the order of succession to the Governorship. Mr. Pierluisi was sworn-in as Governor based on that interpretation of Law 7.
- At 1:00 pm today the Supreme Court of Puerto Rico unanimously declared the 2005 amendment to Law 7 unconstitutional. The Supreme Court concluded that the 2005 amendment contravened the specific constitutional mandate of confirmation by both legislative chambers for the position of Secretary of State, who is first in the line of succession as envisioned by the original framers of the Puerto Rico Constitution in 1952.
- 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.
- The Supreme Court held that the succession dictated by Law 7 remains in effect. Thus, in the absence of a duly approved Secretary of State, the order of succession falls on the Secretary of Justice, Wanda Vázquez-Garced.

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- The Supreme Court made its ruling effective today, August 7, 2019, at 5:00 pm, at which time Mr. Pierluisi resigned from his position as Governor and Secretary Wanda Vázquez-Garced stepped in as the new Governor of Puerto Rico.
- Secretary Vázquez-Garced has expressed that she does not intend to fulfill the role of Governor for the remaining 17 months of the original Rosselló term. It is therefore expected that she will soon nominate a new Secretary of State to eventually, once approved by both legislative chambers, succeed her as Governor for the remaining term.

Puerto Rico's Resident Commissioner in Washington, DC, Jenniffer González, a Republican who is also the second highest ranking elected officer in Puerto Rico, is perceived to be the front-runner to become Secretary of State, and to succeed Secretary Vázquez-Garced as Governor if she were to resign. Other possible candidates mentioned have been the mayor of Bayamón, Ramón Luis Rivera, and the President of the Senate, Thomas Rivera-Schatz.

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