

(H.B. 489)

(No. 71)

(Approved August 25, 2005)

AN ACT

To amend Section 5.032 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” in order to substitute District Court and Offices of the Justices of the Peace and Municipal Judges for the term Court of First Instance; and for other purposes.

STATEMENT OF MOTIVES

The purpose of the present legislation is to adjust Section 5.032 to the law now in effect so as to avoid erroneous interpretations. Since its creation under Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” this Section 5.035 was only amended in order to renumber the same as Section 5.032, as it remains to the present. The Puerto Rico Judicature Act, Reorganization Plan No. 1 of the Judicial Branch of July 28, 1994, eliminated the Justices of the Peace and initiated the transition process for abolishing the same from the District Court.

At present, the transition phase of this Act has been satisfactorily completed, since a Court of First Instance was created through the same, constituted by the Superior Court, the Municipal Judges and the District Court, which was in the process of being abolished.

More recently, under the Judicature Act of the Commonwealth of Puerto Rico of 2003, Act No. 201 of August 22, 2003, it was established that the Court of First Instance would be constituted by superior and municipal

judges. It is also established that it would be a court of general original jurisdiction with authority to act on behalf and by the authority of the Commonwealth of Puerto Rico. This amendment corrects making reference to entities which no longer exist such as the District Court and the Offices of the Justices of the Peace.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 5.032 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” is hereby amended in order to substitute District Court and Offices of the Justices of the Peace and Municipal Judges for the term Court of First Instance, to read as follows:

“Section 5.032.-Arrest of voter for voting illegally

On the day the election is held any polling place inspector who challenges the vote of any person, or any elector of a precinct or municipality who is inside or outside a polling place, who is certain that some person has voted or intends to vote illegally in that precinct or municipality, may have the person arrested and immediately taken before a magistrate or may file a sworn complaint in the manner the Commission shall determine through regulations.

The Court of First instance shall remain open on election day during voting hours to receive and hear all complaints under this Section.

The polling place inspectors are hereby empowered to take oaths on the challenges or complaints presented by any person.”

Section 2.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 71 (H.B. 489) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 5.032 of Act No. 4 of December 20, 1977, as amended, known as the “Puerto Rico Electoral Act,” in order to substitute District Court and Offices of the Justices of the Peace and Municipal Judges for the term Court of First Instance; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 17th of January of 2006.

Francisco J. Domenech
Director