

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**MYRNA COLON MARRERO
JOSEFINA ROMAGUERA AGRAIT**

Plaintiffs

v.

HÉCTOR CONTY PÉREZ, et al.,

Defendants

CIVIL NO. 12-1749 (CCC)

**FIRST AMENDMENT
DUE PROCESS
EQUAL PROTECTION**

NVRA, 42 U.S.C. §§ 1973 et seq.,

HAVA, 42 USC §§ 15541 et seq.

CIVIL RIGHTS, 42 U.S.C. § 1983

**FURTHER INFORMATIVE MOTION
FOR EMERGENCY ORDER**

TO THE HONORABLE COURT:

Come now Plaintiffs, through the undersigned attorneys, and respectfully state, allege and pray as follows:

1. Today Plaintiffs filed a motion requesting this Court to protect their right to a provisional ballot under HAVA. Said motion made reference to the Supreme Court of Puerto Rico decision in *Edwin Mundo v. Comisión Estatal de Elecciones*, Resolution of November 1, 2012. Upon further review of said decision, Plaintiffs share with their Court their extreme concern and apprehension that the Surpeme Court

indicates that any over that cast a provisional ballot under section 15482 of HAVA may be exposed to criminal penalties under Commonwealth law. According to the expressions of Judge Martinez: “To vote by hand [to cast a provisional ballot], is a felony on the fourth degree that conveys a penalty of a fixed term of three years of jail. See Article 12.023 of the Electoral Code, supra sec. 4253, Article 307 of the 2012 Penal Code, law no. 146-2012, 33 L.P.R.A. SEC. ____.” See D. 73-1.

2. Given that there is a direct threat of criminal prosecution for the exercise of a right to vote protected by federal law, we urgently pray for this Court’s intervention to safeguard’s these voters’ rights.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to issue an Order safeguarding Plaintiff’s rights to cast provisional ballots on Election Day.

In San Juan, Puerto Rico, this November 2, 2012.

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CERTIFICATE OF SERVICE

The foregoing counsel certify that this document was filed with the Clerk of the Court using the CM/ECF system that will notify all counsel of record.