EXCELENTÍSSIMA SENHORA DESEMBARGADORA RELATORA,
EGRÉGIO TRIBUNAL REGIONAL ELEITORAL DO RIO GRANDE DO SUL

Recurso Eleitoral n.º 233-87.2012.6.21.0129
Procedência:
Assunto:

Recorrentes: !
" #
$ %
&

Recorridos:
'
"

Relator: ( )

PARECER

RECURSO ELEITORAL. PESQUISA ELEITORAL. PROIBIÇÃO DE DIVULGAÇÃO. PERDA SUPERVENIENTE DO INTERESSE PROCESSUAL. EXTINÇÃO DO PROCESSO SEM JULGAMENTO DO MÉRITO. *+,-./. 01 23145 670/*8.91087 7 -:9;*07 81/ .4.*<=./5 *;+=.>/. 9.670?.6.9 1 +.981 /3+.9@.0*.0-. 87 7AB.-7 81 9.+9./.0-1<C7 . 87 *0-.9.//. 8. 1D*9 87/ 9.+9./.0-187/(***Parecer pelo conhecimento dos recursos, julgando-os prejudicados, ante a superveniente perda do objeto e do interesse de agir, decretada a extinção do processo sem resolução do mérito.***

I – RELATÓRIO

/ 13-7/ @.*6341; 9.639/7 .4.*-7914 *0-.9+7/-7 +.41 !
5 "

#5 $ % 5 & .

.; E16. 81 /.0-.0<1 E4/(FGHFI# 23. B34D73 +196*14;.0-. +976.8.0-. 1 9.+9./.0-1<C75 +97*A*087 1 8*@34D1<C7 81 +./23*/1 *;+3D0181(

; /31/ 91J=./ 9.639/1*/ E4/(FH K #5 7 08.L 0/-*-3-7 8. ./23*/1/ 14.D15 *0*6*14;.0-.5 1 *4.D*-*;*818. 81 *;+3D01<C7 81 8*@34D1<C7 81 +./23*/15 +7*/ 1 ;./;1 0C7 /. 9./-9*0D. 17/ 9.23*/*-7/ 4.D1*/5 ;1/ M 10N4*/. 8. 69*-:9*7/ . ;.-78747D*1 81 +./23*/1(83J 23. 1 4.D*/41<C7 .4.*-7914 0C7 ./-1A.4.6. 1 E79;1 67;7 8.@. /.9 E.*-1 1 +./23*/15 8. ;787 23. 0C7 61A. 17 78.9 '38*6*N9*7 8*J.9 /. 7 +4107 1;7/-914 ./-N 6799.-7 73 /. 1 ;.-78747D*1 .;+9.D181 : 18.23181(//.@.91 1*081 1 .L*/-O06*1 8. E14?1 8. 8*D*-1<C7 01 *0E79;1<C7 +9./-1815 7 23. 0C7 1E1/-1 1 9.D3419*818. 81 +./23*/1(.23.95 17 E*;5 /.B1 9.E79;181 1 /.0-.0<15 +191 +.9;*-*9 1 8*@34D1<C7 81 +./23*/1(

74*D1<C7 0*818. 67; 1 4;1 87 7@7 . :6*7 $108.94.* .P4;100 *0-.9+Q/ 9.639/7 E4/(KIH #5 183J*087 1 9.D3419*818. 81 +./23*/1 9.14*J1815 +7/-7 23. +9./.0-./ 7/ 9.23*/*-7/ +9.@*/-7/ +.41 ./(0R S(STGH K 5 0.6.//N9*7/ M /31 8*@34D1<C7(79 E*;5 +3D01 +.41 +976.8O06*1 87 9.639/75 +191 7 E*; 8. /.9 1E1/-181 1 9./-9*<C7 *;+7/-1 01 /.0-.0<1(

+,/5 @*.91; 7/ 13-7/ 67; @*/-1 1 ./-1 976391879*1 .D*7014 4.*-7914(

II – FUNDAMENTAÇÃO

C7 -.;+./-*@7/ 7/ 9.639/7/(

/ 9.6799.0-./ E791; 07-*E*6187/ 81 /.0-.0<1 .; FHK H K E4(FF@ . UK@# . 7/ 9.639/7/ E791; *0-.9+7/-7/ 07 8*1 UHK H K E4(UK# 8.0-97 87 +91J7 8. G ?791/ +9.@*/-7 +.47 19-(SS 81 ./743<C7 0(V S(STFH K (

! " # $ % & $
' $ # " % (
#

7 ;:9*-75 7/ 9.+9./.0-10-./ /3/-.0-1; 23. 1 +./23*/1 .4.*-7914 9.14*J181 +18.6. 8. 8. *99.D3419*818./5 67;7 +79 .L.;+47 7/ .997/ 8. -7-14*J1<C7 . .23W@767/ 2310-7 M E1*L1 .-N9*15 ./67419*818. . 0W@.4 /76*7.670Q;*67 87/ .0-9.@*/-187/5 14:; 8. 1+9./.0-19 17/ .4.*-79./ *081D1<=./ 61+1J./ 8. *083J*9 1 *0-.0<C7 8. @7-7(

('3WJ7) B34D73 +196*14;.0-. +976.8.0-. 1 9.+9./.0-1<C75 1+.01/ +191 -79019 8.E*0*-*@1 1 +97*A*<C7 8. 8*@34D1<C7 81 +./23*/1 .4.*-79145 .0-.08.087 8./61A*81 1 1+4*61<C7 8. ;34-1(

C7 ?N 9.639/7 +7/-341087 1 *;+7/*<C7 8. /10<C7 +.630*N9*15 1+.01/ 7/ 9.+9./.0-187/ /C7 9.6799.0-./(

/ 9.639/7/ .4.*-791*/5 +79-10-75 8.@.; /.9 670?.6*87/ . B34D187/ +9.B38*6187/(

/ 9.6799.0-./ +7/-341; 1 9.E79;1 81 /.0-.0<1 +191 23. /.B1 +7//*A*4*-181 1 8*@34D1<C7 81 +./23*/1 .4.*-7914 9.14*J181(70-3875 0C7 -.087 /*87 1+4*6181 /10<C7 8. 798.; +.630*N9*1 .5 8*10-. 87 -:9;*07 81/ .4.*<=./ ;30*6*+1*/5 0C7 ;1*/ /. @*/43;A91 1 3-*4*818. 87 +97@*;.0-7 B39*/8*6*7014 +.9/.D3*87(

14. /14*.0-19 23.5 ;./;7 /. +79@.0-391 E7//. 9.670?.6*81 1 9.D3419*818. 81 +./23*/15 8*10-. 81 76799O06*1 8. E1-7 07@75 2314 /.B15 1 9.14*J1<C7 87 +9,+9*7 +4.*-75 0C7 /. ;7/-91 X-*45 07 +9./.0-. ;7;.0-75 1 8*@34D1<C7 81 +./23*/1 .4.*-79145 91JC7 +.41 2314 E79<7/7 9.670?.6.9 1 76799O06*1 81 +.981 /3+.9@.0*.0-. 87 7AB.-7 81 9.+9./.0-1<C7 . 87 *0-.9.//. 9.639/14 87/ 9.6799.0-./(

.//. /.0-*875 674?.;>/. 7/ /.D3*0-./ +9.6.8.0-./ B39*/+938.06*1*/Y

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' % K#)!&) 0 ! $) <' H !$+,) > ! 0 $ ' ') !(
1570 !$&!' 0 & "!$) & !(.510 " ') 8)!( ) & "
!L!% - $/ .20 &8), $/ 171) 4.349314420
% - 6 M 0 #"%!& +, ; < != !)
#' !+ 0 134931442 6

//*;5 -910/6799*87 7 +4.*-75 *;+79-1 9.670?.6.9 7 18@.0-7 8. 6*9630/-Z06*1 /3+.9@.0*.0-. +9.B38*6*14 17 .L1;. 87 ;:9*-7 .5 +79 67974N9*75 1 .L-*0<C7 81 9.+9./.0-1<C7 /.; 9./743<C7 87 ;:9*-75 01 E79;1 87 19-(TF5 *06*/7 5 67;A*0187 67; 7 19-(GT 5 1;A7/ 87 ,8*D7 8. 976.//7 *@*4(

III – CONCLUSÃO

0-. 7 .L+7/-75 1 976391879*1 .D*7014 4.*-7914 7+*01+.47 670?.6*;.0-7 87/ 9.639/7/5 B34D1087>7/ +9.B38*6187/5 10-. 1 /3+.9@.0*.0-. +.981 87 7AB.-7 . 87 *0-.9.//. 8. 1D*95 8.69.-181 1 .L-*0<C7 87 +976.//7 /.; 9./743<C7 87 ;:9*-7

79-7 4.D9.5 K 8. 7@.;A97 8. K (