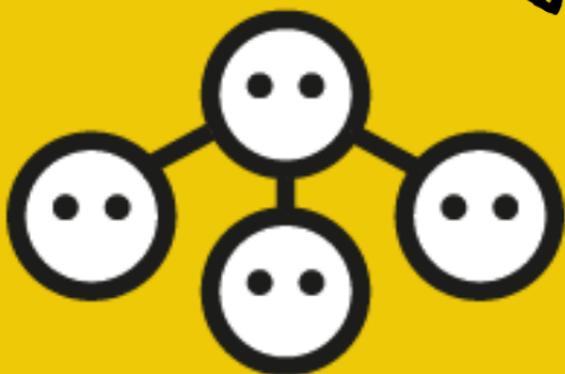
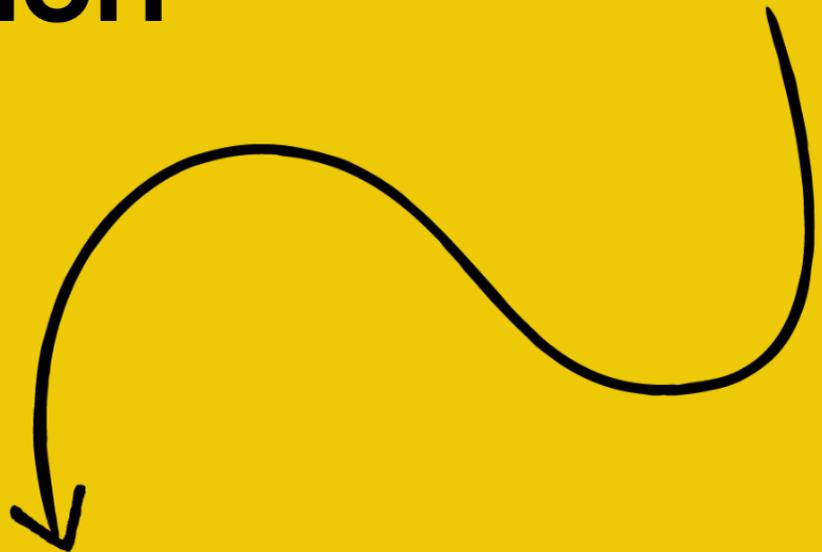


Installation:

The first stage  
of the Chilean  
Constitucional  
Convention



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## **Installation: The first stage of the Chilean Constitutional Convention**

July – Septiembre 2021

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### **Summary**

This report presents the main aspects of the process of installation of the Constitutional Convention in Chile. The itinerary of the constituent process is explained, and a profile of the constituents is presented (balance of power, trajectories, and opinions on key issues). The Convention's regulations, procedures, and decision-making processes are then set out. Finally, the process by which the new constitution will be implemented is explained.

Keywords: Constitutional Convention, regulations, participation.

### **The itinerary of the constituent process**

Between November and December 2019, and specifically after the outbreak of social protests in October that year, a majority of political parties with representation in Congress signed a political agreement to establish a constituent process by which to draft a new Constitution. In December 2019, the current Constitution was amended, establishing an itinerary for this process. The constituent process in Chile has four stages:

- **Stage one:** plebiscite in which citizens were asked if they wanted a new Constitution — to which 78.3% answered yes-, and what type of Convention should be responsible for drafting the new text — for which 79% supported the option that 100% of members of the Convention should be elected by the citizens;
- **Stage two:** the election of constituents, in which 155 constituents were elected from the same electoral districts as the lower chamber of congress, and 17 of this number were seats reserved for representatives of indigenous peoples. The elections also contemplated a system of gender parity, electoral lists for independent candidates and a quota system for people with disabilities.
- **Stage three:** the drafting of the new text by the Convention, in a period of 9 months, extendable up to 12 months.
- **Stage four:** a compulsory ratification plebiscite in which citizens vote to ratify or reject the text proposed by the Convention.

Table 1. Itinerary of the Constituent Process

Dates	Description
25 Oct 2020	<b>Initial plebiscite.</b> Binding plebiscite with voluntary voting and two questions: <ul style="list-style-type: none"> <li>▪ Do you want a new Constitution? (approve vs. reject)</li> <li>▪ What kind of convention should draft the Constitution? (Mixed vs. 100% elected)</li> </ul>
15-16 May 2021	<b>Election of the Convention.</b> Election of 155 representatives with gender parity, indigenous seats, list of independent candidates and quota for people with disabilities
4 July 2021 9-12 months (May or July 2022)	<b>Installation and work of the Convention.</b> <ul style="list-style-type: none"> <li>▪ The President and Vice President of the Convention are elected.</li> <li>▪ Procedural mechanisms are established</li> <li>▪ Definition of the Convention regulations</li> <li>▪ Preparation of draft Constitution</li> </ul>
2 months later (July or September 2022)	<b>Ratification plebiscite.</b> Binding plebiscite with compulsory vote and one question: <ul style="list-style-type: none"> <li>• Do you approve the text of the new Constitution proposed by the Constitutional Convention? (approve vs. reject)</li> </ul>

### Profile of the Constituents

Regarding the distribution of members of the Convention in electoral lists, there have been some interesting developments during its first three months of operation. In July, when the Convention began its work, we could identify 7 lists that had been established as part of electoral strategies. These included: Chile Vamos, the Lista del Apruebo, the Independientes No Neutrales, Apruebo Dignidad, the Lista del Pueblo, other independents, and reserved seats for indigenous peoples.

Three months later, a number of political incidents had led to greater dispersion regarding affiliation to lists. We can now identify 11 "collectives" or groups of actors that have come together around different issues. The most significant changes occurred in the case of the Lista del Pueblo (People's List) which represented a group of left-wing independents who obtained the third largest majority in terms of representation. After the rejection by the electoral board of the group's presidential candidacy and the public acceptance by one of the group's constituents (Rodrigo Rojas Vade) that he did not actually suffer from cancer as he had claimed during his election campaign, a series of divisions appeared within the list, leaving only one constituent self-identifying with the group. 16 other constituents left and created what is now known as Pueblo Constituyente. Two additional groups of constituents were also formed: Mixtos and Movimiento Social Constituyente. Another development is that the Lista del Apruebo, which originally united a number of center-left parties, also split. Constituents from the socialist party now work independently from the other parties that made up the list, including the DC (Christian Democrats), the PPD (Party for Democracy) and independents. Finally, there was also a split within the list "Apruebo Dignidad" which was made up of the Frente Amplio and the Communist Party, who are no longer working as a group within the Convention.

Table 2. Lists within the Convention

Political Tendency	July 2021	%	September 2021	%
Right-wing	Chile Vamos (UDI-RN-PR-Evopoli-Ind).	23,9	Chile Vamos	23,9
Centre-left	Lista Apruebo (PDC-PPD-PL-PS-Ind)	16,1	Colectivo del Apruebo	5,1
	Indep. No Neutrales (INN)	7,1	Indep. No Neutrales (INN)	8,4
			Colectivo Socialista	11,0
Left	Lista Apruebo Dignidad (FA-PC-FRVS-Igual-Ind)	18,0	Apruebo Dignidad (FA+Ind)	10,3
			Chile Digno (PC+FRVS)	6,5
	Lista del Pueblo	17,4	Lista del Pueblo	0,6
			Pueblo Constituyente	10,3
			Mov. Sociales Constituyentes	7,7
			Mixtos independents	4,5
Others	Independents	6,5	Independents	0,6
	Reserved seats indigenous peoples	10,9	Reserved seats indigenous peoples	11,0

Source: Electoral data, SERVEL.

An analysis of the work of the Convention so far highlights four main political tendencies. The first is that of the 4 right-wing parties (23.9%), 2 of which belong to a more conservative group (UDI and Partido Republicano), and 2 to a less conservative sector (RN and Evópoli), together with some independents. It is, comparatively, the least cohesive block, with significant levels of abstention in the voting process (Fuentes 2021). A second group expresses the political centre and is represented by the Colectivo del Apruebo (5.1%) and which brings together militants from the DC, PPD and independents. A third group represents the moderate left (30.3%) that has tended to vote in a significantly coordinated fashion, and includes the Independientes No Neutrales, Colectivo Socialista (PS), and the Frente Amplio, as well as some independents. This groups displays high levels of cohesion and agreement regarding voting, particularly in the case of the Frente Amplio. The fourth group, which constitutes 40.6% of constituents represents the left-wing, and has tended to vote in a coordinated fashion. This group includes Pueblo Constituyente, Movimientos Sociales Constituyentes, Chile Digno, Mixtos, Lista del Pueblo y representatives of indigenous peoples. Voting patterns illustrate a high level of harmony in the votes of the Socialist Party and Frente Amplio, on one hand, and the between Pueblo Constituyente, Chile digno (Communist Party) and representatives of indigenous peoples, on the other (Fuentes 2021).

Table 3. Political Tendencies and coordination among groups

Political tendency	List	%
<b>Right-wing</b> 23,9	Chile Vamos	23,9
<b>Centre</b> 5,1	Colectivo del Apruebo	5,1
<b>Moderate left-wing</b> 30,3	INN	8,4
	Colectivo Socialista (PS+)	11,0
	Frente Amplio+independdents	10,3
	Other independents	0,6
<b>Left-wing</b> 40,6	Pueblo Constituyente	10,3
	Movimientos sociales constituyentes	7,7
	Chile Digno	6,5
	Mixtos	4,5
	Lista del Pueblo	0,6
	Reserved seats for Indigenous Peoples	11,0

As we will illustrate later, a large number of the issues put to the vote during the first months, which were procedural matters, were passed by over 70% of constituents, while it is the proposals presented by the Frente Amplio and Colectivo Socialista that have received the greatest support. ([Unholster El Mercurio, 17-09-2021](#) and [Fuentes 2021](#)).

### Biographical trajectories of constituents

When analysing the work of the convention, it is interesting to take a closer look at the biographical profiles of the constituents (Fuentes 2021). The Convention has equal representation of men and women, with an average age of 45 years, and 13.5% of constituents are from indigenous peoples. Most of the constituents have university level studies (88.4%), were born outside the Metropolitan Region (58.7%), and 67.7% are not members of any political party.

A considerable number (42%) of constituents have backgrounds in social organizations fighting for political and social causes (human rights, women's rights, trade unions, environmental rights) often in territories that are suffering environmental crises. 32.4% have worked in a trade or profession that has contributed to the welfare of their communities. Very few constituents held positions of popular representation prior to their election to the Convention (13.4%), although larger proportion have worked in public administration (26.4%). 5.1% are from the business world, and only 3.2% became known in the context of the 2019 social protests. A critical aspect of the constituents' profiles is therefore their commitment to their territories and political/social work in socio-territorial organizations.

Table 4. Socio-demographic characteristics of the Constituent

Characteristics	Number
Sex	78 Men 77 Women
Ethnic self-identification	134 non-indigenous 21 indigenous
Average age	45 years
Political party membership	50 party members 40 independents associated to political party lists 65 independents not associated to political party lists
Profesión	63 Lawyers 19 Teachers 12 Engineers 6 Journalists 3 Psychologists 3 Students 49 other professions and trades

The combination of the balance of power in the Convention and the trajectories of the constituents make it more likely that the new Constitution will further environmental rights, rights of indigenous peoples, social rights and those associated with gender equality. Likewise, the subsidiary role of the State will most likely be reviewed. Regarding the institutional frameworks, there are clearly different views on the way in which the democratic institutions should be structured. There is broad consensus on systems of direct democracy but there is a lesser level of agreement on the system of government. Surveys carried out among constituents have consistently identified these differences (see table 5 and table 6).

Table 5. Perceptions of Constituents on social issues

	La Tercera (N: 133)	TVN (123)	Votamos Todos (104)
	%	%	%
Constitutional recognition of indigenous peoples	99,2		
Chile should be a plurinational State, that is a country with several nations united in a single State			92,0
Indigenous peoples should have political and territorial autonomy			82,0
The state should guarantee free and quality access to health, education, housing and pensions (answers yes)			91,0
Promotion of effective equality between men and women	97,7		
The Constitution should include a gender perspective (answers yes)		89,4	

Guarantee access to water and its protection and distribution as a fundamental right and a public good	92,5		
Every citizen should have a guaranteed minimum income regardless of whether they have a job or not			69,0
The Constitution should maintain the principle that "the law protects the life of the unborn" (answers yes)		42,3	
The environment should be protected even at the cost of economic growth.			90,0
Mining resources must be exclusively exploited by the State			43,0

La Tercera, survey of constituents, published 17-10-2021. Regarding the TVN survey, see analysis by Fuentes ([ciper 2021a](#)), Regarding the survey by Votamos Todos, see Fuentes and Márquez ([Ciper 2021b](#))

Table 6. Perceptions of constituents on institutional issues.

	La Tercera (N: 133) %	TVN (N: 123) %	Votamos todos (N: 104) %
Incorporate direct democracy mechanisms	92,4		
Autonomy of the Central Bank	88,0		
The autonomy of the Central Bank should be maintained (answered Yes)			72,0
Maintain a presidential term of 4 years	60,9		
Unicameral Congress	51,1		
Congress should have only one chamber and not two as is the current system (answered yes)			63,0
Semi-presidential system	46,6	40,7	
Presidential system		27,6	
Parliamentary system		4,0	

La Tercera, survey of Constituents, published 17-10-2021. Regarding the TVN survey, see analysis by Fuentes ([ciper 2021a](#)), Regarding the survey by Votamos Todos, see Fuentes and Márquez ([Ciper 2021b](#))

### The regulations of the Convention: Critical aspects

After the Convention began to session on July 4, transitory commissions were set up to prepare the regulations for its operations, and these regulations were approved at the end of September. A set of general regulations and additional regulations on ethics and transparency, indigenous consultation and popular participation were approved. In addition, appropriations regulations were approved, which contemplate the establishment of an external appropriations committee and an administration directorate. The following are some of the main aspects of Convention operations, as established in the approved regulations.

## a. Organisational structure of the Convention

A structure was set out for the Convention, that contemplates the following bodies:

(1) **Convention Plenary** (155 members)<sup>1</sup>, this is the highest body of the Convention, which is mandated to: elect its President and Vice President by absolute majority; elect the directors of the technical bodies; and approve operating schedules and constitutional norms that are presented with the quorum of 2/3 of constituents, as defined in the Constitution (66.6%, 103 votes), among other functions.

(2) **Presiding Officers** (9 members), these officers sit on the executive body of the Convention, which has gender parity and is plurinational. It is comprised of the President, Vice President, five deputy vice presidents and two indigenous deputy vice presidents with reserved seats. Among other functions, the Officers are responsible for appointing a Secretary; guaranteeing the proper functioning of the Convention; systematizing and disseminating initiatives and indications that are presented; issuing administrative and financial resolutions; convening plenary sessions; preparing the agenda and timetable of plenary sessions.

(3) **Presidency of the Convention.** The presidency and vice-presidency are rotating positions (changing every 6 months). The President directs and represents the Convention; signs agreements, session minutes and official declarations and press releases; presides over the sessions of the Plenary and the Presiding Officers; and decides which Constituents speak in plenary sessions, among other functions.

(4) **Convention Secretariat.** The Secretary and his/her administrative team are responsible for drafting minutes, keeping a record of Convention sessions (plenary sessions and commissions), receiving indications, implementing administrative measures for the operation of the Convention, keeping time, and collaborating as minister of faith in the actions of the Convention.

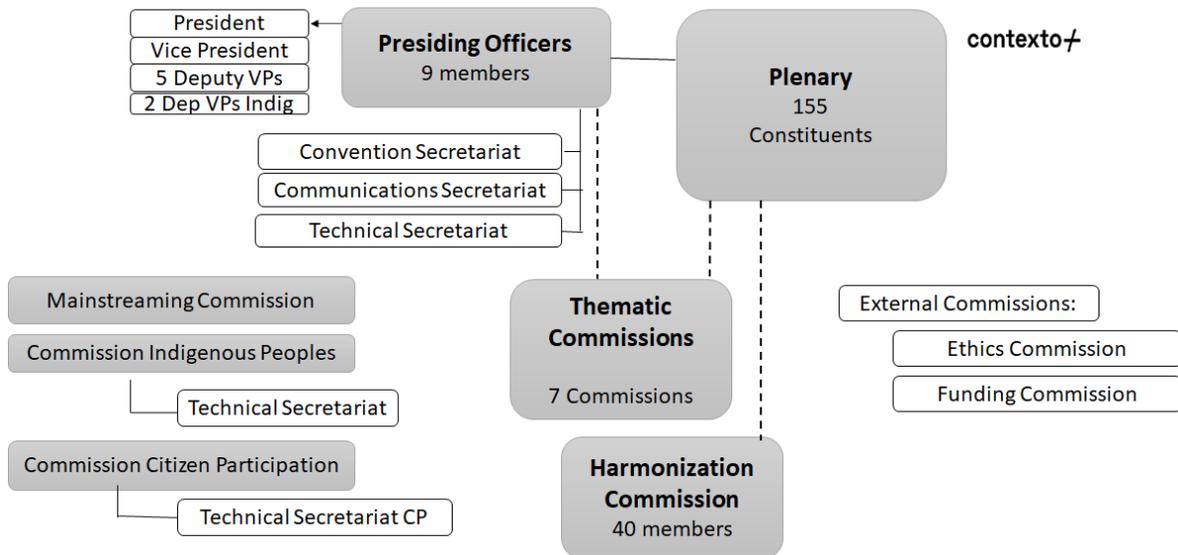
(5) **Communications Secretariat.** Administrative body responsible for communications, information dissemination and assuring transparency of the actions of the Convention. The civic education and participation units will also be under the responsibility of this body.

(6) **Technical Secretariat.** A council body to provide technical advice to the constituents and Presiding Officers.

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<sup>1</sup> There were originally 155 Constituents, although one member (Rodrigo Rojas Vade) decided not to participate further in the Convention, after recognising publicly that he did not suffer from cancer, an illness he claimed to have during his campaign. Constitutional norms do not permit resignation, for which he decided not to attend any further sessions nor to receive pay for his work as a Constituent.

Table 7. Main bodies of the Convention



(7) **Thematic commissions.** Council bodies with varying numbers of constituents who will work on different issues, with a view to presenting at the Plenary session proposals for constitutional norms and transitory provisions, that will be submitted for discussion and the Plenary's approval. There are 7 thematic commissions that will be analysed below.

(8) **Harmonization Commission.** This Commission will be constituted once the draft Constitution has been presented, it will convene 40 Constituents, and seeks to ensure consistency and coherence of the constitutional norms approved by the plenary session.

(9) **Mainstreaming Commission.** A body made up of 14 constituents (2 from each thematic commission) to ensure the mainstreaming of human rights, gender, inclusion, plurinational, socio-ecological and decentralization approaches within the constituent process. The commission must convene at least once a month to identify duplications, divergences or absences.

10) **Commission for Citizen Participation.** A body responsible for coordinating and supervising the design and implementation of mechanisms and methodologies for citizen participation, as well as the constituent civic education program. It will have at least 21 members, 1 chosen from among the Presiding Officers, two constituents with reserved seats for indigenous peoples, 2 representatives from each thematic commission (14) and 11 constituents proposed by the different lists.

11) **Commission on the rights of indigenous peoples and plurinationality.** This Commission seeks to supervise the implementation of the participation and consultation process carried out by the secretariat for indigenous participation and consultation, and assure that the process complies with the principles and standards defined in the regulations. It must also present an in-depth report on the systematization of the indigenous consultation process, documenting the agreements reached between the Convention and indigenous peoples. The Commission must also propose constitutional norms identifying the rights of indigenous peoples that will be submitted to vote by the Plenary of the Convention. It is comprised of 25 constituents, 17 of whom hold reserved seats for indigenous peoples.

### **b. Commission structure**

The work of drafting the Constitution will be centered on the thematic commissions. Table 9 systematizes the existing commissions in the Convention of which 7 are thematic and another 5 are responsible for specific procedures of the work of the Convention including Human Rights, Commission for Citizen Participation, Commission for indigenous consultation, External Allocations Commission, External Ethics Commission and Mainstreaming Commission.

Table 8. Thematic Commissions in the Convention

Members	Thematic Commission
25	COM 1. Political system, government, legislative branch and electoral system
18	COM 2. Constitutional principles, democracy, nationality and citizenship
25	COM 3. Form of State, organisation, autonomy, decentralization, equity, territorial justice, local government and fiscal organization.
33	COM 4. Fundamental rights
19	COM 5. Environment, rights of nature, natural assets and economic model
19	COM 6. System of Justice, autonomous control bodies and constitutional reform
15	COM 7. Systems of knowledge, culture, science, technology, arts and heritage
	Other Commissions
17	-Human rights, historical truth and bases for justice, reparation and guarantees of non-repetition
21	-Commission for Citizen Participation
25	- Commission on the Rights of indigenous peoples and plurinationality
14	-Commission for the Mainstreaming of human rights, gender perspective, plurinationality, socio-ecological perspective and decentralization
5	-External Commission on ethics, accountability, transparency, prevention and sanction of violence in the Convention

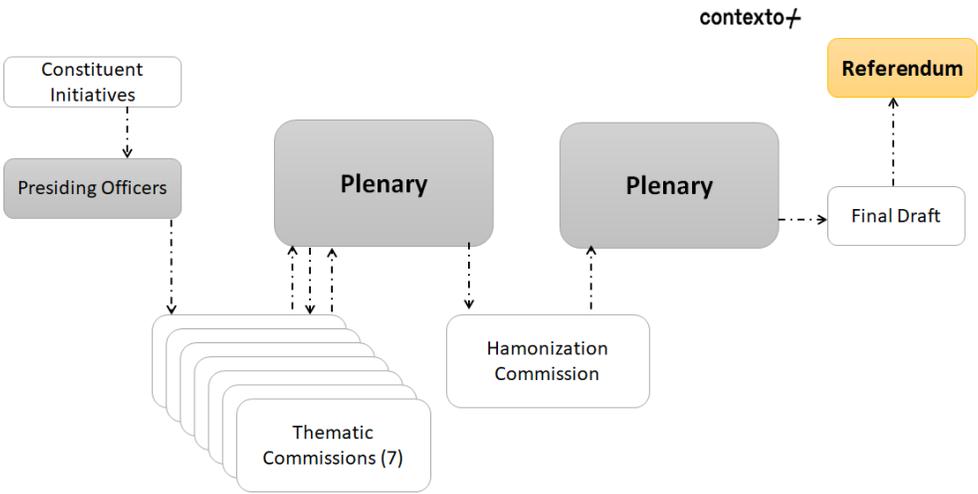
### **c. Convention approval procedures**

The procedures for approving the new constitutional text were defined in the regulations of the Convention. The plenary session must define a work schedule based on a proposal from the Presiding Officers. The "constituent initiatives" (article proposals) must then be submitted to the Presiding Officers, who are responsible for distributing them among the

respective thematic commissions. These initiatives can be presented by constituents or citizens through citizen initiatives. In addition, during the debate, the constituents can present amendments, which are proposals for reforms to the initiatives already presented.

The Commissions will prepare reports that must be approved by a simple majority by the members of the Commissions and are then submitted for discussion the plenary sessions. Once in plenary, the proposals will be discussed and voted on as a set of articles, or if requested, article by article.

Table 9. Convention approval procedures



If a proposal is rejected, it will be reviewed by the respective commission, which may present a second proposal to the Plenary. If it is rejected for a second time, it cannot be reconsidered. In the Plenary, proposals will be debated and voted on as a set of articles, and then article by article. Amendments made by constituents that were rejected in the respective commission can be put to a vote in the Plenary as long as they have the signatures of 16 constituents. Approval of constitutional norms requires the support of 2/3 of the members of the plenary session (66.6%, 103 votes). Modified proposals and amendments require the same quorum.

Once all rules have been submitted to a vote, the debate will be closed. Following this, a Harmonization Commission made up of 40 Constituents will be established to ensure the technical quality and coherence of the constitutional text. This Commission submits a report with amendments to the text of the project. The Plenary session will then have 5 days to comment on the reports of the Harmonization Commission, which will require 16 constituents’ signatures. Once these amendments have been voted on, the drafting process is considered to have finalised.

It is worth noting that the “constituent initiatives” or proposals for articles may come from constituents, civil society (on the basis of signatures), indigenous peoples (on the basis of community representation and individual signatures), the Afro-descendant tribal people, and children, girls and adolescents. The requirements for the presentation of initiatives are presented below (Table 10):

Table 10: Types of Constituent Initiatives

Name	Authors	Requirements
Constituent Initiatives	Constituents	<ul style="list-style-type: none"> <li>▪ Text presented by 8 to 16 constituents</li> <li>▪ Argumentative text, in writing, with corresponding articles, presented within the period established in the regulations</li> </ul>
Citizen Constituent Initiative	Individuals or Organisations	<ul style="list-style-type: none"> <li>• Written text with corresponding articles for the new Constitution. It should include a brief summary of who presents the proposal and how it was developed</li> <li>▪ Initiatives with more than 15 thousand signatures from at least 4 different regions will be considered as standard proposals and must be voted on and discussed as a Citizen Constituent Initiative</li> <li>▪ Other initiatives that have not reached the required number of signatures may be considered by the Technical Secretariat for discussion at the Convention.</li> </ul>
Indigenous Peoples Citizen Initiative	Individuals or Communities	<ul style="list-style-type: none"> <li>▪ Written text that explains the spirit of the proposed constitutional norm, presented and within the deadline</li> <li>▪ Mapuche, Aymara and Diaguita: presented by at least three communities or 5 indigenous associations or 1 traditional chiefdom, or by three non-registered representative organizations; or with 120 signatures of people belonging to indigenous peoples</li> <li>▪ For other organizations: by 1 community or by at least 60 signatures of people belonging to indigenous peoples</li> </ul>

#### **d. Mechanisms of Citizen participation**

The regulations regarding participation establish both mechanisms that are initiated by citizens themselves and mechanisms initiated by the Constitutional Convention. The characteristics of all of these mechanisms are detailed below (Tables 11 and 12). It should be noted that the Convention will establish a Commission for Citizen Participation that will have its own technical secretariat. This body will be responsible for generating the conditions for citizen participation (for example platforms through which to receive proposals), as well as developing the methodologies for such participation. In addition, the Commission on the Rights of Indigenous Peoples will establish a technical secretariat that will implement the indigenous peoples’ consultation.

Table 11. Mechanisms initiated by citizens

Citizen Constituent Initiative	<ul style="list-style-type: none"> <li>• Mechanism that allows people or groups of people to present proposals for an article on a constitutional issue</li> <li>▪ Requirements: Initiatives that have 15 thousand signatures of citizens from 4 different regions of the country must be discussed by the Convention</li> </ul>
Self-organized meetings	<ul style="list-style-type: none"> <li>▪ Meetings self-convened by citizens to deliberate on and generate proposals for the Convention</li> <li>▪ The Convention will receive and systematize results of these meetings for discussion in thematic commissions.</li> </ul>

Table 12. Mechanisms initiated by the Convention

Intermediate Plebiscite	<ul style="list-style-type: none"> <li>▪ Mechanism by which issues that in two separate votes have received approval from more than 3/5 of the Constituents but less than the 2/3 quorum may be put to a binding citizen plebiscite. Issues that constitute a breach of obligations of international human rights treaties ratified by Chile may not be submitted to a plebiscite.</li> <li>▪ The plebiscite must be carried out no more than 30 days before the end official period of operation of the Convention, and issues are only put to the vote once.</li> <li>▪ For such a plebiscite to be convened, constitutional reforms to enable the mechanism must be passed in Congress.</li> </ul>
Mandatory Public Hearings	<ul style="list-style-type: none"> <li>▪ Events at which the Convention can receive proposals and listen to experiences and testimonies from individuals and organizations on matters of interest to the Plenary and Thematic Commissions.</li> <li>▪ A system for registering participation and requests for hearing will be established.</li> </ul>
Public Constituent Hearings	<ul style="list-style-type: none"> <li>▪ Periodic meetings in which individual or groups of constituents give an account of the progress of the work of the Convention.</li> <li>▪ At these meetings, constituents will be able to listen to and take note of the opinions of citizens on issues within their area of competence.</li> </ul>
Nationwide deliberative encounters	<ul style="list-style-type: none"> <li>▪ Public meetings for citizen participation will be carried out throughout the country.</li> <li>▪ The Technical Secretariat for citizen participation will organize a schedule of discussions with the Convention.</li> </ul>
Deliberative Forums	<ul style="list-style-type: none"> <li>▪ Deliberative mechanism that allows the presentation and systematisation of proposals from a particular group within the population, and whose participants are chosen randomly.</li> <li>▪ The results will be considered in the deliberation process of the Convention</li> </ul>
Local Town Hall Meetings	<ul style="list-style-type: none"> <li>▪ Public mechanism for dialogue and deliberation convened by the Convention and implemented by local authorities, regional governments, state universities or other public entities through collaboration agreements.</li> <li>▪ These entities will be responsible for organizing the meeting, meeting methodology and minute taking.</li> </ul>
Consultation of Indigenous Peoples	<ul style="list-style-type: none"> <li>▪ The Convention will convene a consultation open to the indigenous peoples of Chile. A Commission on the Rights of Indigenous Peoples and Plurinationality will be established.</li> <li>▪ The Commission will organise public hearings to receive proposals.</li> <li>▪ Indigenous people or organizations may self-convene meetings</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Indigenous peoples present initiatives and proposals with a minimum number of signatures</li> </ul>
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## Institutionalization of the Convention

The Convention regulations contemplate the institutionalization of a series of procedures and norms that were set out in the 2019 Constitutional reform. This is an important point as it illustrates that the Convention agreed to respect the norms established initially by Congress. Below are some examples of this:

- Declaration on the prisoners of the 2019 revolt. When it began its work, the Convention issued a declaration (8.07.2021) approved by 105 votes (67.7% of the Convention). The declaration sets out that “The Constitutional Convention, without the intention of interfering with or assuming competences of other powers of the State, has the political responsibility to comment to the country on situations that clearly contravene the spirit that guides his work”.

The Convention then demanded the acceleration of a bill to grant a pardon for prisoners, which is pending in Congress. It requested that the Executive branch give the project the utmost urgency; that it demilitarize the Wallmapu (Mapuche territory) and issue a pardon for Mapuche political prisoners since 2001, among other matters.

The central issue here was that the Convention began by recognizing that it had neither the attributions nor intent to interfere in the work of other branches of the State.

- **2/3 rule for approval of constitutional norms.** The Constitutional reform originally established that constitutional norms would have to be approved by 2/3 of constituents in office. The Convention put this rule to the vote, and it was ratified by 96 constituents (61.9%), thus respecting the constitutional text.
- **Intermediate Plebiscite.** The regulation approved the possibility of convening an intermediate plebiscite, that is, a mechanism by which citizens decide issues on which agreement is not reached by the Convention, in cases in which more a proposal has received 3/5 of approval by Constituents in two separate votes, but has obtained less than the 2/3 approval established in the Constitution for approval of articles. This type of plebiscite was not contemplated in the constitutional reform of 2019. The Convention established in its regulations that "in order to convene a plebiscite, reforms to the pertinent normative bodies must be carried out", thereby accepting that such an initiative would require a constitutional reform approved by Congress.

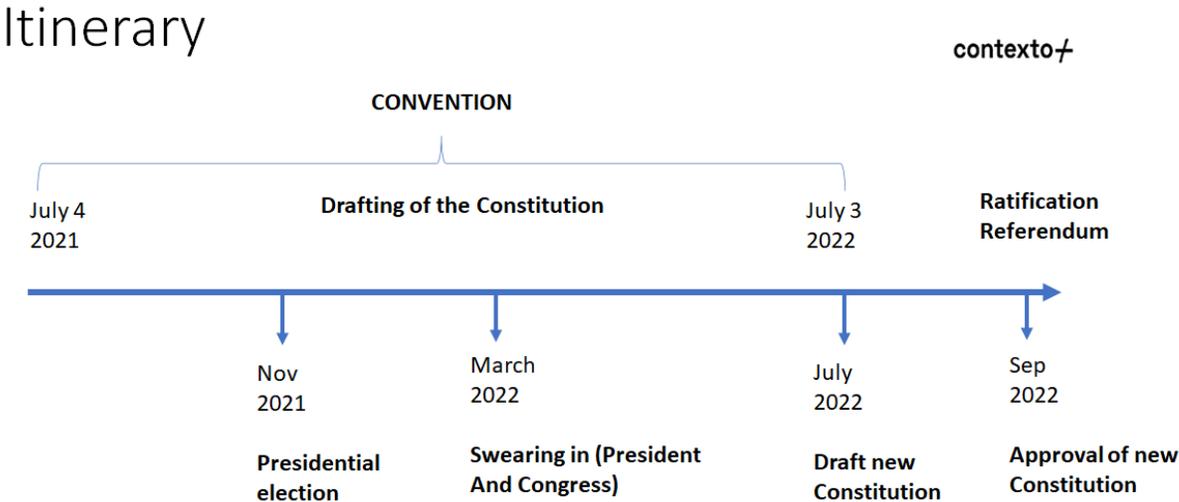
The above illustrates that the procedures established in Convention regulations on these key issues are in line with the current Constitution, displaying agreement by the majority of constituents not to alter substantively the procedures already set out in the Constitution.

**Constituent process and presidential elections**

Given that the calendar for the constituent process was modified due to the pandemic, this process now coincides with the Presidential and congressional elections that will take place on November 21, 2021. The new President and members of Congress must take office on March 11, 2022.

The current Constitution establishes that the Convention has between 9 and 12 months to draft the constitutional text. Therefore, the work of the Convention could conclude on either April 3, 2022, or July 3, 2022 at the latest. Once that date has passed, the Convention must be dissolved. Two months later a plebiscite must be held, in which citizens will be summoned to ratify the constitutional text (approve or reject). The plebiscite will be held at the latest in early September 2022.

Table 13.



However, the Constitution also says that “The Convention may establish special provisions regarding when any of the norms or chapters of the New Constitution come into force. The New Constitution will not be able to put an early end to the period of the elected authorities by popular vote, unless those institutions are suppressed in the new Constitution or subject to a substantial modification. The new Constitution must establish

the manner in which authorities established by this Constitution shall cease or continue in their functions” (art. 138).

The above becomes relevant in a number of scenarios:

- **Institutions with elected authorities are suppressed.** In this case, the Convention can decree the early termination of these institutions. For example, in the event that the Senate is abolished, the new Constitution could establish a date for said institution to cease to function, which could be immediately or at a future date to be defined in transitory articles.
- **Institutions with elected authorities are subject to a substantial modification.** For example, if the Convention determines the establishment of a semi-presidential or parliamentary system of government, in which the form of government is substantially altered, then the term of the president or president-elect could be terminated early. In this case, the Convention itself could either put an early end to the current government and call for new elections immediately, or define other alternatives, such as the adoption of the new governmental regime in the 2026 presidential elections. This will be determined by the Convention.
- **Cessation of functions of authorities.** The Convention shall establish the manner in which the authorities cease or continue in their functions. For example, if the term of office of the authorities is altered from 4 to 5 years, then the new Constitution must establish the way in which the current authorities must adapt to this new rule.