

June 9<sup>th</sup>, 2021

## Q&A on Chile's Constitutional Convention

**Santiago, June 9<sup>th</sup>, 2021.** This note provides information on the Constitutional Convention in a Q&A format.

### 1. The Convention's members were elected last 15-16<sup>th</sup> of May-2021. What are the next steps in the Constitutional process?

- In accordance with the current Constitution, the Election Review Board has a period of 30 days (from the date of the election) to validate the election results and issue the proclamation of the elected members of the Convention.
- Once the proclamation has been issued, it must be communicated to the President of the Republic of Chile and the National Congress within a period of three days.
- Upon receipt of the proclamation, the President of Chile has a period of three days to issue a decree to convene the installation session of the Constitutional Convention, which will be held in the former building of the National Congress.
- The installation session must take place within fifteen days of the publication of the convening decree in the Official Gazette.
- According to the timeline established in the current Constitution, the installation session of the Convention must be held no later than the first week of July 2021.

### 2. When will the Constitutional Convention hold its inaugural session?

The Constitutional Convention will hold its inaugural session by the first week of July 2021, in accordance with the limit established in the current Constitution. The President of the Republic of Chile will convene the meeting via an exempt decree, specifying the date and place. A President and Vice-President will be elected by the Convention's members during the first session.

### 3. What is the Convention's term?

The Convention has nine months to present its proposed Constitutional text; estimated by the first week of April 2022. This term may be extended by three months, that is, through the first week of July 2022. The aforementioned extension can be requested either by the President of the Convention or by a third of its members, and the request must be submitted between five to fifteen days prior to the end of the original nine-month period.

### 4. What is the quorum for the Convention's agreements?

In the first session, the Convention must elect a President and a Vice-President by an absolute majority of the members present.

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The Convention must approve its rules and voting procedures by a quorum of two-thirds of the members present.

The Convention cannot alter the established quorums, operating procedures, or rules on the adoption of agreements.

**5. Can the members of the Convention be candidates for elected office while they perform their duties?**

Members of the Constitutional Convention cannot be candidates for elected office while they perform their duties nor for a year after they conclude their participation in the Convention.

**6. How will the proposed New Constitution be approved or rejected?**

The New Constitution will be approved or rejected through a National Constitutional plebiscite, which will take place 60 days after an executive Decree calling for the plebiscite is published in the Official Gazette. Voting on this referendum will be mandatory for people who are registered to vote in Chile.

In the event that the text presented for citizen ratification by plebiscite is rejected, the current Constitution will remain in force.

**7. What kind of technical support will the Convention have?**

The Convention must create a Technical Secretariat, made up of people with proven academic or professional expertise.

The President of the Republic of Chile, or a designated agency or representative, is responsible for providing technical, administrative, and financial support as needed for the installation and operation of the Convention.

**8. May the Convention exercise a role different from the drafting of the Constitution?**

The Convention cannot intervene or exercise any other role or responsibility in any other office or authority established in the current Constitution or in the legislation.

Moreover, until the New Constitution enters into effect, the current Constitution will remain fully in force, and the Convention cannot deny its authority or amend it. It is further prohibited for the Convention, any of its members, or any fraction thereof to claim the exercise of sovereignty, assuming any powers other than those expressly conferred in the current Constitution.

The text of the New Constitution that will be voted on via plebiscite must respect the republican nature of the State of Chile, its democratic regime, all final and executable judicial sentences, and all international treaties signed by Chile that are currently in effect.

**9. What happens to current officials once the New Constitution is written?**

The New Constitution cannot impose the early termination of the term of office of officials elected by popular vote, unless the institutions in which they serve are abolished or substantially modified.

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The New Constitution must establish the manner in which officials working under the current Constitution will cease or continue their duties.

**10. What happens to the Convention after the text of the New Constitution is written and approved?**

Once the proposed text of the New Constitution has been written by the Convention and approved by plebiscite, or the stipulated period and extension have expired, the Convention will be dissolved.

**11. What is the procedure for reporting a violation of the rules applicable to the Convention?**

Reporting a violation of the rules of procedures applicable to the Convention, whether contained in the current Constitution or specified in the general agreements established by the Convention itself is allowed. In no case, however, will it be possible to denounce the content of the text being written.

Any such report or denunciation will be reviewed by five justices of the Supreme Court, chosen randomly by the Court for each question raised.

**12. What other national elections will be held in 2021 and 2022?**

The second round of Regional Governor elections will be held on June 13<sup>th</sup>, 2021, with the exception of the Aysén, Magallanes, and Valparaíso Regions, where the Regional Governor was elected in the first round.

The presidential and congressional primaries will be held on July 18, 2021.

The presidential, congressional, and regional council (CORES) elections will be held on 21 November, 2021. If necessary, a second-round presidential election will be held on 19 December, 2021.

If the Constitutional Convention operates for the maximum period established in the current Constitution, the national plebiscite would be in June or July of 2022