

CONSTITUTION OF THE PLURINATIONAL POPULAR REPUBLIC

*A Constitutional Framework for a Government
of, by, and for the People*

Draft Framework Document
Incorporating principles from the 2009 Bolivian Constitution

Design note: This document synthesizes a full constitutional framework developed through iterative design sessions between Edward Phelps and Claude.ai. It incorporates the five-branch structure, the Bolivian constitutional floor rights model, executive enforcement mechanisms, the legislative necessity test, and anti-capture provisions for each branch. Articles marked [DETAILED] have been fully drafted in the design sessions; others are framework-level provisions requiring further development.

PREAMBLE

We, the People of this plurinational republic, of plural composition, draw on the lessons of history, the failures of concentrated power, and the enduring human desire for dignity, freedom, and self-determination.

We have witnessed how wealth captures legislatures, how executives outlast accountability, how courts become instruments of the powerful, and how the formal machinery of democracy can be turned against the people it claims to serve.

We therefore establish this Constitution not merely to organize government, but to constrain it — to ensure that power flows always from the people, returns always to the people, and cannot be seized, hoarded, or turned against any person or community within our territory.

We found this republic on three convictions: that freedom is the absence of domination, not merely the absence of prohibition; that law must justify itself against the presumption of liberty; and that the purpose of every institution of the state is to expand, not restrict, the real freedom of every person within it.

Sovereignty resides in the people and is exercised directly and by delegation. It is inalienable. No person, party, office, or institution may claim it permanently.

PART I — FUNDAMENTAL BASES OF THE STATE

Title I — Model and Values of the State

Article 1. *Form of State*

This republic is constituted as a free, independent, sovereign, democratic, plurinational, intercultural, and decentralized state with autonomies. The state is founded on political, economic, juridical, cultural, and linguistic plurality. No single culture, language, tradition, or community shall be privileged above others in the institutions of the state.

Article 2. *Sovereignty*

Sovereignty resides in the people and is exercised directly and by delegation through the institutions established in this Constitution. The functions and attributes of public power emanate by delegation from popular sovereignty. Sovereignty is inalienable and cannot be permanently transferred to any person, office, party, or institution.

Article 3. *Forms of Democracy*

Democracy is exercised in three co-equal forms: (1) Direct and participatory — through referendum, citizen legislative initiative, revocation of mandate, recall elections, and binding petition; (2) Representative — through the election of representatives by universal, direct, secret, and ranked-choice suffrage; (3) Communal — through the election, designation, or nomination of authorities and representatives pursuant to the norms and procedures of indigenous nations and peoples, recognized as a co-equal democratic track.

Article 4. *Separation and Independence of Powers*

The state organizes its public power through five branches: the Legislative (Popular Assembly and Citizen Senate), the Executive (Executive Council), the Judicial (Constitutional Court and Implementation Tribunal), the Electoral (Electoral Branch and Finance Watchdog), and direct popular mechanisms. The organization of the state is based on the independence, separation, coordination, and cooperation among these branches. The functions of one branch may not be assumed by another, nor delegated except as this Constitution expressly permits.

Article 5. *Presumption of Liberty*

Every person is free to do anything not prohibited by law. The state may not require any person to do anything not mandated by this Constitution or laws enacted pursuant to it. Doubt as to whether an act is prohibited shall be resolved in favor of liberty. Laws shall be interpreted narrowly when they restrict freedom and broadly when they protect it.

Article 6. Separation of Religion and State

The state is independent of all religious institutions. No religious doctrine, text, or authority shall form the basis of any law or state decision. The state respects and guarantees freedom of belief, conscience, spirituality, and religion, expressed individually or collectively, in public and private, for lawful purposes.

PART II — CONSTITUTIONAL FLOOR RIGHTS

Title II — Non-Derogable Rights

The following rights constitute the constitutional floor. They are inviolable, non-negotiable, and immune from restriction or repeal by any branch of government, any legislative majority, or any referendum. They may be extended but never diminished. No declared state of emergency, no executive order, no judicial ruling, and no popular vote may suspend or qualify them.

Article 7. *Right to Life and Integrity*

Every person has the right to life and to physical, psychological, and sexual integrity. No person shall be subjected to torture, cruel, inhuman, degrading, or humiliating treatment. The death penalty does not exist. No person shall be subjected to forced disappearance. No person shall be held in servitude or slavery.

Article 8. *Right to Water and Food*

Every person has the right to sufficient, safe, and accessible water and food. Access to water is a human right and shall not be the object of privatization, concession, or commodification. The state bears an irrevocable obligation to guarantee food security for the entire population.

Article 9. *Right to Health*

Every person has the right to health. There shall be a single universal public health system, free at the point of use, equitable, intercultural, and participatory. Public health goods and services are state property and may not be privatized. Access to medicine shall not be restricted by intellectual property rights.

Article 10. *Right to Education*

Every person has the right to universal, free, comprehensive, and non-discriminatory education at all levels. Education shall be intercultural and plurilingual. No person shall be denied education on grounds of origin, identity, economic condition, disability, or any other characteristic.

Article 11. *Right to Housing*

Every person has the right to adequate housing that dignifies individual and family life. The state shall promote social housing with priority for families with scarce resources, disadvantaged groups, and rural communities.

Article 12. *Right to a Healthy Environment*

Every person, individually and collectively, and all living things, have the right to a healthy, protected, and balanced environment. This right extends to present and future generations. Any person may take legal action in defense of environmental rights without needing to demonstrate personal standing. The environment may not be subordinated to private economic interest.

Article 13. *Rights of Indigenous Nations and Peoples*

Indigenous nations and peoples hold rights to free determination and autonomy; collective ownership of their lands and territories; consultation prior to any legislative or administrative measure affecting them, in good faith and by agreement; participation in the benefits of natural resource exploitation in their territory; and the recognition of their juridical, political, and economic systems as a co-equal track of governance within the framework of this Constitution.

PART III — RIGHTS AND GUARANTEES

Title III — Civil and Political Rights

Framework note: This title incorporates a comprehensive bill of rights including freedom of expression, assembly, association, movement, privacy, petition, due process, and equal protection. These are detailed rights subject to the necessity test of Article 48 but above the legislative floor. Full drafting of individual articles in this title is recommended as a next development phase.

Article 14. *Equality and Non-Discrimination*

Every person has legal status and equal capacity under the law. The state prohibits and punishes all forms of discrimination based on sex, gender identity, sexual orientation, age, color, origin, culture, nationality, language, religion, ideology, political affiliation, civil status, economic condition, disability, pregnancy, or any other condition that results in the annulment or harm of equal rights.

Article 15. *Right to Participate in Government*

All citizens have the right to participate freely in the formation, exercise, and control of political power, directly or through their representatives, individually or collectively. Participation shall be equitable and under equal conditions regardless of sex, identity, or economic condition. The right to vote is universal, direct, secret, free, and obligatory, publicly counted.

Article 16. *Right to Petition and Response*

Every person has the right to petition any public body, individually or collectively, and to receive a formal and prompt response. The sole requirement is identification of the petitioner. Failure to respond within thirty days constitutes an actionable violation.

PART IV — STRUCTURE OF THE STATE

Title IV — The Legislature

Chapter I — Popular Assembly

Article 17. Composition and Election

The Popular Assembly consists of four hundred seats: three hundred and sixty district seats and forty reserved communal seats. District seats are distributed across ninety multi-member districts, each electing four representatives by ranked-choice voting using the single transferable vote method. A candidate requires approximately twenty-five percent of local support to win a seat. Communal seats are filled by indigenous nations and peoples through their own selection processes, recognized as valid by the Electoral Branch.

Article 18. Terms and Eligibility

Representatives serve two-year terms. No person may serve more than three terms (six years total) in the Popular Assembly. Terms are staggered so that half the body is renewed each year. Any representative may be recalled by a petition of twenty percent of their district electorate, triggering a by-election within sixty days.

Article 19. Campaign Finance

All candidates for the Popular Assembly receive equal public campaign funding disbursed by the Electoral Branch upon qualifying by five hundred citizen signatures from their district. Private donations to candidates or to campaigns on their behalf are prohibited. Violations result in automatic disqualification, not merely fines.

Article 20. Powers and Limits of the Popular Assembly

The Popular Assembly is the sole initiator of legislation. It holds budget authority and treaty ratification. It may not be dissolved by the Executive Council or any other branch. Representatives must file quarterly public reports with their district explaining every vote cast and their attendance record. The Assembly may override a Legislative Necessity Assessment by two-thirds supermajority, subject to mandatory Citizen Senate review.

Article 21. Gender Parity

Political parties and communal selection processes must achieve gender parity in the Assembly. Parties failing to achieve parity in their candidate lists forfeit public campaign funding for the affected seats.

Chapter II — Citizen Senate

Article 22. *Composition and Selection*

The Citizen Senate consists of one hundred and fifty seats filled entirely by citizen lottery from the universal civic pool. Selection is conducted by the Electoral Branch through a nationally broadcast public draw. No elected or appointed official, registered party member, or person who has held political office within five years may serve in the Citizen Senate.

Article 23. *Terms and Rotation*

Citizen senators serve twelve-month terms. Terms are staggered with fifty senators replaced every quarter, ensuring the body always contains members at different stages of their term. No person may serve in the Citizen Senate more than once. Service is compensated at the median national wage plus a housing allowance.

Article 24. *Deliberation Protocol*

The Citizen Senate shall observe a mandatory thirty-day reading and deliberation period before voting on any bill. Each senator shall be assigned an independent expert panel drawn by lottery from qualified professionals who have not lobbied on the subject matter. The Senate shall produce a required dissent document for every bill, recording minority views. All sessions shall be recorded and published in full.

Article 25. *Powers and Limits of the Citizen Senate*

The Citizen Senate reviews legislation passed by the Popular Assembly. It may delay any bill for up to ninety days. It may not permanently kill legislation — only delay. If the Senate and Assembly remain in disagreement after ninety days, the matter is referred to a binding citizen referendum administered by the Electoral Branch within thirty days. The Senate may not initiate legislation. It holds joint appointment authority for one-third of Constitutional Court judges.

Chapter III — Staff and Research

Article 26. Competing Research Offices

Three independent research offices shall serve both chambers of the Legislature: the Academic Research Office, affiliated with public universities; the Civil Society Research Office, funded by an independent endowment; and the Parliamentary Research Office, staffed by the civil service. On every bill filed, all three offices shall publish simultaneously their analysis within fourteen days. No single office may serve as the sole analytical source for any legislative proceeding. All analyses are public.

Title V — The Executive

Article 27. *The Executive Council*

Executive power is vested in the Executive Council. The Executive Council consists of a President and a cabinet of ministers responsible for implementing legislation enacted by the Legislature. The Executive Council is elected by direct popular vote for a term of four years. No person may serve more than two terms.

Article 28. *Affirmative Duty to Implement*

The Executive Council bears an affirmative constitutional duty to implement all laws enacted by the Popular Assembly and ratified or permitted to pass by the Citizen Senate. Failure to implement, whether by refusal, resource deprivation, or procedural delay, constitutes a constitutional violation subject to the graduated remedies of Article 33.

Article 29. *Limits of Executive Power*

The Executive Council may not veto legislation. It may not dissolve the Popular Assembly or Citizen Senate. It may not appoint judges of the Constitutional Court or members of the Electoral Branch or Finance Watchdog. It may not suspend constitutional floor rights under any circumstances, including declared states of emergency. It may issue executive orders implementing law, subject to review by the Constitutional Court for constitutionality.

Article 30. *Executive Recall*

The Executive Council may be recalled by a citizen petition signed by forty percent of the national electorate, administered and verified by the Electoral Branch. Upon verification, the Electoral Branch shall organize a binding recall referendum within thirty days. A majority vote for recall removes the entire Executive Council immediately. A successor election is held within sixty days.

Article 31. *Civil Service Protection*

The civil service is constitutionally independent from political direction, pressure, or retaliation by any branch. Civil servants implementing law are protected from interference by any official of the Executive Council. Interference with civil service implementation constitutes a separate constitutional violation subject to immediate Level 3 consequences under Article 33, independent of any primary non-compliance proceeding.

Article 32. *Implementation Plans*

Within thirty days of any law taking effect, the Executive Council shall file with the Implementation Tribunal a written implementation plan specifying: the responsible ministry; the minimum funding allocation consistent with the funding floor established in the law; measurable implementation milestones at ninety-day intervals; and the projected date of full compliance. Failure to file within thirty days triggers automatic Level 1 proceedings.

Chapter I — Executive Enforcement

Article 33. *Implementation Tribunal*

The Implementation Tribunal is a specialized enforcement body with jurisdiction over Executive inaction. It consists of seven members: three selected by citizen lottery from the national civic pool; two nominated by the Constitutional Court; and two confirmed by two-thirds supermajority of the Popular Assembly. Members serve five-year non-renewable staggered terms. No member may have held elected or appointed office within ten years prior to selection.

Section 1. Level 1 — Public Declaration (days 31–60)

Upon finding of non-compliance, the Tribunal issues a public declaration naming the Executive Council, the law, and the nature of non-compliance. The declaration is published in the national record and transmitted to all regional governments and media outlets.

Section 2. Level 2 — Implementation Commissioner (days 61–90)

The Tribunal appoints an Implementation Commissioner with direct and exclusive authority over budget allocations for the non-compliant law. The Commissioner answers to the Tribunal, not the Executive Council, and may direct relevant ministries without Executive authorization.

Section 3. Level 3 — Individual Disqualification (days 91–120)

Each member of the Executive Council is individually barred from holding any public office for the duration of non-compliance. This disqualification is immediate and does not require further judicial proceeding.

Section 4. Level 4 — Citizen Recall Referendum (day 121 and beyond)

The Tribunal automatically triggers a citizen recall referendum pursuant to Article 30. The Electoral Branch administers the referendum within thirty days. The result is binding and requires no confirmation by any branch.

Section 5. Concurrent Jurisdiction

Nothing in this Article limits the Constitutional Court from ruling on the constitutionality of the underlying law. A finding of unconstitutionality by the Court suspends the Tribunal process pending review.

Title VI — The Judiciary

Article 34. *Constitutional Court*

The Constitutional Court is the supreme interpreter of this Constitution. It reviews legislation, executive orders, and the acts of all branches for conformity with this Constitution. It consists of nine judges serving nine-year non-renewable staggered terms, with three terms expiring every three years.

Article 35. *Judicial Appointments*

Constitutional Court judges are appointed by three equal and concurrent processes: one-third nominated jointly by the Popular Assembly and Citizen Senate by two-thirds supermajority of each; one-third selected by citizen lottery from a pool of qualified legal professionals administered by the Electoral Branch; one-third nominated by the outgoing court by two-thirds majority, subject to confirmation by citizen lottery panel. No executive nomination of judges is permitted under any circumstance.

Article 36. *Judicial Independence*

Judges may not be removed except by two-thirds vote of a citizen panel of one hundred and fifty persons drawn by the Electoral Branch upon petition of three-quarters of the Constitutional Court itself, or upon conviction of a serious crime. No branch may reduce judicial salaries, alter Court jurisdiction, or expand the number of judges except by constitutional amendment.

Article 37. *Scope of Judicial Review*

The Court may strike legislation or executive action that violates this Constitution. It may not initiate legislation, direct the operations of any other branch, or substitute its policy judgment for that of the Legislature. The Court has explicit jurisdiction over Executive inaction as well as Executive action. A finding that the Executive has failed to implement a law within its constitutional meaning is an actionable ruling enforceable through the Implementation Tribunal.

Title VII — The Electoral Branch

Article 38. Electoral Branch — Establishment and Independence

The Electoral Branch is the fifth and independent branch of government. It answers to no other branch. Its budget is fixed by constitutional formula at zero-point-three percent of gross domestic product annually, disbursed automatically without legislative appropriation. Any attempt to reduce this allocation triggers automatic Constitutional Court review within thirty days. Surplus funds are held in an independent reserve.

Article 39. Electoral Council

The Electoral Branch is governed by an Electoral Council of nine members: three nominated by the Constitutional Court from among qualified electoral professionals; three selected by citizen lottery from the national civic pool; three nominated by registered professional electoral associations. Members serve six-year staggered non-renewable terms. No member may have been a registered member of a political party within ten years prior to appointment. Members are subject to a five-year post-service cooling-off period prohibiting political activity.

Article 40. Powers of the Electoral Branch

The Electoral Branch has exclusive jurisdiction over: all elections at every level of government; all citizen lottery draws for the Citizen Senate, judicial appointments, citizen observer panels, and any other sortition process established by this Constitution or by law; all campaign finance enforcement; candidate qualification and public funding disbursement; and the administration of citizen recalls and referenda. All election software used by the Electoral Branch shall be open-source and auditable by any citizen or researcher.

Article 41. Finance Watchdog

The Finance Watchdog operates as a division of the Electoral Branch with prosecutorial independence. It holds subpoena power over all persons and entities in connection with campaign finance investigations, independent of the justice ministry. Violations of campaign finance law trigger automatic candidate disqualification, not merely financial penalties. All campaign spending by any candidate or on any candidate's behalf must be publicly disclosed within twenty-four hours of expenditure. The Finance Watchdog publishes a real-time public register of all campaign financial activity.

Article 42. Citizen Observer Panels

A citizen observer panel selected by lottery shall be present at every vote count at every level. Observers have the right to examine all ballots, all counting equipment, and all software outputs. The paper ballot is the legal record of every election. Digital counts must match paper audit. Any discrepancy triggers an automatic recount under observer supervision.

Article 43. *Office of Legislative Necessity*

The Office of Legislative Necessity operates within the Electoral Branch as an independent assessment body. It consists of twelve members selected by citizen lottery serving two-year rotating terms. The Office shall publish a public Legislative Necessity Assessment within twenty-one days of any bill being filed in the Popular Assembly. The Assessment is advisory — it is not a veto — but it is a matter of public record that any Assembly member voting against its findings must address in their quarterly district report.

PART V — LEGISLATIVE PROCESS AND NECESSITY

Title VIII — The Legislative Necessity Test

No law shall be enacted unless its sponsors have demonstrated satisfaction of all four of the following gates. The burden of proof lies with the sponsors of legislation, not with those who would preserve liberty.

Article 44. *Gate 1 — Harm*

Sponsors must file evidence of a concrete harm to persons other than themselves: empirical data, documented community experience, or affected party testimony. Harm that is speculative, that affects only the person engaging in the conduct, or that is already addressed by existing law does not satisfy this gate. The harm must be to identifiable others, not to abstract social norms or to the moral preferences of the majority.

Article 45. *Gate 2 — Necessity*

Sponsors must demonstrate that no remedy less restrictive of freedom adequately addresses the harm. Non-legislative remedies — existing enforcement, education, community action, market correction — must be considered and found insufficient before legislation may proceed. Where both a prohibition and a mandate would achieve the legislative goal, prohibition is preferred. Where both a prohibition and a lesser sanction would achieve the goal, the lesser sanction is preferred.

Article 46. *Gate 3 — Proportionality*

The scope of the law must be limited to what the harm requires and no broader. Sponsors must identify each freedom restricted by the proposed law and justify the restriction as necessary and proportionate to the harm. A law that restricts parties not connected to the harm, or that grants enforcement powers beyond what the harm requires, fails this gate. Laws that appear neutral but burden particular communities disproportionately must demonstrate proportionality with respect to those communities specifically.

Article 47. *Gate 4 — Sunset*

All laws shall carry a default expiration date of ten years from enactment. Renewal requires satisfaction of all four gates anew. Emergency laws expire in ninety days without the possibility of extension by executive action alone; extension requires Assembly vote. Laws addressing long-horizon matters such as environmental protection, infrastructure, and intergenerational resources may be extended to

twenty-five years by two-thirds supermajority of both chambers. Constitutional floor rights and their implementing mechanisms are permanent and exempt from sunset.

Article 48. *Necessity Assessment Procedure*

The Office of Legislative Necessity shall publish its Assessment within twenty-one days of a bill being filed. If any gate is found not satisfied, the Assessment shall state specifically which gate failed and why. The Popular Assembly may proceed despite a failed Assessment by two-thirds supermajority vote, but such a vote triggers mandatory Citizen Senate review regardless of the bill's subject matter. Override votes are published individually by name in the national record.

PART VI — CONSTITUTIONAL AMENDMENT

Title IX — Protecting the Constitution

Article 49. Amendment Procedure

This Constitution may be amended only by the following concurrent process: two-thirds supermajority of the Popular Assembly; two-thirds supermajority of the Citizen Senate; and a binding citizen referendum administered by the Electoral Branch in which a majority of all registered voters approve the amendment. All three conditions must be satisfied. No single branch or any two branches together may amend this Constitution. The constitutional floor rights of Part II may not be diminished by any amendment procedure.

Article 50. Prohibition on Self-Entrenchment

No amendment may extend the term of any sitting official, eliminate term limits applicable to any office, reduce the independence of the Electoral Branch, alter the composition of the Constitutional Court in a manner that benefits any sitting government, or suspend the Legislative Necessity Test. Proposed amendments that violate this article are null and void and may be struck by the Constitutional Court without referral to referendum.

Article 51. Emergency Powers

No declaration of emergency by the Executive Council may suspend, limit, or qualify any right established in Part II of this Constitution. Emergency powers are limited to measures strictly necessary to address the emergency, proportionate to the threat, and subject to review by the Constitutional Court within seventy-two hours of declaration. Emergency measures expire automatically after thirty days unless renewed by two-thirds vote of the Popular Assembly. Emergency declarations do not suspend the recall mechanism, the legislative process, or the operations of the Electoral Branch.

PART VII — COMMUNAL GOVERNANCE AND AUTONOMY

Title X — Plurinational Recognition

Article 52. *Recognition of Communal Governance*

Communal governance, exercised by indigenous nations and peoples through their own norms, procedures, and institutions, is recognized as a co-equal third track of democratic governance alongside representative and direct democracy. The state guarantees, respects, and protects the political, juridical, and economic systems of indigenous nations and peoples as an expression of their self-determination.

Article 53. *Prior Consultation*

Indigenous nations and peoples have the right to prior, free, and informed consultation through their own institutions each time any legislative or administrative measure is foreseen that may affect them. Consultation is obligatory before any exploitation of natural resources in indigenous territories. Consultation must be conducted in good faith and with genuine intent to reach agreement; it is not satisfied by notification alone.

Article 54. *Communal Seats in the Popular Assembly*

Forty seats in the Popular Assembly are reserved for indigenous nations and peoples, filled through their own selection processes. These processes are recognized as valid by the Electoral Branch without imposing external electoral norms. Representatives from communal seats hold the same powers and immunities as district representatives.

PART VIII — TRANSITIONAL AND FINAL PROVISIONS

Title XI — Implementation

Framework note: Transitional provisions address the phased establishment of new institutions, the timeline for first elections and lottery draws, the relationship of this Constitution to prior law, and the mechanism for ratification. These provisions require detailed drafting in consultation with affected communities and legal experts. Key transitional questions include: the initial composition of the Implementation Tribunal and Office of Legislative Necessity before lottery mechanisms are operative; the timeline for communal seat selection processes; and the sunset review schedule for all existing law carried forward.

Article 55. *Supremacy*

This Constitution is the supreme law of the republic. All laws, decrees, executive orders, judicial rulings, and acts of any public body must conform to it. Any provision of existing law that conflicts with this Constitution is null and void from the date this Constitution takes effect.

Article 56. *Existing Law Review*

All laws in effect at the date this Constitution takes effect are deemed provisionally valid for a period of five years, during which the Office of Legislative Necessity shall conduct a systematic review of the existing statute book against the four gates of the Legislative Necessity Test. The Popular Assembly shall act on the Office's recommendations within this five-year period. Laws not reviewed within five years expire automatically.

Article 57. *Ratification*

This Constitution shall take effect upon approval by a majority of all registered voters in a ratification referendum administered by the transitional Electoral Commission. The ratification referendum shall be held no fewer than ninety days and no more than one hundred and eighty days after the final text is published in full in all official languages.

End of Constitutional Framework — Draft for Development and Deliberation

This document was developed through iterative constitutional design sessions drawing on the 2009 Bolivian Constitution, sortition theory, negative liberty philosophy, and practical analysis of executive capture failure modes. It represents a framework for further development, community deliberation, and expert legal review — not a final text. Every provision should be stress-tested against the failure modes identified in the design sessions before adoption.

Want to see the full AI conversation that built this? [Read the complete Claude chat here.](#) [Post a comment here with your thoughts.](#)