



## *Fact Sheet:*

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# **Constitutional Amendment in Venezuela**

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In December 2008, the National Assembly began discussing a proposal for a constitutional amendment that would remove limits on the number of times that an incumbent President can run for the Presidency of the Republic. This proposal has been endorsed by a petition containing over 6 million, 600 hundred thousand signatures as part of a popular movement to support the amendment. On January 7<sup>th</sup>, President Chávez proposed lifting term limits for all elected post at the national, state, and local levels to give the people the possibility of reelecting officials who have satisfied their demands. The National Assembly approved such a proposal for amending the Constitution in its second debate on the topic on January 14<sup>th</sup>; **Venezuelan citizens will have the final say on the issue in a national referendum.**

The Venezuelan Constitution of 1999 requires that any changes to the Constitution must be voted on by the people. Articles 341 and 343 of the Constitution state that amendments and reforms can be proposed in one of three ways: through the Executive Branch, through the National Assembly, or through a petition backed by Venezuelan citizens.

The Venezuelan Constitution establishes that an amendment proposed by the National Assembly must go through two rounds of debates, and be approved by 39 percent of its members. Once the National Assembly submits the proposal, the National Electoral Council (or CNE, the independent branch of government responsible for carrying out elections) has to organize a national referendum within 30 days.

In this referendum, registered voters will vote 'yes' or 'no' on the following question:

“Do you approve amending articles 160, 162, 174, 192, and 230 of the Constitution of the Republic, as submitted by the National Assembly, to expand the people’s political rights with the goal of allowing any citizen, in his or her function as a popularly elected official, to run for office as a candidate for that same office, for a constitutionally established time period, as long as their election is the exclusive result of the people’s vote?”

Regardless of the result of the referendum, **the length of the presidential term will continue to be six years.** Regular presidential elections will be held every six years. The amendment merely proposes to remove limits on the number of times an incumbent President can run for the country’s highest office. Furthermore, **Venezuela’s constitution makes it possible for voters to revoke a president’s mandate half-way through his or her term.**

The same is true for other elected officials. The length of their terms would be unchanged and they too still face the possibility of a recall referendum.

### **Deepening Democracy**

The electoral system in Venezuela has been improved in recent years and is now widely considered to be one of the most advanced in the world. **All international observers have attested to the free and fair nature of elections, including the Organization of American States (OAS), the EU, and the Carter Center.**

Previous referenda have been carried out with normalcy, including one in 2004 when the Venezuelan opposition succeeded in organizing a referendum on the mandate of



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President Chavez. This is testament to the high level of popular participation in governance allowed in Venezuela under its unique participatory model of democracy.

### **Myths regarding the amendment proposal**

Several newspaper editorials in Venezuela have made false claims about the proposed amendment, and suggested that it would allow President Chávez to be “President for life”. These distortions are easily discredited by a cursory examination of the changes in question. Article 230 of the Constitution, one of the articles under discussion, states:

The presidential term is six years. The President of the Republic may be re-elected, immediately and only once, to an additional term.

If the referendum is passed, Article 230 would read as follows:

The presidential term is six years. The President of the Republic can be reelected.<sup>1</sup>

Articles 160, 162, 174 and 192 of the Constitution set term limits for governors, state legislators, mayors and National Assembly representatives, respectively. The proposed referendum would amend these articles in a similar way to Article 230.<sup>2</sup>

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<sup>1</sup> “President Chávez does not plan to stay in power forever”, December 8, 2008 [http://venezuela-us.org/2008/12/08/president-chavez-does-not-plan-to-stay-in-power-forever/?preview=true&preview\\_id=11527&preview\\_once=d6c3097f63](http://venezuela-us.org/2008/12/08/president-chavez-does-not-plan-to-stay-in-power-forever/?preview=true&preview_id=11527&preview_once=d6c3097f63)

<sup>2</sup> Manual mínimo de la Enmienda Constitucional, Ministry of People’s Power for Communication and Information, January, 5, 2009, [http://www.minci.gob.ve/reportajes/2/187244/manual\\_minimo\\_de.html](http://www.minci.gob.ve/reportajes/2/187244/manual_minimo_de.html)

Some members of the political opposition in Venezuela argue that citizens have already voted on the issue of term limits in a referendum. In late 2007, though, voters weighed in on a Constitutional reform that included 69 articles of the Constitution and would have led to important modifications in 7 of the 8 sections (“titles”) of the Constitution. **The current proposal would only modify the 5 articles that deal with term limits for elected officials.**

According to **Article 340** of the 1999 Constitution, the purpose of an amendment is “to add to or modify one or more articles of the Constitution.” On the other hand, a constitutional reform is described in **Article 342** as “a partial revision of this Constitution and replacement of one or more of the provisions.” **Given that this proposal would only seek to modify five articles, and would not revise the Constitution or replace any provision, it fits the definition of a Constitutional amendment.**

### **The Inter-American Democratic Charter**

Finally, some opposition groups have claimed that the amendment proposal violates the Inter-American Charter.

**Yet the Inter-American Democratic Charter does not establish any limits on the number of times elected officials can run for the same office.** Nor does it place a limit on the number of times that voters may go to the polls to decide on this or any other issue regarding democratic procedures. **In fact, there is no international agreement, treatise or law which mandates term limits.** An *a priori* prohibition of a referendum in which the people decide about this issue would be anti-democratic.



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Article 6 of the Charter states that “promoting and fostering diverse forms of participation strengthens democracy.” In a democracy, a referendum is the most direct way for the people to have a voice in national issues.

### **Presidential Term Limits in the U.S.**

In the United States, presidential term limits did not exist until 1951 when the 22<sup>nd</sup> Amendment to the U.S. Constitution was ratified. Prior to that, President Franklin Delano Roosevelt was elected to 4 consecutive terms in office.

The history of debate on this issue goes back to the country’s founding. Alexander Hamilton argued that not having term limits would “enable the people, when they see reason to approve of [the President’s] conduct, to continue him in his station, in order to prolong the utility of his talents and virtues, and to secure to the government the advantage of permanency in a wise system of administration.”<sup>3</sup> Although Thomas Jefferson initially favored term limits, he later wrote: “I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”<sup>4</sup>

### **Conclusion**

The double standard used by some of those who have criticized Venezuela’s proposed amendment to repeal term limits was pointed

out by Brazilian President Lula da Silva. He said, “People complain because Chávez wants a third term. Why didn't anybody complain when Margaret Thatcher was in power for so many years? Nobody complains about [former Spanish Prime Minister] Felipe Gonzalez, who stayed for so many years; nobody complains about [France’s] Mitterand, who stayed for so many years... What we need to do is respect the autonomy and sovereignty of each country.”<sup>5</sup>

Elected representatives in Venezuela put forth a constitutional amendment directly to the people. This should be recognized as an example of democracy in action. The proposed amendment itself would allow citizens to re-elect Venezuelan Presidents – not just Hugo Chávez – and other elected officials in free and competitive elections if they consider these officials have been fulfilling the interests of the Venezuelan people.

**Finally, the fact that Venezuelans can decide whether or not the Constitution is changed, a right which citizens in many other countries do not possess, underscores Venezuela’s commitment to participatory democracy.**

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<sup>3</sup> Alexander Hamilton, Federalist Paper No. 72, 1788, <http://www.foundingfathers.info/federalistpapers/fed72.htm>

<sup>4</sup> Thomas Jefferson, 1820, <http://etext.virginia.edu/jefferson/quotations/jeff0350.htm>

<sup>5</sup> “Lula dice que no se puede cuestionar democracia ni tercer mandato de Chávez”, *El Universal*, November 14, 2007. [http://politica.eluniversal.com/2007/11/14/pol\\_ava\\_lula-dice-que-no-se\\_14A1195083.shtml](http://politica.eluniversal.com/2007/11/14/pol_ava_lula-dice-que-no-se_14A1195083.shtml)