

**Constitution of the Bolivarian
Republic of Venezuela**
(in English translation from the original legal text)

**TITLE V
ORGANIZATION OF NATIONAL PUBLIC AUTHORITY**

Chapter 1

National Legislative Power

Section One: General Provisions

Article 186: The National Assembly shall consist of Deputies* elected* in each of the federal entities by universal, direct, personalized and secret ballot with proportional representation, using a constituency base of 1.1 % of the total population of the country. Each federal organ shall also elect three additional deputies*. The native peoples of the Bolivarian Republic of Venezuela shall elect three deputies* in accordance with the provisions established under election law, respecting the traditions and customs thereof. Each deputy* shall have an alternate* elected* by the same process.

Article 187: It shall be the function of the National Assembly:

- (1) To legislate in matters of national competence and as to the functioning of the various branches of National Power.
- (2) To propose amendments to and revisions of the Constitution, on the terms established in this Constitution.
- (3) To exercise control functions over the government and the National Public Administrative, on the terms established in this Constitution and by law. Evidence obtained during the exercise of this function shall have probative value on such terms as may be established by law.
- (4) To organize and promote citizen participation in matters within its competence.
- (5) To order amnesties.
- (6) To discuss and approve the national budget and any bill relating to the taxation system and to public credit.
- (7) To authorize appropriations in addition to the budget.
- (8) To approve the general guidelines for the national economic and social development plan to be submitted by the National Executive during the third quarter of the first year of each constitutional term.
- (9) To authorize the National Executive to enter into contracts in the

national interest, in the cases established by law. To authorize contracts in the municipal, state and national public interest, with foreign States, or official entities or with companies not domiciled in Venezuela.

(10) To vote resolutions of censure against the Executive Vice President* and Ministers*. A censure motion shall be debated only two days after being submitted to the Assembly, which shall have the power to decide by a three fifths vote that the censure shall include the removal from office of the Executive Vice-President* or the Minister* concerned.

(11) To authorize the operation of Venezuelan military missions abroad or foreign military missions within the country.

(12) To authorize the National Executive to dispose of nonpublic real property owned by the Nation, with such exceptions as may be established by law.

(13) To authorize public officials* to accept positions, honors or rewards from foreign governments.

(14) To authorize the appointment of the General Attorney of the Republic* and the Heads of Permanent Diplomatic Missions.

(15) To confer the honors of the National Pantheon on illustrious Venezuelans* who have rendered eminent services to the Republic, after 25 years have elapsed since the death of such persons; this decision may be made upon a recommendation from the President* of the Republic, two thirds of the State Governors*, all of the rectors of the National Universities.

(16) To tend that the interests and autonomy of the States are upheld.

(17) To authorize the departure of the President* of the Republic from the territory of the Nation when such absence is to last longer than five consecutive days.

(18) To approve by law any international treaties or agreements entered into by the National Executive, with the exceptions set forth in the present Constitution.

(19) To enact its own internal regulations and apply such sanctions as may be provided for thereunder.

(20) To pass on the qualifications of its members and take notice of their resignation. The temporarily separation of a deputy* from his or her office, shall only be decided by a two thirds vote of those present.

(21) To organize its own internal security service.

(22) To pass and implement its budget of expenditures, taking into account the country's financial limitations.

concerning its own administrative

(24) Any others indicated in this Constitution or by law.

Article 188: To be elected to the office of deputy of the National Assembly, a person must:

(1) Be Venezuelan by birth, or by naturalization with 15 years of residence within the territory of Venezuela.

(2) Be over the age of 21 years.

(3) Have resided for four consecutive years in the organ from which he or she is elected, prior to such election.

Article 189: The following shall not be eligible for the office of deputy*:

(1) The President* of the Republic, the Executive Vice-President Ministers*, the Secretary* of the Office of the President of the Republic and the Chairpersons* and Directors of Autonomous Institutes and State owned enterprises, until three months after leaving such offices.

(2) Governors* and government secretaries of the States or the Capital District, until three months after permanently leaving such offices.

(3) Municipal state or national, Autonomous Institutes or State-owned enterprises, officers* when the election is taking place in the jurisdiction in which such officer serves, except in the case of a temporary care-providing, teaching or academic position. The pertinent organic law may provide for the ineligibility of other officers*.

Article 190: Deputies* of the National Assembly shall not be proprietors*, administrators* or directors* of business enterprises that enter into contracts with public sector juridical persons, so that they shall have no private beneficial interest in dealing with it. When matters involving financial conflicts of interest come up for discussion, the affected members of the National Assembly shall be required to abstain from the pertinent vote.

Article 191: Deputies* of the National Assembly shall not be permitted to accept or hold public employment positions without giving up their investiture, except in teaching, academic, temporary and care-giving positions, and provided the employment is not intended to be full-time.

Article 192: Deputies* of the National Assembly shall hold office for a term of five years, with eligibility for re-election to no more than one additional term.

Section Two: Organization of the National Assembly

Article 193: The National Assembly shall appoint ordinary and special Standing Committees. The Standing Committees, which shall be no more than 15 in number, shall relate to sectors of national activity. The National Assembly shall also have the power to create Committees of temporary nature for purposes of research and study, all of the foregoing in accordance with the applicable Regulations. The National Assembly shall have the power to create or abolish Standing Committees by the favorable vote of two thirds of the members of the Assembly.

Article 194: The National Assembly shall elect among its members one President* and two Vice-Presidents*, as well as one Secretary* and an Undersecretary*, not member of

the Assembly, for a term of one year. The Regulations shall establish the methods for filling temporary and permanent vacancies.

Article 195: While the Assembly is in recess, a Delegated Committee consisting of the President*, the Vice-President* and the Presidents* of the Standing Committees shall be in session.

Article 196: The following are powers of the Delegated Committee:

- (1) To call the National Assembly into extraordinary session, when the importance of any matter so demands.
- (2) To authorize the President of the Republic to leave the territory of Venezuela.
- (3) To authorize the National Executive to order additional appropriations.
- (4) To designate temporary Committees consisting of members of the Assembly.
- (5) To execute investigations functions ascribed to the Assembly.
- (6) By a two thirds vote of its members, to authorize the National Executive to create, modify or suspend public services in the event of a proven emergency.
- (7) Any others established by the Constitution or by law.

Section Three: Deputies* of the National Assembly

Article 197: Deputies* of the National Assembly, are obligated to work on a full-time basis for the benefit of the people's interest, and to stay in constant contact with their constituents*, heeding these opinions and suggestions and keeping them informed about its individual and Assembly Management. They shall render in an annual accounting of its management to the constituents* in the jurisdiction from which they were elected, and shall be subject to recall by referendum as provided for under this Constitution and the applicable law.

Article 198: A Deputy* of the National Assembly who is recalled shall not be eligible for any public elective office during the following term of office.

Article 199: Deputies* of the National Assembly are not liable for votes and opinions expressed in the performance of their official functions. They shall be answerable to voters* and to the legislative entity only as provided for under the Constitution and Regulations.

Article 200: Deputies* of the National Assembly shall enjoy immunity in the exercise of their functions from the time of their installation until the end of their term or resignation. Only the Supreme Tribunal of Justice shall have competence over any crimes may be charged as committed by members of the National Assembly, and only the Supreme Tribunal of Justice, subject to authorization in advance from the National Assembly, shall have the power to order their arrest and prosecution. In the case of a flagrant offense committed by a legislator*, the competent authority shall place such legislator* under house arrest and immediately notify the Supreme Tribunal of Justice of such event. Public officials* who violate the immunity of members of the National Assembly shall incur criminal liability and shall be punished in accordance with law.

Article 201: Deputies* are representatives of the people and of the States taken together, they are not subject to mandates or instructions, but only to their own consciences. Their vote in the National Assembly is personal.

Section Four: Passage of Laws

Article 202: The law is an act enacted by the National Assembly in legislative session. Laws that contain a systematic set of norms regulating a particular field may also be referred to as codes.

Article 203: Organic Laws are those designated as such by this Constitution, those enacted to organize public powers or developing constitutional rights, and those which serve as a normative framework for other laws. Any bill for the enactment of an organic law, except in the case of those defined as such in the Constitution itself, must first be accepted by the National Assembly, by a two thirds vote of the members* present, before the beginning of debate on the bill. This qualifying vote shall also apply to the process of amending organic acts. Laws defined by the National Assembly as organic acts shall be sent, prior to promulgation, to the Constitutional Division of the Supreme Tribunal of Justice for a ruling on the constitutionality of their organic status. The Constitutional Division shall reach a decision within ten days of receipt of the communication. If the Constitutional Division rules that the law is not organic, such the law shall lose the organic status. Enabling laws are those enacted by a three fifths vote of the members of the National Assembly to establish the guidelines, purposes and framework for matters that are being delegated to the President of the Republic, with the rank and force of a law. Enabling law is to set the period for the exercising thereof. The initiative for introducing legislation belongs to:

- (1) The National Executive Power.
- (2) The Delegated Committee and the Standing Committees.
- (3) Members* of the National Assembly, at least three in number.
- (4) The Supreme Tribunal of Justice, in the case of laws relating to judicial procedures and organization.

(5) Citizen Power, in the case of laws relating to the organs comprising the same.

(6) Electoral Power in the case of laws relating to electoral matters.

(7) The voters*, in a number at least equivalent to 0.1% of all permanently registered voters.

(8) The State Legislative Council, in the case of laws relating to the States.

Article 205: The discussion of bills submitted by citizens* in accordance with the provisions of the preceding article shall be initiated no later than the regular legislative session following that during which the bill was introduced. If debate does not begin within such period, the bill must be submitted for approval by referendum in accordance with law.

Article 206: The States must be consulted by the National Assembly, through the State Legislative Council, when legislation in matters relating to them is being considered. The mechanisms for consultation of citizens and other institutions by the Council with respect to such matters shall be established by law.

Article 207: To be enacted into law, every bill shall be debated twice, on different days, following the rules established in this Constitution and the pertinent regulations. Once the bill is approved, the President* of the National Assembly shall declare the law enacted.

Article 208: During the first debate, the statement of legislative intent shall be considered and the objectives, scope and viability of the same shall be evaluated in order to determine the appropriateness of the law, and the articles shall be discussed. Upon approval at the first debate, the bill shall be sent to the Committee directly concerned with the subject matter of the law. If the bill relates to several Standing Committees, a mixed committee shall be designated to conduct a study and prepare a report. Committees studying bills shall report the bill out within no more than 30 consecutive days.

Article 209: Once the bill has been reported out of committee, the second debate on the bill shall begin, being conducted article by article. If the bill is approved without amendment, it shall be enacted into law. However, if amended it shall be returned to the Committee concerned for inclusion of the amendments by such Committee within no more than 15 consecutive days; once read the new version of the bill at a plenary session of the National Assembly, it shall decide as appropriate by majority vote on any articles as to which a discrepancy exists, and on any other articles relating thereto. Once the discrepancy has been resolved, the President shall declare the bill enacted into law.

Article 210: Debate on bills still pending at the end of a legislative session may be continued during the next regular session or during a special session.

Article 211: During the process of debating and approval of bills, the National Assembly or Standing Committees shall consult the other organs of the State, the citizenry and organized society to hear their opinion about the same. The following shall have the right to speak during debates on proposed laws: the Cabinet Ministers*, as representatives of the Executive Power; such justice of the Supreme Tribunal of Justice as the latter may designate, to represent the Judicial Power; such representative of Citizen Power as may be designated by the Republican Ethic Council; the members* of the Electoral Authority; the States, through a representative designated by the State Legislative Council; and the representatives of organized society, on such terms as may be established by the Regulations of the National Assembly.

Article 212: The text of laws shall be preceded by the following phrase: "The National Assembly of the Bolivarian Republic of Venezuela hereby Decrees": Article 213: Once the law has been enacted, it shall be promulgated in duplicate with the final language as approved during the debates. Both copies shall be signed by the President*, the two Vice Presidents* and the Secretary* of the National Assembly, with the date of final approval. One of the copies of the law shall be sent by the President* of the National Assembly to the President of the Republic for purposes of promulgation.

Article 214: The President* of the Republic shall promulgate the law within a ten day period following the date on which the President* receives it. During this period the President* may, by Cabinet Ministers resolution with statement of grounds, ask the National Assembly to amend any of the provisions of the law or rescind its approval of part or all of it. The National Assembly shall decide by majority vote of those deputies present on the matters raised by the President* of the Republic, and then shall send the law back to him for promulgation. The President* of the Republic must proceed to promulgate the law within five days of receipt, without the possibility of new objections. When the President* of the Republic considers that the law or any of its articles is unconstitutional, he shall be required to request a ruling from the Constitutional Division of the Supreme Tribunal of Justice, within the ten day period allowed the President for promulgating the law. The Supreme Tribunal of Justice shall reach a decision within 15 days of receipt of the communication from the President of the Republic. If the Tribunal declines to rule the provisions referred to it unconstitutional or fails to reach a decision within the aforementioned period, the President of the Republic must promulgate the law within five days of the Tribunal's decision or the expiration of such term.

Article 215: The law shall be promulgated upon publication with the order of "fulfillment" in the Official Gazette of the Republic.

Article 216: When the President* of the Republic fails to promulgate the law on the terms indicated above, the President* and the two Vice Presidents* of the National Assembly shall proceed to promulgate it, without prejudice to such liability as the President* of the Republic may incur by reason of his omission.

Article 217: The point at which the approving law of an international treaty, agreement or convention must be promulgated shall be left to the discretion of the National

Executive, in accordance with international practices and the convenience of the Republic.

Article 218: Laws are repealed by other laws and are abrogated by referendum, subject to the exceptions established in this Constitution. Laws may be amended in whole or in part. A law that is amended in part shall be published in a single text that incorporates the amendments passed.

Section Five: Procedures

Article 219: The first regular legislative session of the National Assembly shall begin, without advance notice, on January fifth of each year or on the first subsequent day possible, and shall continue until August 15. The second session shall begin on September 15 or the first subsequent day possible, and shall end on December 15.

Article 220: The National Assembly shall meet in special sessions to take up the matters on the agenda contained in the notice of the meeting, and any related matters. A special session may also consider any matters declared urgent by a majority vote of the members.

Article 221: The requirements and procedures for the establishment and other sessions of the National Assembly, and for the functioning of its Committees, shall be determined by the Regulations. In no case may a quorum be less than an absolute majority of the members* of the National Assembly.

Article 222: The National Assembly shall be empowered to exercise its control function by means of the following mechanisms: parliamentary questions, investigations, questions, authorizations and parliament's approvals as provided for in this Constitution and by law, and any other mechanism that may be established by laws and their associated Regulations. In exercising parliamentary control, the National Assembly shall have the power to make a finding of political liability on the part of public officials* and call on Citizen Power to initiate the appropriate action to enforce such liability.

Article 223: The Assembly or its Committees shall have the power to conduct such investigations as they may deem appropriate in matters within their competence, in accordance with the Regulations. All public officials* are obligated, subject to the penalties established by law, to appear before such Committees and provide the same with any information and documents they may require in order to carry out their functions. Private citizens are also subject to this obligation, without prejudice to the rights and guarantees embodied in this Constitution.

Article 224: The exercise of the power of investigation does not affect the powers of other public authorities Judges* shall be obligated to take evidence as commissioned by National Assembly and its Committees.