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# Bolivia (Plurinational State of)'s Constitution of 1826

Historical

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- Preamble
- God or other deities
- Source of constitutional authority

## Preamble

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In the Name of God. The General Constituent Congress of the Bolivian Republic, appointed by the Nation for the purpose of framing the Constitution of the State, Decrees as follows:

## TITLE I. OF THE NATION

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### CHAPTER I. OF THE BOLIVIAN NATION

#### Art I

The Bolivian Nation is the aggregate of all Bolivians.

- II. Bolivia is, and always shall be, independent of every foreign domination, and cannot be the patrimony of any person or family whatsoever.

### CHAPTER II. OF THE TERRITORY

- III. The territory of the Bolivian Republic comprehends the Departments of Potosi, Chuquisaca, La Paz, Santa-Cruz, Cochabamba, and Oruro.
- IV. It is divided into departments, provinces, and cantons.
- V. A more convenient division shall be made by a law: while another law shall fix its boundaries in concurrence with the adjoining States.

## TITLE II. OF RELIGION

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### SOLE CHAPTER

- VI. The Catholic Apostolic Roman Religion is that of the Republic, to the exclusion of every other. The Government will protect it, and cause it to be respected; recognizing the principle of freedom of conscience.

- Official religion
- Freedom of opinion/thought/conscience

## TITLE III. OF THE GOVERNMENT

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### CHAPTER I. FORMS OF THE GOVERNMENT

- VII. The Government of Bolivia is popular Representative.
- VIII. The Sovereignty emanates from the People, and its exercise resides in the Powers established by this Constitution.
- IX. The Supreme Power is divided for its exercise into 4 sections or branches: Electoral, Legislative, Executive, and Judicial.
- X. Each Power, Section, or Branch, shall exercise the functions assigned to it by this Constitution, without transgressing the limits assigned to it.

- Type of government envisioned

## CHAPTER II. OF THE BOLIVIANS

### XI. Bolivians are:

1. All who are born in the territory of the Republic.
2. The children of a Bolivian father or mother born out of the territory, when they legally express their wish to become domiciliated in Bolivia.
3. Those who fought for liberty in Junin or Ayacucho.
4. Foreigners who obtain letters of naturalization, or who have resided 3 years in the territory of the Republic.
5. All those who until this day have been Slaves, acquire the right of freedom, by the act itself of publishing the Constitution; but they cannot quit the residence of their former masters, except in the manner which shall be determined by a special law.

### XII. The duties of every Bolivian are:

1. To live subject to the Constitution and the Laws.
2. To respect and obey the constituted authorities.
3. To contribute to the public burdens.
4. To sacrifice his property, and even his life, when the safety of the Republic requires it.
5. To watch over the preservation of the public liberties.

### XIII. Bolivians who are deprived of the exercise of the Electoral Power shall enjoy all the civil rights granted to the Citizens.

### XIV. The qualifications for Citizenship are:

1. To be a Bolivian.
2. To be married, or to have attained his majority, that is, 21 years of age.
3. To know how to read and write; although this qualification shall be required only after the year 1836.
4. To have some employment or trade, or to profess some science or art, without subjection to any other person in the capacity of menial servant (sirviente domestico).

### XV. Citizens are:

1. Those who fought for liberty at Junin and Ayacucho.
2. Foreigners who have obtained Letters of Citizenship.
3. Foreigners married to a Bolivian woman, and who possess the qualifications 3 and 4 of Art. XIV.
4. Foreigners unmarried, provided they have resided 4 years in the Republic, and possess the same qualifications.

### XVI. The Citizens of those Nations which were formerly Spanish America, shall enjoy the rights of Citizenship in Bolivia, agreeably to the Treaties entered into with them.

### XVII. Only such as are Citizens in the exercise of Citizenship can obtain employments and offices in the Public Service.

### XVIII. The exercise of Citizenship is suspended:

1. In the case of insanity.
2. For the crime of fraudulent bankruptcy.
3. For having been the object of a criminal prosecution.
4. For being a notorious drunkard, gambler, or beggar.
5. For buying or selling votes at elections, or disturbing their regular proceedings.

### XIX. The right of Citizenship is forfeited:

1. By treason to the Public Cause.
2. By naturalization in a foreign country.
3. By having suffered infamous or corporeal punishment, by virtue of a judicial sentence, and not having obtained a restitution of rights from the Legislative Body.
4. By accepting employments, honors, or emoluments from another Government, without the consent of the Chamber of Censors.

## TITLE IV. OF THE ELECTORAL POWER

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- Requirements for birthright citizenship

- Reference to country's history
- Requirements for naturalization

- Prohibition of slavery

- Duty to obey the constitution

- Duty to pay taxes

- Requirements for birthright citizenship

- Reference to art
- Reference to science

- Requirements for birthright citizenship
- Reference to country's history
- Requirements for naturalization
- Requirements for naturalization

- Requirements for naturalization

- International law
- Requirements for birthright citizenship

- Conditions for revoking citizenship

- Conditions for revoking citizenship

## CHAPTER I. OF THE ELECTIONS

- Restrictions on voting

**XX.** The Electoral Power is immediately exercised by Citizens having the rights of Citizenship, naming 1 Elector for every 100 souls.

**XXI.** The exercise of the Electoral Power can never be suspended; and the Civil Magistrates, without awaiting any order, must convoke the People precisely at the time indicated by law.

**XXII.** A Special Law shall lay down the Regulations to be observed at Elections.

## CHAPTER II. OF THE ELECTORAL BODY

- Restrictions on voting

**XXIII.** The Electoral Body is composed of the Electors named by those who are entitled to vote.

**XXIV.** In order to be an Elector it is indispensable to be a Citizen in the exercise of Citizenship, and who can read and write.

**XXV.** Each Electoral Body shall last 4 years, at the end of which it shall terminate, its place being filled up by that which succeeds it.

**XXVI.** The Electors shall assemble every year in the capital of their respective province, on the 1st, 2nd, 3rd, 4th, 5th, and 6th days of April, in order to exercise the following powers:

- First chamber selection
- Second chamber selection

1. To examine the qualifications of the Citizens who enter upon the exercise of their rights, and declare the inability of those who are in the cases comprehended in Articles XVIII, XIX.

2. To name, in the first instance, the individuals who are to compose the Chambers.

3. To elect and propose, in ternary:

1. to the respective Chambers, the Members destined to renew them, or to fill up their vacancies;

2. to the Senate, the Members of the Courts of the Judicial district to which they belong and the Judges of the First Instance;

3. to the Prefect of the Department, the Justices of the Peace who should be appointed.

4. To propose:

1. to the Executive Power, from 6 to 10 candidates for the Prefecture of their department; as many others for the Government of their province, and for the Corregidores of their cantons and towns;

2. to the Ecclesiastical Government, a list of Curates and Vicars for the Vacancies which occur in their province.

5. To receive the Returns (Actas) of the popular elections; examine the identity of the newly elected, and declare them constitutionally appointed.

6. To petition the Chamber for whatever they believe to be conducive to the welfare of the Citizens; and to complain of the wrongs and injuries which they may receive from the constituted authorities.

- First chamber selection
- Second chamber selection
- Replacement of legislators
- Ordinary court selection

- Subsidiary unit government
- Municipal government

- Right of petition

## TITLE V. OF THE LEGISLATIVE POWER

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### CHAPTER I. OF THE DIVISION, POWERS, AND RESTRICTIONS OF THIS BRANCH

- Structure of legislative chamber(s)

**XXVII.** The Legislative Power emanates immediately from the electoral bodies named by the People: its exercise resides in 3 chambers:

1. Of Tribunes.

2. Of Senators.

3. Of Censors.

- Size of second chamber
- Size of first chamber

#### XXVIII

Each Chamber shall be composed of 20 Members, for the first 20 years.

**XXIX.** On the 6th day of August of each year, the Legislative Body shall assemble of itself, without waiting for being convoked.

**XXX.** The particular powers of each Chamber shall be enumerated in their proper place. Those which the Chambers possess in common, are:

1. To appoint the President of the Republic, and confirm his successors by an absolute plurality.
2. To approve of the Vice-President, on the proposition of the President.
3. To select the town which is to be the seat of Government, and to transfer it to another town, when important circumstances require it, and when such change is decreed by two-thirds of the Members composing the 3 Chambers.
4. To decide, in a National Judicial Assembly (Juicio Nacional), whether or not there be just cause for prosecuting the Members of the Chambers, the Vice-President, or the Ministers of State.
5. To invest, in time of war, or of extraordinary danger, the President of the Republic with the powers deemed indispensable for the salvation of the State.
6. To choose from among the candidates which are presented in ternary by the Electoral bodies, the Members destined to supply the vacancies in each Chamber.

**XXXI.** The Members of the Legislative Body may be appointed Vice President of the Republic, or Ministers of State, in which cease to be Members of their respective Chambers.

**XXXII.** No individual of the Legislative Body can be arrested during the term of his deputation, but by a warrant from his respective chamber; unless he be taken in the actual commission of a crime deserving capital punishment.

### XXXIII

The Members of the Legislative Body shall be inviolable for the opinions which they express within their Chambers, in the exercise of their function.

**XXXIV.** Each Legislative Parliament shall last 4 years; and each annual Session, 2 months. All the 3 Chambers shall open and shall close simultaneously.

**XXXV.** The Opening of the Sessions shall annually take place in the presence of the President of the Republic, the Vice-President, and the Ministers of State.

**XXXVI.** The Sittings shall be public, and only such business of the State as requires secrecy shall be discussed with closed doors.

### XXXVII

The business in each Chamber shall be determined by the absolute Majority of votes of the Members present.

### XXXVIII

Official persons who are named Deputies for the Legislative Body, shall, in the interim, be replaced in the exercise of their employments by other individuals.

**XXXIX.** The restrictions upon the Legislative Body are:

1. No Sitting can be held in any of the Chambers, without there being present the two-third parts of the respective Members composing them: and the absentees must be compelled to attend and fulfill their duties.
2. No one of the Chambers can initiate or introduce a Bill (Projecto de Ley) connected with affairs committed by the Constitution to another Chamber; but it may invite the others to take under their consideration the motions which they refer to them.
3. Upon an extraordinary union of the Chambers, they can discuss no other subjects than those for which they were convoked by the President of the Republic, or those which that authority shall lay before them.
4. No Member of the Chambers can obtain during the period of his deputation, any promotion except the graduated one attached to his profession.

**XL.** The Chambers shall unite:

1. At the opening and closing of its Sessions.

- Head of state replacement
- Head of state selection
- Deputy executive

- Removal of individual legislators
- Cabinet removal

- Emergency provisions

- Replacement of legislators

- Eligibility for cabinet
- Outside professions of legislators

- Immunity of legislators

- Immunity of legislators

- Term length for first chamber
- Term length of second chamber
- Length of legislative sessions

- Public or private sessions

- Quorum for legislative sessions
- Attendance by legislators

- Division of labor between chambers

- Extraordinary legislative sessions

- Joint meetings of legislative chambers

- XL.**
  - 2. For the purpose of examining the conduct of the Ministry, when the latter is impeached by the Chamber of Censors.
  - 3. To revise the laws returned to them by the Executive Power.
  - 4. When required to unite, upon sufficient grounds, by any one of the Chambers, as in the case, for instance, of Art. XXX, power 3rd.
  - 5. For the purpose of confirming the Vice-President in the office of President.

- Leader of first chamber
- Leader of second chamber

## **XLI**

Whenever the Chambers are united, one of their Presidents shall preside in turn.

The union shall take place in the Chamber of Censors, in which also the Presidency shall commence.

## **CHAPTER II. OF THE CHAMBER OF TRIBUNES**

- Eligibility for first chamber

## **XLII**

To be a Tribune are required:

1. The same qualifications as for an Elector.
2. To be born in Bolivia, or to have resided within it for 6 years.
3. The not having ever been condemned as a criminal.
4. To be 25 years of age.

- Minimum age for first chamber
- First chamber reserved policy areas

## **XLIII**

The Chamber of Tribunes has the initiative:

1. In the settlement of the territorial division of the Republic.
2. In the annual taxes and public expenses.
3. In authorizing the Executive Power to negotiate loans and adopt the necessary means for liquidating the Public Debt.
4. In the value, type, alloy, weight, and denomination of the coin; and in the regulation of weights and measures.
5. In making every class of ports free.
6. In constructing roads, highways, bridges, and public edifices, and in improving the police and every branch of industry.
7. In fixing the salaries of persons employed in the State.
8. In the reforms which they consider necessary in the Finance and War departments.
9. In making war or peace, on proposition of the Government.
10. In alliances. In granting a passage to foreign troops.
12. In fixing the armed naval and military force for the service of the current year, on the proposition of the Government.
13. In issuing ordinances and regulations for the Navy, the Army, and the Militia, on the proposition of the Government.
14. In foreign affairs.
15. In granting letters of naturalization and citizenship.
16. In granting general pardons.

- Spending bills
- Tax bills
- Finance bills

- Power to declare/approve war

- Term length for first chamber

## XLIV

The Chamber of Tribunes shall be renewed every 2 years, in the proportion of one-half, and its duration shall be for 4 years. In the first Legislature, the half which is to be renewed at the end of the 2 years, shall be determined by lot.

## XLV

The Tribunes may be re-elected.

## CHAPTER III. OF THE CHAMBER OF SENATORS

- Eligibility for second chamber

## XXLVI

To be a Senator it is necessary to possess:

1. The qualifications required for Tribunes.
2. The age of 30 years, completed.

- Minimum age for second chamber
- Second chamber reserved policy areas

## XLVII

The powers of the Senate are:

1. To form the Civil and Criminal Codes, the Code of Prosecutions, that of Commerce, and the Ecclesiastical regulations.
2. To initiate or introduce the Laws relative to reforms in judicial affairs.
3. To watch over the prompt administration of justice, in civil and criminal affairs.
4. To initiate the laws for the repression of infractions of the Constitution and of the Laws, by magistrates, judges, and ecclesiastics.
5. To secure the responsibility of the Superior Courts of Justice, of the Prefects, Magistrates, and inferior Judges.
6. To propose in ternary, to the Chamber of Censors, the individuals who are to compose the Supreme Court of Justice, the Archbishops, Bishops, Dignitaries, Canons, and Prebendaries of Cathedrals.
7. To approve, or disapprove, of the Prefects, Governors, and Magistrates which the Government proposes to them out of those named by the Electoral Bodies.
8. To elect from the ternary presented to them by the Electoral Bodies, the District Judges, and the subordinates belonging to every department of justice.
9. To regulate the exercise of presentation to ecclesiastical preferments, and to introduce Bills (Projectos de Ley) upon all the ecclesiastical affairs which are connected with the Government.
10. To examine the decrees of Councils, bulls, rescripts, and pontifical briefs, and to approve of them, or not.

- Supreme court selection
- Ordinary court selection
- Subsidiary unit government
- Ordinary court selection

- Term length of second chamber

## XLVIII

The duration of the functions of Members of the Senate shall be for 8 years, and that Body shall be renewed in the proportion of one half every fourth year. The removal of the first half of the first Legislature must be determined by lot.

## XLIX

The Members of the Senate may be re-elected.

## CHAPTER IV. OF THE CHAMBER OF CENSORS

- Eligibility for second chamber
- Minimum age for second chamber

- L. It is necessary in order to be a Censor:
1. To possess the qualifications required for a Senator.
  2. To have completed 35 years of age.
  3. Never to have been condemned, even of a misdemeanor (*falta leve*).
- LI. The powers of the Chamber of Censors are:
1. To take care that the Government fulfill and cause to be fulfilled, the Constitution, the Laws, and the public Treaties.
  2. To give information to the Senate, of the infractions which the Executive shall commit, of the Constitution, the Laws, and the Public Treaties.
  3. To require of the Senate the suspension of the Vice-President of Ministers of State, if the safety of the Republic urgently demand it.

- International law
- Head of state removal
- International law

### LII

It belongs exclusively to the Chamber of Censors to impeach the Vice-President and Ministers of State before the Senate, in cases to treason, extortion, or open violation of the fundamental Laws of the State.

- Cabinet removal

### LIII

Should the Senate consider that there are sufficient grounds for the accusation brought by the Chamber of Censors, the Court of National Judicature (*Juicio Nacional*) shall be assembled; if, on the contrary, the opinion of the Senate should be in the negative, the accusation shall be passed to the Chamber of Tribunes.

- Cabinet removal

### LIV

Should 2 of the Chambers agree in opinion, the Court of National Judicature shall be opened.

- Cabinet removal

- LV. The 3 Chambers shall then unite together, and, after an investigation of the documents laid before them by the Chamber of Censors, shall decide by an absolute plurality of votes, if there be or be not, grounds for impeaching the President and the Ministers of State.

- Joint meetings of legislative chambers
- Cabinet removal

### LVI

So soon as the National court of Judicature shall determine that there are grounds for the impeachment of the Vice-President or Ministers of State, they shall be forthwith suspended from their functions, and the Chambers shall hand over all the legal documents to the Supreme Court of Justice, which alone shall take cognizance of the case; and the sentence which it pronounces shall be executed without appeal.

- Cabinet removal
- Supreme court powers

### LVII

So soon as the Chambers shall declare that there is ground for the impeachment of the Vice-President and Ministers of State, the President of the Republic shall present to the united Chamber, a Candidate for the Vice-Presidency, ad interim, and shall name provisionally the Ministers of State. If the first candidate should be rejected by an absolute majority of the Legislative Body, the President shall present a second and if he should be rejected, he shall present a third, and in case of his rejection also, the Chambers shall then elect by an absolute majority of votes, within the space of 24 hours, one of the 3 Candidates proposed by the President.

### LVIII

The Vice-President, ad interim, shall from that time exercise his functions, until the result of the proceedings against the person for whom he is substitute, be known.

## LIX

By a Law which shall originate in the Chamber of Censors, the cases shall be determined, in which the Vice-President and Ministers of State are responsible, collectively or individually.

**LX.** It also belongs to the Chambers of Censors:

1. To select from the ternary proposed by the Senate, the individuals who are to compose the Supreme Court of Justice, as well as those who are recommended for the vacant Archbishopries, Bishopries, Canonries, and Prebends.
2. To originate all the Laws concerning the Press, the Government, the plan of studies, and method of public education.
3. To protect the Liberty of the Press, and to appoint the Judges who are to try causes respecting it, without appeal.
4. To propose Regulations for the encouragement of the Arts and Sciences.
5. To grant National rewards and recompense to those who have deserved them, by services rendered to the Republic.
6. To decree public honors to the memory of great men, and to the virtues and services of Citizens.
7. To condemn to eternal infamy the usurpers of the Public Authority, and all traitors and delinquents who have obtained disgraceful notoriety in crime.
8. To grant to all Bolivians admission into public employments, and permission to enjoy the titles and emoluments conferred upon them by other Governments, when they have merited the same by their services.

## LXI

The Censors shall be for life.

## CHAPTER V. OF THE FORMATION AND PROMULGATION OF THE LAWS

### LXII

The Government may propose to the Chambers the Bills (Projectos de Ley) which it considers necessary.

### LXIII

The Vice-President and the Ministers of State may be present at the Sittings, and join in the discussions upon laws and other matters; but they can neither vote, nor be present while the sense of the Chamber is taken (votación).

### LXIV

When the Chamber of Tribunes agrees to the introduction of a Bill, the said Bill shall be passed to the Senate with the following formula:—"The Chamber of Tribunes transmit the accompanying bill to the Chamber of Senators, and is of opinion that it should be passed into a Law."

### LXV

If the Chamber of Senators approve of the Bill, it shall be returned to the Chamber of Tribunes with the following formula:—"The Senate returns to the Chamber of Tribunes the Bill (with amendments or not, as the case may be), and is of opinion that it should be passed to the Executive, in order to be carried into effect."

### LXVI

All the chambers shall, under the like circumstances, observe the same formula.

- Second chamber reserved policy areas
- Supreme court selection

- Free education

- Ordinary court selection

- Reference to art
- Reference to science

- Term length of second chamber

- Initiation of general legislation

- Initiation of general legislation
- Division of labor between chambers

- Division of labor between chambers

- Division of labor between chambers

## LXVII

If one Chamber should not approve of the amendments or additions made by the other, and if the Chamber in which the Bill originated should still consider it, in its original form, advantageous, it may by a deputation of 3 Members, invite the other 2 Chambers to a discussion upon the said Bill, and upon the amendments to or negative put upon it. The only object of the union of the Chambers shall be, that of coming to an understanding, and each Chamber shall afterwards proceed to adopt whatever resolutions it may consider expedient.

- Division of labor between chambers

## LXVIII

The Bill having been approved of by 2 Chambers, 2 copies thereof, signed by the President and Secretaries of the Chamber which introduced the law, shall be forwarded to the President of the Republic, with the following formula:—"The Chamber with the approbation of the transmits to the Executive Power the law upon in order that it may be promulgated."

- Division of labor between chambers

## LXIX

Should the Chamber of Senators decline adopting the Bill proposed by that of the Tribunes, it shall be passed to that of the Censors, with the following formula:—"The Chamber of Senators forwards to that of the Censors the annexed Bill; and is of opinion that it is not expedient." The resolution thereupon of the Chamber of Censors shall then be definitive.

- Division of labor between chambers

## LXX

The Bills which originate in the Senate shall be passed to the Chamber of Tribunes; and its decision shall be given in the form already prescribed with respect to that Chamber.

- Division of labor between chambers

## LXXI

The Bills initiated in the Chamber of Censors shall be passed to the Senate, the sanction of which shall have the force of law, but should the latter refuse its assent, the Bill shall be passed to the Chamber of Tribunes, which shall give or refuse its assent, as provided in the preceding Articles.

- Approval or veto of general legislation

## LXXII

If the President of the Republic should be of opinion that the law is not required, he must, within the space of 101 full days, return it to the Chamber which transmitted it to him, together with his observations upon it, with the following formula:—"The Executive is of opinion that the Bill should be reconsidered."

- Approval or veto of general legislation

## LXXIII

The Laws which shall be passed within the 10 last days of the Session may be retained by the Executive Power until the next ensuing Session, but must then be returned, with his observations.

- Joint meetings of legislative chambers
- Veto override procedure

## LXXIV

Upon the Executive Power returning the Laws, accompanied by observations, to the Chambers, these shall unite; and their decision, by a majority of votes, shall be adopted without further discussion or remark.

## LXXV

Should the Executive Power have no observation to make upon the Laws, it shall order them to be published with this formula:—"Let it be executed!"

## LXXVI

The Laws shall be promulgated with this formula:—"N. of N., Constitutional President of the Bolivian Republic: We make known to all Bolivians, that the Legislative Body has decreed, and that we publish, the following Law [here the text of the Law is to be inserted]: and, in pursuance thereof, we enjoin all and every Authorities of the Republic to execute and fulfill the same, and to cause it to be fulfilled and executed." "The Vice-President shall cause this Law to be printed, published, and distributed to all whom it may concern." The Law must be signed by the President, Vice-President, and Minister of State of the Department connected with the Law.

# TITLE VI. OF THE EXECUTIVE POWER

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- Name/structure of executive(s)
- Deputy executive
- Establishment of cabinet/ministers

## LXXVII

The exercise of the Executive Power resides in a President, holding office for life, a Vice-President, and 3 Ministers of State.

## CHAPTER I. OF THE PRESIDENT

- Head of state selection

## LXXVIII

The President of the Republic shall be appointed, the first time, by the Constituent Congress, on the proposition of the Electoral Colleges.

- Eligibility for head of state

## LXXIX

In order to be appointed President of the Republic, it is required:

1. To be a citizen in the exercise of citizenship, and a Bolivian by birth.
2. To profess the religion of the Republic.
3. To be above 30 years of age.
4. To have performed important services to the Republic.
5. To possess acknowledged ability in the Government of the state.
6. Never to have been condemned by any tribunal, not even for a misdemeanor.

- Minimum age of head of state

## LXXX

The President of the Republic is the Head of the Government of the State, without being responsible for the acts of the Administration.

- Head of state replacement

## LXXXI

In case of the resignation, death, illness, or absence of the President of the Republic the Vice-President shall succeed him instantly.

- Head of state replacement

## LXXXII

In default of the President and Vice-President of the Republic, the Government shall be administered, ad interim, by the 3 Ministers of State, and of these Ministers, he who has been longest in office shall preside until such time as the Legislative Body be united.

- Head of state powers

## LXXXIII

The powers of the President of the Republic are:

- Cabinet selection
  - Deputy executive
  - Cabinet removal
  - International law
  - Head of state decree power
  - Extraordinary legislative sessions
  - Deputy executive
  - Designation of commander in chief
  - Power to declare/approve war
  - International law
  - Treaty ratification
  - Foreign affairs representative
1. To open the Sessions of the Chambers, and to address to them a message upon the state of the Republic.
  2. To propose the Vice-President to the Chambers, and to appoint, at his own pleasure, the Ministers of State.
  3. To dismiss, at his pleasure, the Vice-President and the Ministers of State, whenever he considers it necessary.
  4. To order the Laws to be published, circulated, and observed.
  5. To sanction the Regulations and Orders required to insure the better observance of the Constitution, the Laws, and the Public Treaties.
  6. To carry into execution and cause to be executed the Sentences of the tribunals.
  7. To require from the Legislative Body the extension of its ordinary Sessions for 30 days.
  8. To convoke the Legislative Body for extraordinary Sessions on case of absolute necessity.
  9. To dispose of the permanent Land and Sea Forces for the external defense of the Republic.
  10. To command the Armies of the Republic in peace and war, and in person when considered requisite. When the President absents himself from the Capital, in order to command the army, the Vice-President shall take upon himself the Government of the Republic.
  11. To reside in any territory occupied by the National arms, whenever the President directs the war in person.
  12. To dispose of the National Militia for internal security, within the limits of their respective departments, and beyond them, with the consent of the Legislative Body.
  13. To appoint all the persons employed in a civil capacity in the Army and Navy.
  14. To establish Military and naval Schools.
  15. To order the establishment of Military Hospitals and Asylums for the wounded and superannuated.
  16. To grant Discharges and Licenses of Leave (Licencias), to assign Pensions to Soldiers and their families, conformably to the Laws, and to settle in accordance with them all the other matters connected with that branch.
  17. To declare war, in the name of the Republic, in consequence of a decree of the Legislative Body.
  18. To grant letters of marque.
  19. To supervise the collection and disbursement of the taxes, conformably to the laws.
  20. To appoint the persons employed in the Finance department.
  21. To direct diplomatic negotiations, and conclude treaties of peace, friendship, league, alliance, truce, neutrality, armament, commerce and others, of whatever description; the previous approval of the Legislative Body being always understood.

- 22. To appoint the Public Ministers and Consuls, and the Subordinates of the Department for Foreign Affairs.
- 23. To receive the Foreign Minister.
- 24. To allow, or to suspend the introduction of, the decisions of Councils, pontifical bulls, briefs, and rescripts, with the consent of the authority whose duty it is to take cognizance thereof.
- 25. To present to the Senate for its approbation, one of the candidates proposed by the Electoral Body for Prefects, Governors, and Corregidores.
- 26. To present to the Ecclesiastical Government, one of the 3 persons proposed by it, from among the candidates recommended by the Electoral Body, for the curates and vicars of its provinces.
- 27. To suspend Government functionaries for the space of 3 months, whenever there is sufficient cause for so doing.
- 28. To commute capital punishment into transportation for 10 years, or for life.
- 29. To confer, in the name of the Republic, diplomas and commissions upon all those who are employed in the Public Service.

- Municipal government
- Subsidiary unit government

## LXXXIV

The restrictions upon the President of the Republic are:

- 1. He cannot, upon his sole authority deprive any Bolivian of his liberty, or inflict any punishment whatever upon him.
- 2. Should the security of the Republic require the arrest, by his order, of one or more citizens, 48 hours must not elapse before the accused is brought before the competent tribunal or judge.
- 3. He cannot deprive any individual of his property, except the public interest urgently require it; in which case a full indemnification must be previously given to the owner.
- 4. He cannot obstruct the elections, nor any other matters which by law appertain to the powers of the Republic.
- 5. He cannot absent himself from the territory of the Republic, without the permission of the Legislative Body.

- Protection from expropriation

## CHAPTER II. OF THE VICE-PRESIDENT

### LXXXV

The Vice-President is named by the President of the Republic, and approved by the Legislative Body in the case provided for in Article LVII.

### LXXXVI

A special law shall comprise all the cases that can occur.

### LXXXVII

In order to be Vice-President, it is required to have been born in Bolivia, and to possess the other qualifications necessary for the President.

### LXXXIX

He, together with the Minister of State for the respective department, shall be responsible for the Government of the State.

- Deputy executive

**XC.** He, together with the Minister of State for the respective department, shall transact and sign, in the name of the Republic and of the President, all the business of the Government.

### **XCI**

He cannot absent himself from the territory of the Republic, without the permission of the Legislative Body.

- Establishment of cabinet/ministers

## **CHAPTER III. OF THE MINISTERS OF STATE**

### **XCII**

There shall be 3 Ministers of State. One of them shall take upon himself the Home Department, another that of Finance, and the third that of War and Marine.

### **XCIII**

These 3 Ministers shall transact the public business under the immediate orders of the Vice-President.

### **XCIV**

No tribunal nor any public functionary shall carry into execution any orders of the Executive, which are not signed by the Vice-President and the Minister of the respective department.

### **XCV**

In case of impediment on the part of the Vice-President, the orders of the Executive shall be signed by the President.

### **XCVI**

The Ministers of State shall, together with Vice-President, be responsible for all the orders which are issued by their authority, in violation of the Constitution, the Laws, and public Treaties.

### **XCVII**

They shall make out the annual Estimates of the expenses to be incurred in their respective department, and shall render an account of expenditure of the preceding year.

- Eligibility for cabinet

### **XCVIII**

In order to be a Minister of State, it is required:

1. To be a Citizen in the exercise of Citizenship.
2. To be 30 years of age.
3. Never to have been condemned in any criminal case.

## **TITLE VII. OF THE JUDICIAL POWER**

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## CHAPTER I. POWERS OF THIS DEPARTMENT

### XCIX

The power of deciding all questions, civil or criminal (facultad de juzgar), belongs exclusively to the tribunals established by law.

C. The Magistrates and Judges shall continue in office during their good behavior.

CI. The Magistrates and Judges cannot be suspended from their employments, except in cases determined by the laws.

### CII

Any grave fault committed by Magistrates and Judges in the discharge of their respective duties, shall be visited by a public prosecution, which may be instituted any time within the term of 1 year, either by the Electoral Body collectively, or by any Bolivian.

### CIII

The Magistrates and Judges are personally responsible. A special law shall determine in what way this responsibility shall be rendered effective.

### CIV

Neither the Government nor the tribunals can in any case alter or dispense with the orders and forms already prescribed, or which shall hereafter be prescribed, by the laws, for the different kinds of cases which are decided by them.

CV. No Bolivian can be tried in civil and criminal cases, except by the competent tribunal previously appointed by the law.

### CVI

Justice shall be administered in the name of the Nation; and the Judgments and Decrees of the Superior Tribunals shall have a heading to that effect.

## CHAPTER II. OF THE SUPREME COURT

### CVII

The Chief Judicial Magistracy of the State shall reside in the Supreme Court of Justice.

### CVIII

The court shall be composed of a President, 6 Members, and Registrar, divided into a convenient number of Chambers.

### CIX

The requisites for being a Member of the Supreme Court of Justice are:

1. To be 35 years of age.
2. To be a Citizen in the exercise of Citizenship
3. To have been a Member of one of the Judicial district Courts, and during the time that these Courts are being organized, to have been an advocate of 10 year's standing and credit.

CX. The powers of the Supreme Court of Justice are:

- Ordinary court term length
- Supreme/ordinary court judge removal
- Supreme court term length

- Supreme/ordinary court judge removal

- Supreme/ordinary court judge removal

- Structure of the courts

- Eligibility for supreme court judges

- Minimum age of supreme court judges

- Supreme court powers

- Removal of individual legislators
- Cabinet removal

- CX.**
1. To take cognizance of criminal prosecutions against the Vice-President of the Republic, Ministers of State, and Members of the Chambers, upon the decree of the Legislative Body that there are good grounds for such prosecution.
  2. To take cognizance of all disputed cases of ecclesiastical patronage belonging to the Nation.
  3. To examine bills, briefs, and rescripts, when they relate to civil matters.
  4. To take cognizance of disputed cases between Ambassadors, Resident Ministers, Consuls, and Diplomatic Agents.
  5. To take cognizance of the causes of removal of the Magistrates of the District Judicial Courts and Prefects of the department.
  6. To settle disputes between the District Courts, as well as their differences with the other authorities.
  7. To take cognizance, in the third instance, of the account of his administration rendered by every Government officer.
  8. To hear the doubts of the other tribunals, respecting the real meaning of any law, and to consult with the executive, that a proper explanation thereon may be given in the Chambers.
  9. To take cognizance of the appeals for annulling sentences pronounced, in the last instance, by the District Courts.
  10. To examine the state and progress of the civil and criminal causes pending in the District Courts, by the means provided by law.
  11. And lastly, to exercise the supreme directive, administrative, and correctional power over the National Tribunals and Courts of Justice.

- Supreme/ordinary court judge removal

- Right to appeal judicial decisions

## CHAPTER III. OF THE JUDICIAL DISTRICT COURTS

- Structure of the courts

### CXI

Judicial district Courts shall be formed in such departments as the Legislative Body may think fit.

- Eligibility for ordinary court judges

### CXII

To be a Member of these Courts, it is necessary:

- Minimum age of ordinary court judges

1. To be 30 years of age.
2. To be a Citizen in the exercise of Citizenship.
3. To have been a regular Judge (Juez de Letras), or to have exercised with credit, during 8 years, the profession of an advocate.

### CXIII

The powers of the Judicial District Courts are:

1. To take cognizance, in the second and third degree, of all the civil and criminal cases of the common law, public revenue, commerce, mining, seizures, and confiscations; being for this purpose associated, in each case, with an individual from one of those professions, calling, &c., in the capacity of assessor.
2. To take cognizance of appeals made on account of the Judge's misconduct, from the Ecclesiastical Tribunals and authorities of their territory.

## CHAPTER IV. JUDICIAL DISTRICTS

- Structure of the courts

### CXIV

There shall be established in the provinces Judicial districts, proportioned to the extent of the said provinces; and in each chief town of the district there shall be a regular Judge, having the Jurisdiction to be determined by law.

**CXV**

The powers of these Judges are confined to matters of dispute, and they can take cognizance, without appeal, in all civil matters, up to the amount of 200 dollars.

- Eligibility for ordinary court judges

**CXVI**

To be a regular Judge, it is required:

- Minimum age of ordinary court judges

1. To be 28 years of age.
2. To be a Citizen in the exercise of Citizenship.
3. To be an admitted advocate of some tribunal of the Republic.
4. To have exercised the profession with credit for 6 years.

**CHAPTER V. OF THE ADMINISTRATION OF JUSTICE**

- Structure of the courts

**CXVII**

There shall be Justices of the Peace in each town, for reconciling or settling disputes; no application for redress in any civil or criminal case being admissible without this previous requisite.

**CXVIII**

The functions of the Conciliators are limited to hearing the complaints of the parties, instructing them in their rights, and effecting a reasonable accommodation between them.

**CXIX**

Actions connected with the Treasury or Exchequer admit of no conciliation.

- Right to appeal judicial decisions

**CXX**

Not more than 3 instances are admitted in the trials.

**CXXI**

The appeal for notorious injustice is abolished.

- Protection from unjustified restraint

**CXXII**

No Bolivian can be arrested, without previous information being given of any act for which he may merit corporeal punishment, and a written warrant of the Judge before whom he is to be brought; except in the cases of Article LXXXIV, restriction 2, and Articles CXXIV and CXXXIX.

**CXXIII**

If possible, the declaration, without oath, of the Justice of the Peace, should be given in the same sitting, but in no case must it be deferred beyond 48 hours.

**CXXIV**

Any delinquent discovered in the actual commission of a crime, may be arrested by any person whatever, and brought before the Judge.

- Right to public trial
- Jury trials required

**CXXV**

In criminal cases the trial shall be public; the alleged act shall be examined into and decided upon by a Jury (when Juries are established); and the law applied by the Judges.

- Prohibition of torture
- Regulation of evidence collection

**CXXVI**

No torture shall ever be applied, nor shall confession be obtained by judicial compulsion.

- Prohibition of capital punishment
- Prohibition of cruel treatment

**CXXVII**

All confiscation of property is abolished, as well every punishment characterized by cruelty or infamy in the last degree. The Criminal Code shall restrict as far as possible the application of capital punishment.

**CXXVIII**

If, under extraordinary circumstances, the security of the Republic should require the suspension of any of the forms prescribed in this chapter, the Chambers may decree that measure; and should these not be assembled, the executive may order the same, provisionally, and shall render an account thereof, upon the next opening of the Sittings, being at the same time responsible for any abuses it may have committed.

- Municipal government
- Subsidiary unit government

## TITLE VIII. OF THE INTERNAL GOVERNMENT OF THE REPUBLIC

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**CXXIX**

The superior political government of each department shall reside in a Prefect.

**CXXX**

That of each province in a Governor.

**CXXXI**

That of the cantons in a Corregidor.

**CXXXII**

In order to be a Prefect or Governor, it is required:

1. To be a Citizen in the exercise of citizenship.
2. To be 30 years of age.
3. Never to have been condemned for any crime.

**CXXXIII**

In every town, in which the number of inhabitants together with that of its district, is not less than 100 souls nor more than 2000, there shall be a Justice of the Peace.

## CXXXIV

Wherever the number of inhabitants in the town and its district exceeds 2000 souls, there shall be, for each 2000, a Justice of the Peace; should the fraction exceed 500, another Justice shall be added.

## CXXXV

It is the duty of the Justice of the Peace to give advice, and no Citizen can, without sufficient cause, excuse himself from discharging it.

## CXXXVII

The Justices of the Peace shall be renewed every year, nor can they be re-elected until after the expiration of 2 years.

## CXXXVIII

The powers of the Prefects, Governors and Corregidores shall be determined by the law, for the purpose of maintaining the public order and security, and upon the principle of a graduated subordination to the Supreme Government.

- Protection from unjustified restraint

## CXXXIX

The Justices of the Peace have no judicial cognizance; but if the public tranquility should require the arrest of any individual, and circumstances not permit them to apply to the respective Judge for a warrant, they can order his immediate apprehension, giving information of the same to the proper Judge within 48 hours. Any abuse committed by these functionaries with respect to individual security, or that of private dwellings, shall be liable to a public prosecution.

## CXL

All persons employed in the Public Service are strictly responsible for the abuses which they commit in the exercise of their functions.

# TITLE IX. OF THE ARMED FORCE

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## CXLI

There shall be a permanent armed Force maintained in the Republic.

## CXLII

The armed Force shall be composed of Troops of the Line and a Navy.

## CXLIII

There shall be in each province a corps of Militia, composed of its inhabitants.

## CXLIV

There shall be a Military Preventive Force, the principal duty of which shall be to suppress smuggling and all contraband trade. The organization and particular constitution of this corps shall be declared in detail by a special regulation.

- Constitution amendment procedure

## TITLE X. REFORM OF THE CONSTITUTION

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### CXLV

If after the expiration of 10 years from the time of swearing to the Constitution, it be found that some of its Articles require reform or amendment, the proposition or motion to that effect shall be made in writing, signed by a third part at least of the Chamber of Tribunes, and supported by two-third parts of the Members present in the Chamber.

### CXLVI

The Proposition shall be read 3 times, with an interval of 6 days between each reading; and after the third, the Chamber of Tribunes shall determine whether the Proposition shall or shall not be admitted; in every other respect, conforming itself to the regulations already prescribed. for the formation of the laws.

### CXLVII

The Proposition being admitted, and the Chambers being convinced of the necessity of reforming the Constitution, a law shall be passed, by which the Electoral Bodies shall be ordered to confer upon the Deputies of the 3 Chambers, special powers for altering or reforming the Constitution: the said law shall also point out the principles upon which the reform is to be effected.

### CXLVIII

In the first sitting of the Legislature, following the one in which the motion shall have been made for altering or reforming the Constitution, the matter shall be proposed and discussed, and whatever the Chambers shall decide shall be carried into effect, the Executive Power having been previously consulted touching the propriety of the reform.

## TITLE XI. OF THE GUARANTEES

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### SOLE CHAPTER

#### CXLIX

The Constitution guarantees to all Bolivians their civil liberty and personal security, their property, and their equality in the eye of the law, whether for reward or punishment.

**CL.** Every one may communicate his thoughts, either by word of mouth or by writing, and publish them by means of the Press, without previous exercise of censorship, subject, however, to the responsibility determined by law.

- General guarantee of equality
- Right to own property

- Freedom of expression
- Freedom of press

- Freedom of movement

**CLI**

Every Bolivian may remain in or quit the territory of the Republic, at his convenience, taking with him his property, provided the regulations of Police be observed, and the rights of others not infringed.

- Right to privacy

**CLII**

Every Bolivian's house is inviolable. It cannot be entered at night, but by the owner's consent; nor by day, except under the circumstances and in the manner determined by the law.

**CLIII**

The Taxes shall be fairly imposed, without either exception or privilege.

- Mentions of social class

**CLIV**

Hereditary employments and privileges, together with entails, are abolished; and all estates whatsoever, even those belonging to charitable institutions, religious communities, &c., are alienable.

- Right to establish a business

**CLV**

No kind of work, industry, or commerce is prohibited, unless the same be contrary to public morality, security, or health.

- Provisions for intellectual property

**CLVI**

Every inventor shall enjoy the fruits of his discoveries or inventions. The law shall secure to him an exclusive right therein for a given space of time, or shall indemnify him for any loss he may incur by their being made public.

**CLVII**

The Constitutional Powers can suspend neither the Constitution nor the rights belonging to Bolivians, except in the cases necessary, it is indispensable that the time that the said suspension is to last, be fixed and declared.

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