

EXECUTIVE SUMMARY

Habemus constitutional reform...

The proposal to reform the Constitution of the Dominican Republic officially presented on August 19, 2024, is based on the need to adjust presidential reelection and prevent presidents from being reelected beyond a second term, reduce the number of deputies, strengthen the autonomy of the Public Prosecutor's Office and unify elections. The responsibilities of the Public Prosecutor's Office are reformulated and the figure of the Public Administration Attorney is included, who is subject to the mandate of the law for his appointment, in accordance with the requirements established by the law, temporarily appointed by the Executive Branch until the corresponding law is promulgated. This reform is materialized by virtue of the call issued by Law No. 61-4, of October 2, 2024, which declares the need to reform the Constitution in articles 81, 166, 167, 169, 171, 178, 179, 209, 268 and 274, as well as to add a general provision such as article 278, to review and add transitional provisions. To this end, it is indicated that an analytical examination of the text of the Constitution, voted and proclaimed on June 13, 2015, as well as the modifications approved in the second discussion held on October 14, 2024, has been carried out.



Changes to the Constitution of the Dominican Republic

Category	Exchange rate	Impact	Proposed Change and Reference
Representation and composition of the Chamber of Deputies.	Modification	Members of the Chamber of Deputies.	With the modification of this article, the number of deputies (190) is reduced, and they are distributed henceforth in proportion to the electoral population registered by the Central Electoral Board. Previously, it was adjusted proportionally to population density. The Chamber of Deputies will then be composed of 170 deputies, of which 158 will be elected by territorial constituency, 5 will be elected by accumulation of votes and 7 will represent the Dominican community abroad. (Art. 81).

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Creation of the Attorney General of the Public Administration and his Office.	Modification	Employees and members of the Public Administration.	The new wording of the article replaces the Administrative Attorney General with the Attorney General of the Public Administration, who will permanently represent the Public Administration before the Contentious Administrative Jurisdiction. This change seeks to strengthen the State's legal defense in administrative matters and ensure that the interests of the public administration are adequately protected in the courts. The Attorney General will play an essential role in defending the rights and obligations of the State and in promoting a fairer and more efficient administration. The law shall establish the requirements for this position, different from those of the Attorney General of the Court of Appeal. In addition, the Office of the Attorney General of the Public Administration is created under the Executive Branch, which may have assistant lawyers and other professionals as necessary (Arts. 166 and 167).
Responsibility of the Public Prosecutor's Office.	Modification	Members of the Public Prosecutor's Office.	The responsibility of the Public Prosecutor's Office is reformulated, establishing specific roles in formulating and implementing the policy of criminal prosecution against crime, directing criminal investigation and exercising public action on behalf of society (Art. 169).
Integration, Designation and Requirements for designating the Public Prosecutor's Office.	Modification	Members of the Public Prosecutor's Office and citizens in general.	Article 171 has been amended to adjust the process for appointing the General Attorney of the Republic and the Deputy Prosecutors, who will be selected by the National Council of the Magistracy. The President of the Republic shall propose the General Attorney within the first 100 days of his mandate. Both the General Attorney and the Deputy Attorneys General must comply with the same requirements and will hold their positions only during the Constitutional period, being irremovable for a period of two years. The extent of their functions will depend on the approval of the Council of the Magistracy or until the inauguration of their successors. The law shall regulate the process of appointing other members of the Public Prosecutor's Office.

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Of the National Council of the Magistracy.	Modification	The members of the National Council of the Magistracy, the Attorney General of the Republic and the Deputy Prosecutors.	The President of the Constitutional Court is appointed as a member of the National Council of the Magistracy, replacing the General Attorney of the Republic, who is removed from this Council. The functions of the National Council of the Magistracy include the appointment of the General Attorney of the Republic and half of the Deputy Prosecutors, at the proposal of the President of the Republic (Arts. 178 and 179).
Electoral Assemblies.	Modification	The population in general.	The final part of the provision on the Electoral Assemblies is modified, which indicates that, from now on, the elections will be held on the third Sunday of the month of May (Art. 290).
Form of government and rules for presidential election.	Modification	The population in general.	Article 268 does not allow any modification to be made to the form of government established in Article 4 of the Constitution itself and neither can it deal with the rules of presidential election established in Article 124 of the same text (Article 268).
Constitutional Period of Elective Officials.	Modification	President, Vice President, legislative representatives, parliamentarians of international organizations, municipal authorities and other officials or elected representatives.	The update of Article 274 establishes that the terms of office of elected officials or representatives end on August 16 every four years, including legislative representatives and municipal authorities, except for specific exceptions detailed in the Constitution. The content of the old paragraph II becomes the new paragraph I, and the new paragraph II delegates to the Law the responsibility of determining the mechanism for filling vacancies at the municipal level in the event of a succession vacuum.
Elective Exercises and Constitutional Reforms	Addition	Public Officials.	A new provision is created within Article 278 which provides that no official may benefit from Constitutional Reform during his term of office when it is about rules of nomination, election and permanence in the position he occupies (Art. 278).

Transitional Provisions:

The transitional provisions of the constitutional reform establish several important guidelines for its implementation:

- **Distribution of Deputies (2028):** The distribution of territorial representatives of the Chamber of Deputies will be based on the electoral roll of the May 2024 congressional elections.
- **Pending Contracts:** Contracts that require approval under Article 128, paragraph 2, paragraph d), must comply with the procedures established in the 2002 Constitution.
- **Appointment of the Attorney General:** The President shall appoint by decree the Attorney General of the Public Administration and his deputies until a law regulating his appointment is issued.
- **Anti-Crime Policy:** The Public Prosecutor's Office will temporarily assume responsibility for formulating and implementing the State's anti-crime policy, until this function is assigned to an executive branch agency by law.
- **Elections and Municipal Inauguration:** Municipal elections will be held on the third Sunday of February, and those elected will take office on April 24 of the same year.
- **Approval Referendum:** A referendum approving this constitutional reform will not be applied.
- **Beginning of the Municipal Mandate (2028):** The municipal authorities elected in 2028 will begin their term on April 24, 2028 and will end on August 16, 2032, as an exception to Article 274.
- **Term for Legislation:** A period of seven ordinary legislatures is granted for legislators to prepare, adjust and approve the laws necessary for this constitutional reform.
- **Disqualification of former presidents:** The President and Vice President of the 2012-2016 period, candidates in 2016-2020, may not run for future periods.
- **Re-Election Limitation:** The President elected in May 2024 will not be able to run again for the offices of President or Vice President in the future.

The summary highlights the key points of the reform proposal, although there are other relevant aspects that are also part of the project. The reform has been approved in second reading, and at this time all the modifications are being integrated into the constitutional text. As of today, the process of signing the document will begin. Then, the president of the National Revision Assembly must convene a solemn act for the official proclamation of the reform.

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